MIND THE GAP: HOW LAW PROFESSORS, ACADEMIC SUPPORT PROFESSIONALS, AND STUDENTS CAN FILL IN THE FORMATIVE ASSESSMENT GAP

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INTRODUCTION

There are a number of feedback problems that plague law schools and negatively affect students’ academic experience. These problems range from lack of adequate feedback during exam reviews to females being greatly disadvantaged by a lack of feedback to students never receiving feedback . . . the list goes on and on. While it is easy to analyze these problems in an article and even offer advice or suggestions on how to overcome them, actually implementing changes is the challenging part, especially when the changes involve students taking action. This is because students often need more than just oral or written instructions on what steps they should take; they need a concrete tool. Case in point, a former student of mine named Dustin who felt like he was not getting enough out of practice exams and exam review meetings with his professors until he used the documents introduced in this article. After implementing their use for one semester Dustin was convinced of their usefulness and continued to use the documents in future semesters.

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Professor of Law, Thomas Jefferson School of Law. E-mail: HHarshman2@TJSL.edu. I would like to thank Professors Michael Hunter Schwartz, Karen Sneddon, and Teri A. McMurty-Chubb for reviewing earlier drafts of this article, discussing with me the substantive issues herein, and providing helpful suggestions.
This article will discuss how professors, Academic Support professionals, and students can use the IRAC Assessment Form ("Assessment Form"), IRAC Assessment Form Suggested Uses and Student Instructions, and Suggestions on How to Overcome Specific IRAC Exam Writing Weaknesses form to overcome some of the common feedback problems experienced at law schools. Part I will examine various law school feedback problems and will suggest how the Assessment Form and related documents assist with overcoming these problems. Part II will introduce the aforementioned documents. Part III will suggest how to implement use of the documents. Part IV will explain how the Assessment Form can help Academic Support professionals become more efficient and effective. Finally, Part V will discuss the assessments that have been conducted thus far, the changes implemented based on these assessments, and potential future changes and assessments.

I. FEEDBACK PROBLEMS AND HOW THE ASSESSMENT FORM AND ITS ACCOMPANYING DOCUMENTS ASSIST WITH OVERCOMING THEM

A. Formative and Summative Assessments
Before learning how the Assessment Form can overcome feedback problems, it is important to understand the meaning of the terms “formative assessment” and “summative assessment.” Generally speaking, assessments are used to determine whether “students are learning what we intend them to learn.”\(^1\) They also reveal what a professor values.\(^2\) Kristin B. Gerdy defines assessment as a process and instrument that promotes learning rather than simply monitoring it.\(^3\) She also indicates that assessment is accomplished by gathering and discussing feedback from multiple and diverse sources to understand what one knows and how to improve subsequent learning.\(^4\)

To be effective for adult learning, assessments must be multiple,\(^5\) varied, and fair.\(^6\) In TECHNIQUES FOR TEACHING LAW, Gerald F. Hess and Steven

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1 ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION 235 (2007).
4 Id.
5 RICHARD MICHAEL FISCHL & JEREMY PAUL, GETTING TO MAYBE: HOW TO EXCEL ON LAW SCHOOL EXAMS 109 (1999).
Friedland define “multiple” as more than one assessment per semester, and “varied” as meaning different types.7 “Fair” is defined as assessing whether the goals are reached, having clear professor expectations and grading criteria before the assessment, and providing a student with feedback and practice before the assessment.8

Assessments can be formative and/or summative.9 Formative assessments are purely educational.10 Although they may be scored,11 one of their primary purposes is to provide feedback to students, Academic Support professionals, and professors12 rather than simply providing a numerical or letter evaluation.13 This feedback creates opportunities to improve learning during the remainder of the course.14 In How People Learn: Brain, Mind, Experience, and School, formative assessments are described as being “ongoing assessments designed to make students’ thinking visible to both teachers and student.”15 They also help a professor to be more transparent by allowing the students to see what is expected by the professor.16

Formative assessments can be given in the form of essays (practice or graded),17 self- or peer-assessment, or quizzes18 as long as they provide feedback and opportunities to improve learning by creating a learning

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6 GERALD F. HESS & STEVEN FRIEDLAND, TECHNIQUES FOR TEACHING LAW 289 (1999).
7 Id. at 289-290.
8 Id.
10 STUCKEY, supra n. 2, at 255.
11 Id.
14 SULLIVAN ET AL., supra n. 3, at 164; STUCKEY, supra n. 2, at 256.
15 How People Learn: Brain, Mind, Experience and School 24 (John D. Bransford et al. eds., 1999).
17 See HESS & FRIEDLAND, supra n. 7, at 286; STUCKEY, supra n. 2, at 256.
18 See STUCKEY, supra n. 2, at 256.
A learning loop is developed when a professor facilitates a student’s active learning, the student performs, the student and professor assess the performance, and the professor provides feedback on how the student’s learning and performance can be improved. The critical part of this loop is the professor feedback. Formative assessments should be the primary source of assessment in law schools because following this loop makes them an effective learning tool.

The keys to formative assessment are communicating to the student what the professor learns from his performance and doing so in a timely fashion. Greg Sergienko indicates in his article, New Modes of Assessment, that feedback is most effective when it follows soon after the work is performed, while the assignment or exam is still at the forefront of the student’s mind. This facilitates a student learning what he understands and what is still unclear, and allows him to alter his study habits. Timeliness is especially important for first-years who “may perceive an unsettling incongruity between classroom preparation and discussion on the one hand and evaluative techniques on the other.”

Education theory supports timely feedback as being the most effective type of feedback.

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19 GREGORY S. MUNRO, OUTCOMES ASSESSMENT FOR LAW SCHOOLS 72 (2000).
20 Id.; see Hess, supra n. 10, at 105.
21 Rogelio A. Lasso, Is Our Students Learning? Using Assessments to Measure and Improve Law School Learning and Performance, 15 BARRY L. REV. 73, 75 (fall 2010).
22 See STUCKEY, supra n. 2, at 256.
23 MUNRO, supra n. 20, at 151.
26 TEACHING THE LAW SCHOOL CURRICULUM, supra n. 26, at 286 (quoting James B. Levy, Nova Southeastern University Law Center).
27 Id., supra n. 25, at 145.
Formative assessments also provide a professor with insight on whether his teaching of specific topics or concepts is effective, and how he can increase the effectiveness of his teaching. This continual process of learning from the students’ feedback and adjusting teaching measures allows a professor to consistently mold himself into a stronger, better teacher, thereby alleviating some student criticisms and perhaps even providing students with some ownership of the class.

Since a student learns from feedback, a law school’s focus should be to enhance the student’s performance through use of feedback. Doing so is one way to provide a student with a powerful experience during the apprenticeship of law study that prepares him “for a lifetime career involving continuous growth and self-development.”

Summative assessments, such as final exams, assign a grade or otherwise indicate a student’s level of achievement in relation to other students rather than providing extensive feedback about the quality of his performance. They assure basic student competence. Their "after-the-fact character foreclose[] the possibility of giving meaningful feedback to the student about progress in learning." Overuse of summative assessments is a sure way to prevent a student and a professor from reaching their optimal learning level.

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30 Rather than saying “his or her,” “him or her,” and “he or she” throughout the article to maintain gender neutrality, I will only use the masculine versions of these pronouns to help with flow; however, gender neutrality is intended.
34 STUCKEY, supra n. 2, at 261.
35 MUNRO, supra n. 20, at 11.
36 See SULLIVAN ET AL., supra n. 3, at 30.
39 Hess, supra n. 10, at 105.
40 Lasso, supra, n. 22, at 88.
41 SULLIVAN ET AL., supra n. 3, at 164.
42 Id. at 164-165.
A summative assessment can serve as a formative assessment if it is completed during the semester to test a developed skill (e.g., understanding cases). While assigning a grade or ranking the students based on this assessment would make it summative, it would also be formative if the students are given feedback so that they can learn from the experience.

B. Lack of Feedback

A lack of feedback opportunities is a significant problem in law schools and a source of stress for students. This article will address three situations in which many students are not receiving the feedback they need to be effective exam writers: (1) lack of midterms; (2) lack of written feedback or inadequate feedback on exams; and (3) lack of exam review meetings or inadequate verbal feedback during the meetings. It will begin by discussing why these are problems, then it will suggest how professors, Academic Support professionals, and students can use the Assessment Form (Appendix 1) and accompanying documents to create feedback to overcome these three problems.

1. Lack of Midterms

Many law schools do not require midterm exams, even in first-year courses, so some professors choose to not administer them. This is likely the result of a professor trying to ease the time burden of grading essay exams during the semester when he has teaching, committee, and other duties, not having time for midterms due to large class sizes, and/or

43 STUCKEY, supra n. 2, at 260.
44 Id. at 260-261.
45 Vernellia R. Randall, The Myers-Briggs Type Indicator, First Year Law Students and Performance, 26 CUMB. L. REV. 63, 65 (1995-1996)(“Traditional legal pedagogy fails to provide adequate opportunities for students to learn or improve their skills through practice and critique.”).
46 Hess, supra n. 10, at 75-76; Robert P. Schuwerk, The Law Professor as Fiduciary: What Duties Do We Owe to Our Students, 45 S. TEX. L. REV. 753, 777-779 (2004)(There are six factors that heighten anxiety, one of which is professors seldom providing feedback prior to a final exam.).
47 Sergienko, supra n. 26, at 470; Patrick Wiseman, “When You Come to a Fork in the Road, Take It,” and Other Sage Advice for First-Time Law School Exam Takers, 22 GA. ST. U.L. REV. 653, 655 (2006); STUCKEY, supra n. 2, at 255.
48 Sergienko, supra n. 26, at 470; see STUCKEY, supra n. 2, at 254.
49 Schwartz, Teaching Law by Design, supra n. 13, at 370 (Large class size makes it difficult for professors to provide students with practice and feedback.).
viewing them as unnecessary because “law schools are run primarily for the benefit of the professors,” not for the benefit of law students, the legal community or the public.\(^5\)

There are many issues associated with not having midterm examinations. The broad problem is that a lack of midterms limits a student’s ability to achieve academic success\(^5\) because he is not given feedback during the semester.\(^5\) Without this feedback, it is challenging for a student to set realistic goals for improvement.\(^5\) A professor who does not give a midterm needs to question his intent for choosing this option and consider the following quote by Talbot D’Alemberte: “[i]s there any education theorist who would endorse a program that has students take a class for a full semester or a full year and get a single examination at the end? People who conduct that kind of educational program are not trying to educate.”\(^5\)

Only having a final exam is also an inadequate means of determining which students are competent\(^5\) due to the exam’s significant potential for error.\(^5\) A student being ill, having exam anxiety because his entire grade rests on the final, or having distracting personal issues on the exam day can skew his score, thereby inaccurately reflecting his skills and knowledge.\(^5\) A professor only having a final exam also increases the possibility of professor error with creating and grading the exam, particularly if it is an essay exam.\(^5\) The grades that result from these errors have lasting

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\(^5\) Schuwerk, supra n. 47, at 761.
\(^5\) Munro, supra n. 20, at 60 (quoting Talbot D’Alemberte, *Law School in the Nineties: Talbot D’Alemberte on Legal Education*, A.B.A. J., Sept. 1990, at 52)(Talbot D’Alemberte is a former dean of the Florida State University College of Law and former A.B.A. president.)
\(^5\) Stuckey, supra n. 2, at 260.
\(^5\) Id.
\(^5\) Id.
repercussions since they can affect a student’s ability to find employment and pursue academic opportunities (i.e., moot court and law review).

Another concern regarding the infrequency of student evaluation, especially in the first year, is the frustration experienced by a student because he is provided with “no basis on which to gauge whether [he is] mastering the material or making adequate progress toward the desired proficiencies . . . until the voyage is over.” This frustration is vividly depicted in the following student quote from Lawrence Silver’s article, Anxiety and the First Semester of Law School:

The first semester in law school is like the first semester in college. You don't know what the hell you are doing, with the exception that you don't have any interim exams [in law school] to help you out . . . I don't know how much we have to know, in what depth we have to go, what analysis we'll have to do, and how much of an acquaintance we have to have with certain points.

Finally, this frustration negatively affects a student’s performance when it causes stress or panic. A student quoted in Andrew Watson’s article, Some Psychological Aspects of Teaching Professional Responsibility, cogently paints the picture of this panic when he states,

Usually by Thanksgiving holidays, most members of the freshman class are brought nearly to a panic by their awareness that they do not understand what is being demanded of them, nor can they figure out how to meet

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59 See Michael Hunter Schwart, Expert Learning for Law Students 19 (2d ed., 2008); Aizen, supra n. 52, at 771-775.
60 See Aizen, supra n. 52, at 774.
61 Sullivan et al., supra n. 3, at 163 (The authors spoke with many professors who voiced concerns about the infrequency of evaluation during the first-year.).
62 Id. at 164-165.
this pressure. The great anxiety produced by this process progressively forces the student to make some kind of psychological defense adjustment to avoid and diminish ongoing pain.\textsuperscript{65}

Since lack of time is a significant reason for not having midterms, law schools wanting to add midterms should reduce class size, especially for first-year students,\textsuperscript{66} and give greater weight to a professor’s class work rather than publication.\textsuperscript{67} Doing so alleviates a professor’s concern that it is “impossible to do the kind of work [he] and [his] students are ready to do” due to large class sizes.\textsuperscript{68} It also allows a professor’s time, priorities, and resources to be focused on giving a midterm and other means of formative assessment during the semester.

Not having midterms should neither prevent a student from receiving feedback during a semester nor dissuade a professor or Academic Support professional from providing this feedback. A student should view a professor’s inaction (\textit{i.e.}, not having a midterm) as an excuse to take action. Although this will require effort beyond what a student may think he should expend, it also provides a growth opportunity that will help to mold him into an effective lawyer. The student should keep this in mind when frustration sets in, and realize that,

\begin{quote}
One of the unpleasant but enduring truths in life is that most of our greatest personal advances, our most creative leaps, the times when we really move forward in our self-understanding and our self-awareness come from unhappy, stressful, and unpleasant experiences.\textsuperscript{69}
\end{quote}

A professor and Academic Support professional should view not having midterms as a chance to think of creative ways to provide feedback. The

\textsuperscript{65} Andrew S. Watson, \textit{Some Psychological Aspects of Teaching Professional Responsibility}, 16 J. LEGAL EDUC. 1, 13 (1963).

\textsuperscript{66} Aizen, \textit{supra} n. 52, at 785; Schwartz, \textit{Teaching Law by Design}, \textit{supra} n. 13, at 409.

\textsuperscript{67} See Schwartz, \textit{Teaching Law by Design}, \textit{supra} n. 13, at 409.


\textsuperscript{69} HELENE SHAPO & MARSHALL SHAPO, LAW SCHOOL WITHOUT FEAR: STRATEGIES FOR SUCCESS 206-207 (3d ed. 2009) (quoting Derek Bok, \textit{Derek Bok 1L}, HARVARD LAW BULLETIN, Fall 1995, 35 at 36).
following sections provide suggestions on how schools can overcome a lack of feedback during the semester.

a. **Suggested Solution No. 1: Submission of Review Problems or Partial or Complete Practice Exams**

Professors should allow students to submit work product for critique throughout a semester. If he is concerned about the time involved in doing this, the quantity and type of submissions can be controlled by having submission guidelines. The work product can be restricted to review problems from the textbook that were or were not covered during class. The professor can even designate specific problems that can be submitted so he only has to familiarize himself with a few of them. This both limits the length of the answers (generally one IRAC) and allows the professor to reference the Teacher’s Manual rather than having to create an answer.

A professor can also limit the submissions to his past exams or a designated portion of those exams (e.g., one issue per submission). This also eases the professor’s preparation time for critiquing student work and helps students adjust to the style of the exams and what is expected in the responses.

Another benefit of initially restricting student submissions to review problems or designated portions of exams is that a student can first focus on improving his basic IRACing skills on a simplified level. It is unproductive for a student to write out answers to full practice exams before he understands how to write an answer and how to do so effectively. A productive solution is to submit a number of single IRAC answers to each professor to confirm that these basic components are solid before moving on to larger portions of or complete exams.

I once counseled a probationary student named Sarah who had the same deficiencies with her analysis in all of her casebook classes – she was conclusory and listed facts rather than using them. I required her to meet with each of her professors to review one IRAC per visit. She then had to implement changes to her next IRAC submissions based on the feedback she received from the professors and her self-assessment. After two to three meetings with each professor she began catching these deficiencies herself. It was at that point that I encouraged her to submit longer works, such as three or four issues or a practice midterm.

A student should submit multiple items to each casebook professor across a number of weeks, like Sarah did, so he can use the feedback provided by
the professors to make improvements between submissions. Limiting work product reviews to those professors who the student likes best or who he feels comfortable talking with deprives the student of insight into the content and expectations on his exams and limits the student’s ability to determine his writing strengths and weaknesses in each class; it is common for strengths and weaknesses to vary by subject.

To be most effective, a professor should return the critiqued answer to the student, then the student should self-assess the answer using the Assessment Form and compare the results with the professor’s assessment. Finally, the student and professor should meet to review the answer. Taking the initiative to follow these steps allows a student to create feedback where none may otherwise exist and to take responsibility for his performance and learning.

These steps also develop an effective learning tool by permitting a student to assume control of his learning process and make the student an active learner with the goal of improving his exam writing skills. They also allow for a more effective use of a professor’s time. Active learning is a necessary activity in which students need to partake. It is one of the seven principles of good teaching practice set forth by Arthur Chickering and Zelda Gamson in *Seven Principles for Good Practice in Undergraduate Education*, and has been applied to law school by legal educators.

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70 MUNRO, supra n. 20, at 124; Lasso, supra, n. 22, at 96.
71 Once students learn to self-assess their work product and interpret and apply professor feedback they generally do not need to meet with professors to review all of their submitted work product.
72 See Wiseman, supra n. 48, at 655 (It is important to create one’s own feedback when no midterms are given.).
74 *How People Learn, supra* n. 16, at 120.
76 Cunningham, supra n. 17, at 401.
77 *How People Learn, supra* n. 16, at 12.
78 Hess, *supra* n. 10 at 84-86 (citing Arthur W. Chickering & Zelda F. Gamson, *Seven Principles for Good Practice in Undergraduate Education*, AAHE BULL., Marc. 1987, at 3.) (The seven principles are: encouraging student-faculty contact; encouraging cooperation among students; encouraging active learning; giving
Actively reviewing an IRAC answer using the Assessment Form (Appendix 1) and related documents increases the effectiveness of the student’s self-assessment and subsequent work product review meeting. The student discovers his weaknesses, has to consider his strengths, and discovers effective and ineffective study habits. These discoveries create a foundation for asking detailed questions during the meeting. Suggestions on how to have effective meetings with professors and Academic Support professionals are discussed in Section I, B, 3.

The Assessment Form also provides a framework with explicit criteria for performance (i.e., an assessment tool) within which the student can place the incoming information from the self-assessment and professor meeting. When combined with training, the Assessment Form framework helps a student become an expert learner by allowing him to effectively diagnosis his exam strengths and weaknesses. This reduces the likelihood that the student will perceive his “inability to achieve certainty and correctness on a subject as a sign of failure.” The Assessment Form also furthers the ultimate goals of various learning theories, which are to “free the student from dependency on his teacher and to assist in this discovery of how to best learn on his own,” thereby ensuring a student’s continued success upon graduation. Finally, a professor training a student on how and why to use the Assessment Form and requiring him to do so is very rewarding for the

prompt feedback; emphasizing time on task; communicating high expectations; and respecting diverse talents and ways of learning).

See SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS, supra n. 60, at 241.

See MUNRO, supra n. 20, at 124; Roach, supra n. 65, at 680.

SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS, supra n. 60, at 3.

Seamon, supra n. 74, at 137 (“Students do not always accurately diagnose poor exam performance. Sometimes, for example, a student mistakenly thinks that his or her only problems is poor exam-writing ability when, in reality, the student didn’t learn the material well.”).


Roach, supra n. 65, at 683 (“In order for a student to achieve independence, therefore, she must develop the following skills including the ability: (a) to set goals; (b) to devise a program for accomplishing each goal; (c) to establish criteria for evaluation; and (d) to create a mechanism to evaluate progress.”).
professor because he can witness first-hand the power of student self-evaluation. Student training will be covered in Section III, A, 1, b.

b. Suggested Solution No. 2: Self- and Peer-Assessment

While a student generally prefers to receive work product feedback from his professors, this is not always possible to the extent he desires. Also, relying solely on professors’ feedback robs a student of a valuable learning opportunity through the use of self- and peer-assessments. Conducting these assessments is essential for a student to improve his writing skills because they allow him to reflect on his performance and integrate what he learned into his studies.

A student should continually conduct self- and peer-assessments using the Assessment Form so he can monitor and improve his writing skills. These assessments should begin as soon as the first major concept is covered in a class. For example, if battery is the first issue covered in torts, a student should start assessing his work product after the professor finishes lecturing on battery and the student has taken the time to understand the issue.

Use of the Assessment Form during self- and peer-assessments is crucial for determining a student’s patterns, inconsistencies, progressions, and regressions: it tracks a student’s performance over time. A professor is incapable of making these determinations when he only views a student’s midterm and/or final because one or two exams provide limited exposure to a student’s general writing abilities. A full view can be established, though, by using the Assessment Form to critique a series of IRAC answers in each course across a semester.

This section will address the benefits of conducting these assessments and how to use the Assessment Form for them. Section III, A, 1, c - d will discuss student training on conducting self- and peer-assessments.

i. Self-Assessment

A student may never contemplate performing self-assessments because he thinks he is not capable of performing one. This feeling, which is

86 LeClerc, supra n. 34, at 424.
88 Riebe, supra n. 78, at 500.
89 SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS, supra n. 60, at 241.
especially strong for first-year students, likely stems from law school exam writing requiring different skills than those used during undergraduate studies,\textsuperscript{90} and professors not bridging this gap by training students how to self-assess.\textsuperscript{91} A student may also choose not to self-assess since it requires effort that he is not willing to expend; he wants his professors to spoon feed him. No matter the reason for not self-assessing, a student should reconsider this decision because critiquing one’s work product is an important aspect of assessment.\textsuperscript{92}

Self-assessment is a metacognitive skill.\textsuperscript{93} Its importance stems from a student’s need to learn how to assess his performance so that he can become an effective lawyer.\textsuperscript{94} A lawyer must monitor his understanding and learning process,\textsuperscript{95} so it is imperative that a student start practicing this during the law school “apprenticeship”\textsuperscript{96} rather than expecting his first employer to teach him the skill. Additionally, self-assessment permits a student to take control of his learning and become an expert in both general learning principles and those study skills that are most effective for him.\textsuperscript{97} This is accomplished through creating feedback beyond what a professor gives and allowing the student to reflect on his performance.\textsuperscript{98}

\textsuperscript{90}See id. at 19.
\textsuperscript{91}See Randall, The Myers-Briggs Type Indicator, supra n. 46, at 65 (“Traditional legal pedagogy fails to clearly identify for students what a student needs to know and be able to do to succeed in law school.”).
\textsuperscript{92}MUNRO, supra n. 20, at 124.
\textsuperscript{93}Schwartz, Teaching Law by Design, supra n. 13, at 376 (General metacognitive skills include: ”knowing when or what one knows or does not know; predicting the correctness or outcome of one’s performance; planning ahead and efficiently apportioning one’s cognitive resources and one’s time; and checking and monitoring the outcomes of one’s solution or attempt to learn.”) (citing ROBERT M. GAGNE & ROBERT GLASER, FOUNDATIONS IN LEARNING RESEARCH, IN INSTRUCTIONAL TECHNOLOGY: FOUNDATIONS 49, 75 (Robert M. Gagne ed., 1987)).
\textsuperscript{94}Hess, supra n. 10, at 106.
\textsuperscript{95}Id.; see MUNRO, supra n. 20, at 124.
\textsuperscript{96}SULLIVAN ET AL., supra n. 3, at 30.
\textsuperscript{97}See SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS, supra n. 60, at 3 (Students benefit from engaging in a learning cycle that includes “planning, implementation, monitoring and evaluating,” which cause a student to be continually reflecting on his learning.).
\textsuperscript{98}SCHACHTER, supra n. 29, at 208.
Reflecting on one’s performance is essential for self-assessment to be effective. In *Reflection: Turning Experience into Learning*, reflection is defined as, “an important human activity in which people recapture their experience, think about it, mull it over, and evaluate it.” Karen Hinett defines reflection as, “an approach which promotes autonomous learning that aims to develop students’ understanding and critical thinking.” Reflection is effective when coupled with (1) training on how to reflect and (2) having a framework within which to place this information (e.g., Assessment Form). The framework should allow a student to focus on ways to improve weaknesses while appreciating his strengths.

To conduct a self-assessment, a student should begin by completing portions or all of an IRAC-based practice exam or review problem. Next, using the Assessment Form, the student should self-assess his work by following the six steps set forth under the Self-Assessment of Practice Exams and Review Problems category on the IRAC Assessment Form Suggested Uses and Student Instructions (Appendix 2).

ii. *Peer-Assessment*

Peer-assessment involves a student critiquing another student’s work product. A student may avoid peer-assessments because he is accustomed to non-participation in classes from years of education that was passive and led by standardized tests. He may also prefer to compete with other students rather than work as a team. Other reasons a student may not conduct peer-assessments are that he does trust other students,

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101. See generally Roach, *supra* n. 65, at 680 (Learning theory central concepts include: people learn most effectively when they have a framework for incoming information and students must “learn how to learn.”); id. at 684 (“Schema theory argues that understanding occurs when incoming information is broken down and patterned into a structure or schema.”).
103. See Riebe, *supra* n. 78, at 501.
105. Munro, *supra* n. 20, at 165.
prefers to study alone, does not know the benefits of peer-assessments, thinks self-assessment is more effective, or is not familiar with them.

Similarly, a professor may not encourage peer-assessments or use them as classroom tools. This may be because he thinks he does not have time to conduct the assessments, believes they are not professional, \textsuperscript{107} does not know how to conduct a peer-assessment, does not believe they are effective, undervalues the assessments since he shied away from collaborative learning when in law school,\textsuperscript{108} or does not know their benefits. These, and likely other reasons, have led peer-assessments to be severely underdeveloped in classroom learning.\textsuperscript{109}

This article discusses eleven powerful benefits of conducting peer-assessments; benefits which prove that peer-assessments are an effective tool\textsuperscript{110} that often provide better results than a student working alone.\textsuperscript{111} These benefits are largely the result of peer-assessment being a form of active, collaborative learning.\textsuperscript{112} Collaborative learning involves peers sharing experiences and insights.\textsuperscript{113} The importance of this student-to-student interaction is emphasized by the constructivism learning theory, which views cooperative learning groups as one of the most effective learning tools in existence.\textsuperscript{114} This effectiveness stems from a student obtaining multiple perspectives on his exam writing skills, thereby developing more complex approaches and understandings.\textsuperscript{115}

\textsuperscript{107} Kissam, \textit{Law School Examinations}, supra n. 39, at 473.
\textsuperscript{109} Sergienko, \textit{supra} n. 26, at 479.
\textsuperscript{110} Gerdy, \textit{supra} n. 2, at 80.
\textsuperscript{111} See Munro, \textit{supra} n. 20, at 126 (“When students engage in analysis, critical thinking, and problem solving together, the result will often be better than when students work alone.”).
\textsuperscript{112} Vernellia R. Randall, \textit{Increasing Retention and Improving Performance: Practical Advice on Using Cooperative Learning in Law Schools}, 16 T.M. Cooley L. REV. 201, 218-222 (1999)(also referred to as cooperative learning); see Munro, \textit{supra} n. 20, at 67.
\textsuperscript{114} Schwartz, \textit{Expert Learning for Law Students}, \textit{supra} n. 60, at 27.
\textsuperscript{115} Id.
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The first benefit of conducting peer-assessments is that they allow a student to accomplish the best practices for acquiring new skills, which are repeatedly practicing skills, obtaining feedback from experts, and spending a lot of time doing these tasks.\(^{116}\) Peer-assessments can be completed as frequently as a student can find partners and the time to conduct the assessments. Frequent assessment helps to increase a student’s motivation and effort.\(^ {117}\) Also, although a student may only consider his professors to be experts on providing feedback, he can actually learn from other students.\(^ {118}\) Many students have informed me that they were pleasantly surprised by the tips and strategies they learned from peer-assessments.

Anita was a second year part-time student who was on probation. Although she had worked by herself for the first three semesters, her unwelcomed do-or-die grade situation woke her up to the realization that her study habits needed to change. One of the first revisions she made was to begin studying with another student. Once Anita became confident in their ability to work together, she and her partner peer-assessed a practice exam. She shared with me some of the insightful comments made by her friend on Anita’s exam answer; things that Anita had not seen herself. This experience inspired her to continue working with her partner and to increase the frequency of their peer-assessments.

Second, the assessments allow discovery learning\(^ {119}\) by helping a student realize his strengths and weaknesses,\(^ {120}\) the awareness of which is often not cultivated by law schools.\(^ {121}\) Boosting a student’s confidence by seeing how others perform is another positive result,\(^ {122}\) which in turn can decrease a student’s stress level.\(^ {123}\) It is an opportunity for a student to take an honest glance in the mirror to see who he really is as a law student, and realize that the pictures he paints of others are not always accurate.

Third, a student often views his own work differently than others do in that his intentions are not apparent to the reader or are interpreted differently

\(^ {116}\) Id. at 8-9.
\(^ {117}\) Aizen, supra n. 52, at 777-778.
\(^ {118}\) Shaffer, supra n. 108, at 240.
\(^ {119}\) Id.
\(^ {120}\) See Gerdy, supra n. 4, at 80-81.
\(^ {121}\) Lauren Carasik, Renaissance or Retrenchment: Legal Education at a Crossroads, 44 IND. L. REV. 735, 778 (2011).
\(^ {122}\) Riebe, supra n. 78, at 501.
\(^ {123}\) Herndon, supra n. 110, at 823.
than intended. Having a peer critique a student’s work product can uncover these issues. When I conducted a pre-midterm exam review with a criminal law class, I asked some students to write parts of their practice exam answers on the white board. Jason wrote arguments for the prosecution rather than the defense, which was contrary to his intention. He did not realize this error until other students caught it and explained why they interpreted the arguments as being for the prosecution.

Fourth, critiquing another student’s work can improve a student’s self-assessment and writing skills.\textsuperscript{124} This is accomplished by observing different perspectives which he may understand better than what was offered by the professor,\textsuperscript{125} and viewing proficiencies and deficiencies in others’ work.\textsuperscript{126} By conducting peer-assessments with multiple students, a student will begin to recognize the needs of the reader\textsuperscript{127} and observe beneficial approaches that he can incorporate into his own writing (\textit{e.g.}, different ways to lay out the exam, making creative arguments). He will also see poor approaches to be avoided (\textit{e.g.}, listing facts, using long paragraphs). Since not every student has the same exam strengths and weaknesses, a student should have a group with whom he conducts peer-assessments so he can receive multiple perspectives.

Fifth, the assessments provide accountability and motivation. It is easy for a student to adopt poor study habits such as (1) putting off practice exams because he needs a few more days to learn the material, (2) only outlining and issue spotting practice exams rather than writing them, and (3) not taking the time to evaluate his writing skills. The positive pressure of having a peer-assessment partner(s) makes these tendencies less likely,\textsuperscript{128} thereby increasing a student’s learning\textsuperscript{129} and level of achievement;\textsuperscript{130} a student has to be prepared to look competent to his peers.\textsuperscript{131}

\begin{footnotesize}
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\item \textsuperscript{124} Id.; \textsc{Denise Riebe & Michael Hunter Schwartz, Pass the Bar!} 153 (2006).
\item \textsuperscript{125} See Gerdy, supra n. 4, at 80-81; Fischl & Paul, supra n. 6, at 209; Friedland, supra n. 106, at 209.
\item \textsuperscript{126} Sergienko, supra n. 26, at 483.
\item \textsuperscript{127} Cassandra L. Hill, \textit{Peer Editing: A Comprehensive Pedagogical Approach to Maximize Assessment Opportunities, Integrate Collaborative Learning, and Achieve Desired Outcomes}, 11 \textsc{Nev. L.J.} 667, 674 (summer, 2011).
\item \textsuperscript{128} See Sergienko, supra n. 26, at 484 (Peer reviews can cause students to do better work.).
\item \textsuperscript{129} See Gerdy, supra n. 4, at 78 ("Learning requires \textit{frequent feedback} if it is to be sustained, \textit{practice} if it is to be nourished, and \textit{opportunities to use} what has been learned.")(citing \textsc{Am. Ass’n for Higher Educ., Am. Coll. Personnel Ass’n, &}
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Sixth, a student recognizes that he can learn from a variety of people with varying levels of experience (i.e., he can learn from sources besides professors and students in the top ten percent of the class). Peer-assessments also help a student realize that what he learns from peers can even surpass what he learns from textbooks and professors.

Seventh, like a lawyer, a student “must learn to gain confidence to disregard advice with which [he disagrees] and to reconcile contradictory comments.” These practices can be learned in a number of situations, including when students disagree about how an argument should be made or the comments made by the assessor. The learning in these settings comes from the students discussing the argument or contested comments rather than accepting them at face value or ignoring them.

Eighth, excessive competition is a cause of law student stress. Having students work together on a peer-assessment breaks down some of the walls built by competition. A student will usually construct these walls, either intentionally or unintentionally, to prevent himself from mistakenly divulging information to others that may give them an advantage in the class. Requiring a student to assess another’s work forces him to temporarily removes these walls, or at least open a door. This develops trust and creates a human side to his competition.

Ninth, they assuage a student’s feelings of alienation and isolation from his peers, which are strongest among older women. Although a student who has these feelings may be hesitant or even vocally against participating in peer-assessments, requiring him to do so can help him to feel noticed by others and a part of the class, thereby providing social support.

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130 Randall, Increasing Retention, supra n. 114, at 204.
131 See Hess, supra n. 10, at 94.
132 SCHACHTER, supra n. 29, at 210.
133 SHAPO & SHAPO, supra n. 70, at 225 (quoting D. Brock Hornby).
134 SCHACHTER, supra n. 29, at 210.
135 Hess, supra n. 10, at 76.
137 See Randall, Increasing Retention, supra n. 123, at 204.
Tenth, peer-assessments allow a professor to learn from students. As a type of formative assessment, they provide feedback on whether his teaching of specific topics or concepts is effective and how he can increase the effectiveness of his teaching. This lets a professor grow and never become stagnant; to continually recreate himself as a teacher. Continual growth is important because, “if you stop learning about your teaching you cease to be effective, and probably cease to be motivated.”

The eleventh benefit to using peer-assessments is that they are a win-win situation. Not only are they a formative assessment that provides feedback to both students and professors, they do so with little effort being expended by the professor. The required effort is generally defining the critiquing standards, being actively involved with the groups as they are conducting their assessment by walking around the room to make sure they are on task, and facilitating a discussion after the assessment. Selecting the assessment activity is easy if a professor uses a problem from the textbook or one or more issues from a prior exam.

These advantages to conducting peer-assessments illustrate why they are both “the most common type of adult learning” and “perhaps the most effective style” of learning. The benefits should motivate a student, professor, and Academic Support professional to use the Assessment Form and other assessment tools to make peer-assessments a consistent part of a student’s learning, both in and out of the classroom.

To conduct a peer-assessment, a student should following the ten steps set forth under the Peer Assessment section on the IRAC Assessment Form Suggested Uses and Student Instructions (Appendix 2).

2. Lack of Written Feedback or Inadequate Feedback on Exams
It is a mystery to me why some professors do not provide students with informative written feedback on their exams when the benefits of such

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138 Schwartz, Teaching Law by Design, supra n. 13, at 404; see Hess & Friedland, supra n. 7, at 286.
140 Hess, supra n. 10, at 109.
141 Hinett, supra n. 102, at 51 (quoting Hugh Brayne, University of Sunderland).
142 Sergienko, supra n. 26, at 483.
143 Hess & Friedland, supra n. 7, at 139 (quoting Paula Lustbader, Seattle University School of Law).
144 Quigley, supra n. 115, at 57.
feedback are well documented. Perhaps it is because “[g]rading law school exams has been declared a ‘deadening intimacy with ignorance and mental fog’ which saps a professor’s pedagogical and scholarly energies.” This conduct may also stem from a professor’s belief that a student can learn how to take exams from attending class, determine what he needs to know and how to succeed, and/or improve his writing skills by reviewing prior exams that have no feedback or inadequate feedback on them. A professor may even be frustrated that a student is unable to create his own feedback. However, this is zero return on the professor’s lack of effort, for as King Lear stated, “Nothing will come of nothing.”

A professor providing inadequate feedback can be just as ineffective as not providing any feedback. The student may not understand the comments, may not know how to implement changes in response to the comments, and/or is not motivated to learn from the feedback because the comments are too negative. Inadequate feedback can take many forms, including only writing numerical values on a student’s exam that correlate with a grading sheet, only writing negative comments, being vague (e.g., writing a question mark without a comment explaining the mark), having only a smattering of brief comments throughout the exam, and never giving suggestions on how to fix noted problems.

145 See Ruth Ann McKinney, Depression and Anxiety in Law Students: Are We Part of the Problem and Can We be Part of the Solution? 8 LEGAL WRITING 229, 244 (2002); Roach, supra n. 65, at 673; Anderson, supra n. 29, at 135.
147 TEACHING THE LAW SCHOOL CURRICULUM, supra n. 26, at 341 (quoting Michael V. Hernandez, Regent University School of Law).
148 Id.; Schwartz, Teaching Law by Design, supra n. 13, at 352.
149 TEACHING THE LAW SCHOOL CURRICULUM, supra n. 26, at 341 (quoting Michael V. Hernandez, Regent University School of Law).
The primary benefit of adequate feedback is a student being “more likely to understand the strengths and weaknesses of that performance and less likely to attribute the performance to [his] overall competence,”152 which increases a student’s chances of exceeding and excelling in law school.153 This causes a ripple of other positive effects, including countering the three problems discussed below.

a. Students Painting Their Own Exam Performance Picture
A professor providing feedback on a student’s exam writing strengths and weaknesses is necessary to steer the student as he grows.154 Without this feedback, the student does not have a road map for improving his performance,155 and is thereby forced “to paint his own picture of why and how the performance happened.”156 This lack of feedback often causes the student to make unhealthy, ineffective, and inefficient alleged improvements to his study habits.157 First-year law students are especially at risk for this behavior because many do not know how to study properly or write exam answers due to the “significant change in teaching methods and expectations between college and law school.”158 They also are not adequately prepared for the rigor of law school159 or the different methodologies that are required to teach law.160

Having no direction contributes to a student’s failure anxiety,161 which leads to ineffective study habits.162 First, a lack of feedback can paralyze a

153 McKinney, supra n. 147, at 236.
154 LeClercq, supra n. 34, at 418.
155 HESS & FRIEDLAND, supra n. 7, at 286.
156 Dunham, supra n. 154, at 259.
157 HESS & FRIEDLAND, supra n. 7, at 286; HERBERT N. RAMY, SUCCEEDING IN LAW SCHOOL 30 (2006).
158 Randall, The Myers-Briggs Type Indicator, supra n. 46, at 67 (The change from college to law school may be “more significant than the one between high school and college”).
159 Sonsteng et al., supra n. 91, at 50.
161 Dickerson, supra n. 138, at 84 (Causes of first-year stress include “demanding requirements, the mandatory curriculum, limited and delayed feedback,
student, making him unable to study even though doing so would help to alleviate his anxiety, and unwilling to seek feedback or assistance from his peers or professors for fear of having his failure affirmed. This inability to study may be from the student not knowing where to begin studying because he thinks he knows little about his classes, or believing he can never live up to his or others’ expectations. A student may even rationalize this disengagement with a plausible reason why he is not able to study, such as financial problems or other personal distractions.

A second ineffective study habit caused by a lack of effective feedback is a student rashly determining that his poor grades were caused by not studying enough. Consequently, the student significantly increases his study time without thinking about how and what he is studying. In other words, he begins to “hyperstudy” because he is convinced he does not know the material well enough. Hyperstudying involves doing more of what did not work for him originally. Often, this increase is not merely an hour here and there, but a drastic increase to the detriment of the student’s well-being. This can translate into even worse grades. Hyperstudying can also lead to regression: a student forgetting what he learned, which further increases his stress level.

Third, a student can become increasingly uncertain as to what study habits are effective for him so he continually changes from one method to competitive student peers, and intimidating faculty.”); see Silver, supra n. 64, at 1201 (The article discusses the results of a study at the University of Wisconsin Law School from 1966 to 1967 which involved individual weekly interviews with students. The study revealed that failure anxiety is caused by four factors: 1) high expectations; 2) the method of law school instruction; 3) the subject matter and method of study; and 4) the importance of first semester grades.).

162 Silver, supra n. 64, at 1201.
164 Silver, supra n. 64, at 1215.
165 Ramy, supra n. 159, at 30.
167 Id.
168 Ramy, supra n. 159, at 30.
another, thinking that none of them is the “right” method. A student who dives into studying haphazardly without first determining what he is trying to accomplish through his efforts will have difficulty devising a successful study method. This undirected studying “inhibit[s] [a student] from receiving and processing information” by distracting him from the learning task, thereby limiting his general learning capacity.

Unfortunately, these three consequences of a student having to paint his own picture can overflow into subsequent semesters. It is easy for a student to follow these unproductive paths when he does not receive feedback on his exams until multiple weeks into a new semester because, once he is engrossed in the new semester, it is difficult to make and evaluate adjustments to his study habits and classroom preparations. Further, even if a student receives a passing grade despite the lack of feedback, without future feedback, “[h]e will never know how much better [he] could have done if [his] efforts, directed by feedback, were more efficiently utilized.”

b. Source of Frustration and Stress for Students

Receiving no feedback or inadequate written feedback on exams is an understandable source of frustration and stress for a student because it makes an otherwise potentially rich formative assessment obsolete. This consequently decreases a student’s feelings of self-efficacy. Ruth Ann McKinney defines self-efficacy as a “personal belief you can control an outcome - that you can achieve a desired result.” Michael Hunter Schwartz defines it, in an educational setting, as referring “to students’ beliefs about whether they have the ability to successfully master an academic task.”

A student quoted in Sophie M. Sparrow’s article, Describing the Ball: Improve Teaching by Using Rubrics - Explicit Grading Criteria, indicates that, “the thing that bugs me the most about law school is that at the end of

170 Silver, supra n. 64, at 1206.
171 Id. at 1207.
172 Hess, supra n. 10, at 80.
173 Anderson, supra n. 29, at 135.
174 Silver, supra n. 64, at 1214.
175 LeClercq, supra n. 34, at 423-424.
176 See McKinney, supra n. 147, at 233.
177 Id.
178 SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS, supra n. 60, at 31.
the semester you get a grade but you don't get any other comments, and you have no idea of what you did right or wrong.” 179  This frustration can cause feelings of low self-efficacy from the student being unable to correlate his study efforts to his grades, thereby leaving control of the situation in the professor’s hands. 180  If not resolved, these feelings of low self-efficacy can create “a spiraling effect that significantly reduces students’ chances to reach their full potential.” 181  This is because reduced self-efficacy affects a student’s “ability to make wise choices about how to achieve the goal and the commitment to behaviors that would lead to the successful attainment of the goal.” 182

Even an academically successful student is negatively impacted by a lack of adequate feedback. 183  A professor may choose to cater his teaching style to those at the top of the class, thinking that those students do not need feedback or can manage with minimal feedback because they are succeeding.  This method of catering one’s teaching methods to more academically successful students is unproductive, unless the professor’s goal is weeding out rather than educating. 184  It causes anxiety and improper study habits for the academically successful student because he is unable to secure his image as a competent student; without adequate feedback, he is left to paint his own picture as to why he succeeded. 185

Admittedly, there are two sides to this aspect of receiving no feedback or inadequate feedback.  The other side is that, while this practice is counter to education’s purpose and should not be practiced by a professor, a student can be thankful that he has other means of pursuing feedback, as discussed in this and other articles (e.g., using the Assessment form for self- and peer-assessments).  Finding small things for which a student can be thankful in this type of situation can help to ease the frustration and stress.  Although this may seem difficult for a student who is experiencing feedback problems, thinking of others’ perspectives may be beneficial.  For example, in Law School without Fear Strategies for Success, Helene Shapo

179  Sparrow, supra n. 14, at 2.
181  McKinney, supra n. 147, at 235.
182  Id. at 235-236.
183  Dunham, supra n. 154, at 259.
184  See Randall, The Myers-Briggs Type Indicator, supra n. 46, at 66.
185  Dunham, supra n. 154, at 259.
and Marshall Shapo quoted a Vietnam veteran who was a Harvard Law School graduate. The graduate stated that he was "profoundly grateful during every single day of [his] three years at [Harvard Law School] that (a) it was conducted indoors; (b) [he] had the luxury of devoting [his] time wholly to reading, writing, discussion and other purely intellectual activities; and (c) no one was trying to kill [him]."  

**c. Women are Particularly Disadvantaged**

A study conducted at Yale Law School during the 2001 to 2002 academic year found that “[a] regime of no feedback may particularly disadvantage women who are newcomers to a male-dominated profession.” This may be caused by females being in special need of reassurance, which is not be surprising since they are less likely to recognize their strengths than their male counterparts. This need likely also stems from many females lacking confidence in comparison to males, as evidenced by them self-assessing many of their skills lower than males did in a 2005 study of Harvard Law School students, despite controlling for demographics, undergraduate major, and career goals.

Unfortunately, lack of feedback is just one of many factors that negatively impact female law students’ academic experience. Many of the factors relate to law school not being a nurturing environment for women’s

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186 SHAPO & SHAPO, supra n. 70, at 207 (quoting from David C. Carrad, Letter, in Harvard Magazine, May-June 1995, at 7.).
187 Id.
188 Bashi & Iskander, supra n. 182, at 428; id. at 393 (Most of the data was collected as part of a study sponsored by a student group, Yale Law Women, and coordinated by the authors.); id. at 400 (“The study included three components: (1) open-ended interviews of forty-six faculty members conducted by students; (2) classroom participation assessments in which student-observers recorded the gender of students who spoke in class; and (3) an online survey in which students responded to multiple choice and open-ended questions about their interactions with faculty members inside and outside the classroom.”); id. at 402 ( “We did not explicitly address the role of race in legal education, although we did ask student respondents to identify their racial/ethnic background in addition to their gender.”).
189 Id. at 439.
190 Id. at 428.
191 Adam Neufeld, Costs of an Outdated Pedagogy? Study on Gender at Harvard Law School, 13 AM. U.J. GENDER SOC. POL’Y & L. 511, 548 (2005)(Female students assessed themselves lower than males did with most skills, including: legal reasoning, qualitative skills, the ability to think quickly on their feet, oral argument, writing briefs, and assessing others.).
academic development, largely because a number of professors and students still believe that, “[t]o be a good lawyer, behave like a gentleman.”

On a positive note, females can achieve academic success in law school and significantly increase their confidence and effectiveness when they use the Assessment Form and accompanying documents, as discussed under Section III, B. This should encourage professors and Academic Support professionals to use the documents or find other means of making law school an environment that embraces females’ addition to the legal field.

d. **Suggested Solution: Sample Answers**

It is difficult for a student to overcome receiving no feedback, especially if he is a first-year student. As a first-year, he is in the beginning stages of learning how to become an effective exam writer, so he is not seasoned enough to create his own feedback.

There are four suggested ways to overcome the problems covered in this section, three of which were covered under Section I, B, 1, those being a student: (1) submitting practice exams to professors; (2) conducting self-assessments; and (3) conducting peer-assessments. The fourth suggested solution is for a professor to provide sample exam answers to midterms, finals, and practice exams to assist a student with self-assessment.

Using sample exam answers has both positive and negative aspects. A negative aspect is a student thinking that the professor’s portrayal of information is the “right” way, so he memorizes the answer rather than becoming an independent and creative thinker. Interestingly, this quest for the right answer may also be positive. It could account for one of law’s strengths, which is “yielding a capacity for growth and change that enables new perspectives and creativity to devise new answers, previously unimagined,” the opposite of memorization.

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193 Id. at 29.
194 Id. at 9.
195 LASSO, supra, n. 22, at 94.
196 SCHACHTER, supra n. 29, at 211.
197 SHAPO & SHAPO, supra n. 70, at 218 (quoting Robert C. Peck, President, Center for Constitutional Litigation).
Another negative aspect is the professor believing a sample answer is sufficient feedback without having to provide written comments on the student work product or meet with students to discuss the answer. The professor may believe that the students can adequately self-assess the exam and, based on that self-assessment, determine how to improve their exam writing skills. A professor may also view sample answers as an easy way out of providing individual feedback.

A professor may choose to provide a sample answer without other feedback because he is uncertain what feedback to provide, or how to provide feedback that accurately reflects the student’s level of “understanding of the material and achievement of the objectives of the course.” 198 This category of professor should seek training and guidance from a more experienced professor or Academic Support professional, and should research ways to become more effective with providing feedback so that he can grow with his students.

A positive aspect of using sample answers is that they provide additional feedback beyond what is detailed on a graded exam 199 without increasing the burden on a professor who is overwhelmed from having large classes. 200 Sample answers also allow visual learning. A student can see examples of how to craft effective arguments and organize an answer, and how to be an overall, effective exam writer. These examples can assist a student with future self- and peer-assessments. Contrary to Ann Burkhart and Robert Stein’s suggestion that a student should only review an exam and sample answer if he is disappointed with his grade, 201 all students should use sample exam answers to help them improve their exam writing skills because even an “A” student has room to improve. 202

198 Anderson, supra n. 29, at 135 (Lack of faculty training is one factor that suggests that provided feedback “is not an accurate reflection of their understanding of the material and achievement of the objectives of the course.”).

199 Neufeld, supra n. 193, at 571.

200 Schwartz, Teaching Law by Design, supra n. 13, at 370-371 (suggests coupling sample answers with feedback provided by teaching assistants’ review of the work or self-, peer-, and small group grading).


202 SCHACHTER, supra n. 29, at 201.
Sample answers can take a number of forms. They can be full answers such as a professor hopes to receive from his students. This is the most time-consuming approach but is often the best visual tool for the student. Alternatively, answers can be an outline of the issues that should be discussed and arguments that could be made—this information can be set forth on a grading rubric so that the students can see the points associated with each category. A combination of these formats may be the best of both worlds in that the student receives some substantive details on how to write for the professor and also learns all of the topics that should be covered and in what order.

Through teaching numerous introductory boot camp and first semester Academic Support classes, I discovered that adding explanatory footnotes to a sample answer can greatly increase its efficacy. Footnotes help a student see examples of what practices and content are expected. Below is an example of the answer portion of a short contracts exam question I use to introduce students to the basics of IRACing.

**Prospective seller’s written statement – offer**

General terms do not constitute a binding offer. Instead, the terms of the offer must be specific and may include such language as the price, the date to respond to the offer, the shipment dates, the delivery dates, specifications detailing the good, and/or considerations for future shipments.

Prospective buyer will argue that there was an offer because the terms of prospective seller’s letter of August 15, 2004 were specific. The price of $3.50 per gallon of apple cider was stated.

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203 The issue statement specifies which potential offer is being discussed. This is necessary if there are multiple potential offers to be discussed. If there were only one potential offer, you could simply have the issue statement be: Offer.

204 There is a separate paragraph for the rule, plaintiff’s arguments, defendant’s arguments, and the conclusion. Don’t be afraid to use paragraphs because (a) they help you stay focused on one thing at a time, and (b) they assist professors with grading your exams because they don’t have to sift through a hefty paragraph in search of each part of the IRAC. Remember: the easier it is for a professor to grade your exam, the more likely you are to receive a good score.

205 The analysis paragraphs start with a thesis sentence that summarizes the gist of each party’s argument. It also uses “buzz words” (legal significant terms) from the rule. The buzz words in this answer are bolded.
in the letter, as was the August 23, 2004 date by which buyer was to respond, and the September 2, 2004 shipment date of the requested 100 gallons. These items were specific because buyer knew he was paying for specified goods, was able to respond to the offer by the date requested, and knew when the goods would be delivered. Prospective buyer needed no further information to move forward with the deal, so it was an offer.

Prospective seller will argue that the letter was not an offer because the terms were too general. Prospective buyer indicated in its initial letter that delivery must be “as soon as possible, but no later than September 5th,” yet prospective seller’s responsive letter did not state a delivery date; it only indicated a shipment date of September 2nd. Since the delivery date was important to prospective buyer, the lack of this term was enough to make the letter too general. Prospective buyer’s initial letter also did not specify the type of good (cider) to be ordered, whereas prospective seller’s responsive letter listed two types and requested that prospective buyer select one. The terms of the August 15th letter were too general to constitute an offer.

The court will likely find that there was not an offer because two important, specific details were lacking, those being the delivery date and type of cider.

3. Lack of Work Product Review Meetings or Inadequate Verbal Feedback During the Meetings
Although many professors understand the value of meeting one-on-one with students or in small groups to provide feedback on students’ work product, many others either do not appreciate the value of doing so or choose to disregard it. This is perhaps because of the time that must be
invested for the meetings to be meaningful, a professor dreading the emotional and physical toll that they can take on him, or not wanting to be punished for having good exam review meetings by having a flood of students who want to review their exams. A professor may also dread having to share constructive criticism in such an intimate environment.

Likewise, a student may not see the value of the meetings. Some reasons include viewing old exams as being irrelevant, not wanting to revisit personal failure, having a bad prior experience, finding them to be difficult or embarrassing, not understanding the purpose of the meetings, not wanting to take the time to conduct the meetings, or having difficulty keeping professors from diverting to non-productive topics during the visits (e.g., defending the grade that was given).

This compilation of reasons leads to a professor not encouraging the meetings and a student not seeking them, which is detrimental to both parties. It deprives the student of both receiving feedback in an effective setting and personal interaction with the professor, thereby contributing to failure anxiety. A student is also robbed of an opportunity to develop a relationship with his professor that can lead to mentoring or, at a minimum, to making the student feel more connected and vested in the class.

From the professor’s perspective, not having the meetings deprives him of an opportunity to keep a pulse on his students’ learning and to learn how to “teach better, write better exam questions and grade them more fairly and

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210 See id. (Professors dread students expressing unhappiness regarding their grades and/or arguing about their grades.).
211 Id. at 124.
212 Cassandra L. Hill & Katherine T. Vukadin, Now I See: Redefining the Post-Grade Student Conference as Process and Substance Assessment, 54 How. L.J. 1, 7 (2010).
213 IJIMA, supra n. 171, at 131.
214 Seamon, supra n. 74, at 125.
215 BURKHART & STEIN, supra n. 203, at 196.
216 Kissam, Law School Examinations, supra n. 41, at 472.
217 See Seamon, supra n. 74, at 123.
219 See McKinney, supra n. 147, at 230.
220 Maloney, supra, n. 165, at 326.
accurately, and avoid discouragement.”

He also loses an opportunity to positively reinforce students’ performances, an essential component of a professor’s obligations, and to work towards humanizing law school.

The other problem associated with work product review meetings is a student not receiving adequate feedback during the meetings. This problem can be caused by a student misunderstanding the purpose of the meetings; he should not view them solely as a means of ascertaining his mistakes, as suggested by Ann Burkhart and Robert Stein. Rather, he should view them as an opportunity to “learn the law, write better exam answers, and avoid discouragement,” learn professors’ exam style, discover that there is value to meeting with professors, overcome his fears of meetings with professors, learn to ask follow-up questions, reduce stress caused from being isolated, learn to steer a professor back on course when he gets sidetracked, and become more comfortable with class subjects. For a student to derive these benefits from the meetings, though, he must take the time needed to adequately prepare for the meeting.

A student also should not expect his professor to explain everything that he did right and wrong and how he can improve his performance. These expectations shift the burden of the meeting to the professor, who already (hopefully) took the time to give feedback on the exam. They also decrease a student’s ability to recall, understand, and use learning because he has not determined or attempted to determine the answers on his own.

Another reason these meetings can be unproductive is from a professor putting little or effort into critiquing or discussing the work product to discourage questions from the student. A student can still benefit from these types of meetings if he uses the Assessment Form; it allows him to

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221 Seamon, supra n. 74, at 122; id. at 124 (The prospect of exam reviews encourages more accurate and detailed grading.); id. at 130 (“Seeing the human side of grading also can help professors avoid discouragement and cynicism.”).
222 Becker, supra n. 220, at 1123.
223 See Carasik, supra n. 123, at 769.
224 Burkhart & Stein, supra n. 203, at 196.
225 Seamon, supra n. 74, at 122.
226 Hess, supra n. 10, at 75-76.
227 Hill & Vukadin, supra n. 214, at 5.
228 Schwartz, Expert Learning for Law Students, supra n. 60, at 140.
229 Id.
guide the conversation by asking specific questions, thereby hopefully producing a fruitful discussion.

Although not all professors have time for one-on-one review meetings with all of their students, not all students are interested them. A student who is interested should seek a time to meet with his professors rather than settling for asking questions about the work product via email. Even if it is difficult for a student to fit in meetings due to his personal commitments, he should make the time because the above-stated benefits of the meetings will often not be fully realized, if at all, with electronic communication.

A student using electronic communication to provide an imaginary safety wall between himself and the professor is delaying an inevitable life lesson on one-on-one interaction with authority figures. He will have to overcome his fears to become a successful lawyer, so he should start practicing this type of interaction during law school.

Some suggested solutions for having productive work product review meetings are detailed in the immediately preceding paragraphs. Others include students meeting with professors in small groups of two or three. This both decreases the number of meetings for the professor and provides confidence in numbers for those students who are uncomfortable with individual meetings or who have a hard time communicating with the professor or keeping him on the subject at hand. Students should select their groups rather than the professor doing so because discussing work product strengths and weaknesses is a touchy, personal subject; a student does not usually want his dirty laundry displayed for others to see unless he has established a level of comfort and trust with them.

A professor should return the critiqued work product to the student far enough in advance of the meeting to allow the student to self-assess his performance and generate questions. This will give the student the knowledge he needs to both lead the discussion and independently learn from the professor’s critique.

Providing students with specific instructions for how review meetings are to be conducted will help the meetings be fruitful. A professor should state

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examples of questions that are unproductive, such as, “What do you think my strengths and weaknesses are?” as suggested by Peter Lake.\textsuperscript{231} These types of broad, generalized queries decrease a student’s ability to “recall, understand and use learning” because he has not attempted to find the answers himself.\textsuperscript{232} They also shift the burden of the meeting to the professor, who already (hopefully) took the time to give feedback on the exam, and often leads to a general response such as, “Your analysis is weak.” Likewise, a professor should state examples of productive questions, such as, “Can you explain how you would like me to incorporate public policy arguments into my answers?”

A final suggestion was covered under Section I, B, 1, a, which was a professor designating specific work product that can or should be submitted for review, and limiting the length of the submissions until the students have established an understanding of how to write a basic IRAC answer and can do so effectively.

II. ASSESSMENT FORM AND ITS ACCOMPANYING DOCUMENTS

A. Assessment Form

I created the Assessment Form in 2008 to assist me with improving the effectiveness of my Academic Support Programs. Its purpose was to assist me with overcoming three problems I consistently encountered. First, students were not satisfied with their one-on-one exam reviews with their professors. Professors rarely gave them specific feedback on their strengths and weaknesses or how to overcome the weaknesses. Consequently, students frequently left their meetings no more knowledgeable than when they arrived. This was very frustrating for them since they were willingly seeking assistance on how to improve their exam writing skills, a step many students never take.

Second, students had difficulty expressing the results of their exam review meetings, which prevented me from providing them with assistance or guidance that was tailored to their specific needs. For example, students often made overly broad comments such as, “He said my analysis needs work,” or “My answer was unorganized,” which left me asking numerous follow-up questions such as, “What part(s) of your analysis need work?”


\textsuperscript{232} \textit{Schwartz, Expert Learning for Law Students}, supra n. 60, at 140.
and “Did you have large scale, section and/or paragraph organizational
problems?” More often than not students had not thought to ask these
types of follow-up questions during their reviews, so they were unable
to provide the in-depth information I needed to adequately assist them.

Third, I did not have a consistent, efficient way to track each student’s
exam writing skills. I found that the form helps to overcome all of these
problems and others.

The Assessment Form (Appendix 1) is an assessment tool completed by a
student during work product reviews with professors or when conducting
self- or peer-assessments. It provides the student with very specific
feedback on his exam performance, an essential element of education,\textsuperscript{233} by
breaking down issue-based exams into the four traditional sections of Issue,
Rule, Analysis, and Conclusion. Each section allows “mirroring” to occur.
Mirroring is identifying areas in which the student succeeded and those in
which he needs to improve.\textsuperscript{234} Learning theory views mirroring as one of
two functions of feedback; the other is improvement.\textsuperscript{235} Both of these are
facilitated through the Assessment Form and accompanying documents.

These four sections of the Assessment Form determine the student’s
specific strengths and weaknesses so that the positive practices can be
reinforced and the negative practices can be addressed. Students frequently
either do not make an effort to get this specific with their reviews or do not
know how to do so. Without this level of detail, it is often difficult or
impossible for a student to make the necessary, fine-tuning changes to his
study habits that will help him overcome his weaknesses on a class-by-
class basis. Rather, when a student conducts a general overview of his
exams, it usually results in him making broad, sweeping changes to his
study habits across all of his classes which is often either ineffective or not
as effective as making more specific modifications. The Assessment Form
permits a student to break this habit.

The fifth section of the Assessment Form contains two categories as to the
quality of the work product: organization, and spelling and grammar. By

\textsuperscript{233} See Terri LeClercq, \textit{Principle 4: Good Practice Gives Prompt Feedback}, 49 J.
LEGAL EDUC. 418, 418 (1999).
\textsuperscript{234} Gerdy, \textit{supra} n. 4, at 79.
\textsuperscript{235} HESS \& FRIEDLAND, \textit{supra} n. 7, at 286.
completing one Assessment Form per exam, the student can determine the focus area(s) on a class-by-class basis.

B. IRAC Assessment Form Suggested Uses and Student Instructions
The Assessment Form should be used to critique IRAC-based review problems, midterms, finals, and practice exams, and to monitor exam writing progress in each course and across courses. This is accomplished by using the Assessment Form during work product review meetings with professors and Academic Support professionals, and during self- and peer-assessments. The suggested uses and purposes of the Assessment Form, and when, why, and how to use it, are set forth on the IRAC Assessment Form Suggested Uses and Student Instructions (Appendix 2). Thinking broadly regarding ways to use the Assessment Form increases a student’s opportunity to receive feedback on his exam writing, helps him feel a sense of accomplishment as he works towards specific self-improvement goals, and also provides something concrete to focus on rather than simply improving his exam writing skills. It also allows a professor to fill in a formative assessment gap that exists in his class or to provide the students with opportunities for supplemental feedback.

C. How to Overcome Specific IRAC Exam Writing Weaknesses
The Suggestions on How to Overcome Specific IRAC Exam Writing Weaknesses form (Appendix 3) helps a student take the improvement step in the feedback process.236 It assists a student with determining specific ways to alter his study habits on an individual class basis so he can overcome his weaknesses, thereby improving his exam writing skills.237 Simply knowing what the weaknesses are is not enough. A student also needs to know how to overcome those weaknesses; however, some students, especially first-year students, are not capable of determining this on their own. Without this knowledge of how to overcome his weaknesses, a student often makes broad, sweeping changes across his classes, which is not always the most productive way to improve exam writing skills.

This form was created to provide the student with ideas and to help him appreciate that he should view his weaknesses individually to determine what changes should be made to his study habits. Both of these purposes provide an increased awareness of the learning process, which should serve

236 HESS & FRIEDLAND, supra n. 7, at 286.
237 The categories and suggestions contained in this document are not exhaustive.
as a motivator. The form also allows a professor to better understand areas in which his students are struggling and how he can assist them with overcoming these weaknesses.

III. STRATEGIES FOR IMPLEMENTING USE OF THE ASSESSMENT FORM AND ITS ACCOMPANYING DOCUMENTS

A. Training

1. Student Training

A student needs to be taught a few things before he will be equipped to use the Assessment Form and accompanying documents. First, he must be taught how to write an IRAC-based law school exam. Second, he needs to be instructed on how to self-assess his IRAC exam writing skills. Third, he must be taught how to conduct peer-assessments. Fourth, he needs to be trained on how to use the Assessment Form and its related documents. Fifth, he must be told the why’s and when’s associated with the Assessment Form and its related documents.

a. Writing a Law School Exam

A student who does not know the basics of writing an IRAC-based law school exam will not succeed on this type of exam. Yet many students begin law school expecting the experience, including exam taking, to be just like college. They do not realize that successful law school study methods are foreign to them, that the transition to law school will likely be more abrupt than the transition to college, or that “law school not only sets up new challenges, it also raises the stakes” regarding implications for failure to perform adequately. They also do not know where to channel their motivation to work hard. Consequently, first-year students often only memorize class materials rather than practicing applying the content because that is what they have always done. After receiving their first

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238 Gerdy, supra n. 4, at 79.
239 Gerdy, supra n. 4, at 80 (Students need instructions and guidelines before they conduct peer reviews.).
240 Silver, supra n. 64, at 1205.
242 Silver, supra n. 64, at 1204.
243 FISCHL & PAUL., supra n. 6, at 7.
semester grades they often discover that having the knowledge does not mean that they have the requisite exam writing skills.\textsuperscript{244}

Additionally, since many students do not possess the necessary exam writing skills upon entering law school,\textsuperscript{245} they take their first exam without having been trained on how to successfully apply the knowledge they learned to an exam answer.\textsuperscript{246} They may have looked at previous exams and learned that they need to follow the IRAC format, but were never taught the basics of developing proper exam writing skills. This may be because some of their professors do not want to teach these skills. Other professors may not know how to teach these skills, may not understand the importance of doing so,\textsuperscript{247} may not realize that they are “learnable skills,”\textsuperscript{248} assume that first-year students will sufficiently grasp basic exam writing concepts,\textsuperscript{249} or may not realize that students learn better when a professor acts as a coach rather than an umpire.\textsuperscript{250}

i. Boot Camp Course

The training for developing basic exam writing skills began in my Academic Support Department during a graded, one credit boot camp course that ran for seven to ten days\textsuperscript{251} before the students started their first semester. All students were required to take the course. It taught the basics of being an effective law student and what to expect during their first semester. Students were introduced to IRAC, participated in exam writing workshops, took several short practice exams, conducted a peer-assessment of a practice exam using the Assessment Form, and took a final IRAC based essay exam.

\textsuperscript{244}See SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS, supra n. 60, at 8.
\textsuperscript{245}Id. at 19.
\textsuperscript{246}See Randall, The Myers-Briggs Type Indicator, supra n. 46, at 65 (“Traditional legal pedagogy fails to clearly identify for students what a student needs to know and be able to do to succeed in law school.”).
\textsuperscript{247}See FISCHL & PAUL, supra n. 6, at 5-6.
\textsuperscript{248}SULLIVAN ET AL., supra n. 3, at 163.
\textsuperscript{249}Dueker, supra n. 243, at 110.
\textsuperscript{250}Phillip C. Kissam, Thinking (By Writing) About Legal Writing, 40 VAND. L. REV. 135, 158 (1987)(Students’ thinking and writing skills on complex matters improve when a teacher acts as a coach rather than an umpire.).
\textsuperscript{251}The fall entering students have a ten-day course whereas spring students only have a seven day course due to a tighter schedule.
When I first directed the course there were multiple sections with about thirty-five students per section. I taught one section and legal writing and casebook professors taught the others. After moving to a new school I had to teach all ninety-three entering students in one section. I found that there were some great benefits and downsides to the large class size. First, the increased size meant that more students participated. This made the class more fun and interesting for the students because it broke up the lectures and allowed them to get to know their classmates. Second, the students had an opportunity to interact with everyone from their class rather than just the day students or night students. Third, I was not capable of providing them with nearly as much written feedback and one-on-one assistance as they needed. It appears that the perfect fit would be to have the students meet in a large group (greater than sixty students) on a few occasions and in small groups (less than thirty-five students) on a few occasions.

A key component of the course is conducting an all-class critique of multiple anonymous exam answers, including discussing well-written and poorly-written sample answers to a practice exam using the Assessment Form. This provides an opportunity to see the types of exam writing skills they should work towards and avoid, and does so without the threat of having their own writing critiqued.

Through directing this course I realized that many students need to see examples of good and bad writing skills to conceptualize how to write an exam answer, and they need to be told what about the examples makes them good and bad. Nathan helped me to realize this when he visited with me during my boot camp office hours. He admitted that he was confused about how to write the analysis of an IRAC answer based on what he had read in the textbook and heard in class. I showed him some examples of prior student answers and discussed what good and poor practices were used, including why I viewed them as being this way. Nathan’s eyes lit up after seeing a few examples – the light bulb was on. Before leaving he thanked me for helping him to get what analysis was all about.

This led me to create numerous handouts that allow students to visualize good and poor practices and understand what level of performance is

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252 Id. at 48 (quoting Katharine F. Nelson, Widener University School of Law (Harrisburg)).
253 Id. at 48–49.
expected. I also implemented a peer-assessment of a practice exam using the Assessment Form which required them to practice the skills that were illustrated in the handouts and receive feedback on their mistakes to help them improve their writing skills. I discovered that, while the students may not have properly identify all of the good and bad exam writing skills in their peer’s exam, they did start to see why some practices were better than others, and why certain practices should be avoided.

I also went from introducing the students to all four of their casebook subjects the first year I directed the class, to two subjects the subsequent two years, to one subject (torts) the following year. I realized that simple is better for the students since most of them are unfamiliar with the skills being introduced and it is easy for them to feel overwhelmed and lost at this point in their law school career.

ii. Exam Review Workshops
Hosting an Exam Review Workshop about two weeks after the boot camp final exam to continue the exam writing training for first semester students is an effective follow-up. By that time, grades for the boot camp course are submitted and the students have had an opportunity to view their exams. I display on a PowerPoint portions of exam answers for the students to critique. These answers can be (1) fictional, (2) partially fictional by adding, deleting, or changing some information derived from anonymous students’ answers, or (3) sample composites of anonymous students’ answers. Using any of these types of samples should prevent any problems with students resenting their work product being used or feeling self-conscious about their performance.

I begin by asking the students to point out what was done well and what could be improved with each of the sample answers. They have to be very specific with their comments to help the other students grasp the point being made. For example, rather than stating, “It was hard to understand,” the student has to indicate which part(s) of the answer was hard to

254 Teaching the Law School Curriculum, supra n. 26, at 285 (quoting James B. Levy, Nova Southeastern University Law Center).
255 See id. (“The best way to teach [writing well] . . . is to give students examples of the performance expected, have them try it for themselves, and then provide feedback on their mistakes to help them improve.”).
256 Schachter, supra n. 29, at 211.
257 Id.
understand. Next, detailed follow-up questions are asked such as why he thinks that mistake was made, how it could have been resolved, and how it can be avoided on future exams.

The answers are also used as a tool for making general writing points that students have a difficult time comprehending. One example is that students often do not understand why writing long paragraphs is not a good idea. For one such exercise, I have the students read a long paragraph. Next, I ask them what they were thinking as they read the paragraph. Common responses are that the length annoyed or frustrated them or caused them to lose interest. I then ask how they responded to those feelings, which generally involves glossing over the middle part of the paragraph or only reading the first portion. The discussion by asking them if they want their professors to respond to their exam writing in the same way; this usually serves to hammer home the point of using short paragraphs.

I also try to co-host pre-midterm exam review sessions with a few first semester professors. I request that each professor have the students complete an answer to a practice exam, a portion of a practice exam, or a review problem. The students are required to turn the assignment in during the class session immediately before the session. The assignment is a requirement because if it is optional, most students do not complete it, which limits participation during the workshop to the handful of prepared students. I conduct the workshop the same as the boot camp review session. If time allows, the workshop ends with a peer-assessment.

This level of exam writing training for first semester students is effective because the first semester is critical for setting the tone for a student’s experience. Further, it helps to dissipate some of the first semester stress generally caused by the unknowns of exam writing and professor expectations. That being said, although the boot camp course is required, I do not make the exam review sessions mandatory for students in good academic standing. This is because forcing a horse to the water does not always mean that it will actually drink. In other words, sometimes it takes students receiving poor midterm or final exam grades, or even being placed on academic probation, for them to realize that they need to start taking advantage of the resources being offered to them.

b. *Using the Assessment Form and Accompanying Documents*
Students should be taught how to use the Assessment Form, IRAC Assessment Form Suggested Uses and Student Instructions, and Suggestions on How to Overcome Specific IRAC Exam Writing Weaknesses form in a group setting so they can ask questions and be given a chance to use the documents by conducting a self- or peer-assessment. It is also important to discuss why they should use the documents. If students are not provided with this information, including the benefits that can be realized from using the documents, many of them will likely respond in one or more of the following ways: (1) not put forth a good-faith effort;\(^{258}\) (2) resent that they are required to use the forms; (3) choose to not use them; or (4) get very frustrated when using them. All of these negative responses will create a new stressor for the students and the professor or Academic Support professional who is trying to implement their use, all of which are counter-productive to the purposes of the documents.

The suggested steps for introducing the Assessment Form and accompanying documents are set forth in Appendix 4.

c.  *Self-Assessing Exam Writing Skills*

Self-assessment is a skill that should be taught early in law school\(^{259}\) because it is an important part of being an effective law student and lawyer,\(^{260}\) and it takes time and practice to develop the skill. A student should both know how to assess his work and to do so consistently\(^{261}\) so that he can develop a self-regulated habit of self-assessing his work in law school and when practicing law.\(^{262}\) That being said, self-assessment is difficult to learn and to do objectively,\(^{263}\) thereby requiring that a student receive feedback on his self-assessments as he learns the process.\(^{264}\) A student may see his writing in too kind a light, noting only the things he thinks he is doing well, when in fact he may not be doing them well, or he may be too harsh, failing to see any positive aspects of his writing.\(^{265}\)

\(^{258}\) See Anderson, *supra* n. 29, at 143.
\(^{259}\) MUNRO, *supra* n. 20, at 124.
\(^{260}\) Hess, *supra* n. 10, at 106; MUNRO, *supra* n. 20, at 124.
\(^{261}\) Gerdy, *supra* n. 4, at 78.
\(^{262}\) Lasso, *supra,* n. 22, at 94.
\(^{263}\) Riebe, *supra* n. 78, at 500-501.
\(^{264}\) MUNRO, *supra* n. 20, at 124.
\(^{265}\) Riebe, *supra* n. 78, at 500.
A student’s self-assessment training for IRAC work product should begin with teaching how to write an IRAC answer, as discussed above. Part of this training should include helping him to understand “what skillful legal analysis looks like and how to self-check [his] own work to make sure [he is] performing it.”

Self-assessment training can be accomplished in a few ways. First, a professor can critique the first half of a student’s exam to help the student see some of his strengths and weaknesses. Next, the professor should return a copy of the exam to the student so he can self-assess the second half of the exam; the professor should critique the remainder of the exam at this point. Finally, the professor should meet with the student to compare the student’s assessment to that of the professor. Although this is a labor-intensive endeavor on the professor’s behalf, it is one of the most effective ways to assist a student with learning self-assessment. As a colleague recently commented, one of a professor’s primary duties is to provide individualized assistance like this during office hours.

Second, professors can have students self-assess an IRAC answer using the Assessment Form. Next, have the students conduct a peer-assessment of the same answer. The peer-assessors should be given a clean copy of the answer and a new Assessment Form so that their critique will not be tainted by the self-assessor’s critique. The students should then compare the Assessment Forms and written comments.

Third, professors can have a student self-assess an IRAC answer using the Assessment Form while the professor conducts his own assessment using an Assessment Form. The professor should then meet with the student to discuss the Assessment Forms and written comments.

Fourth, in-class critiques of self-assessments are productive. They allow students to see examples of effective and ineffective and accurate and inaccurate comments and understand why they are this way.

266 Schwartz, Teaching Law by Design, supra n. 13, at 377.
267 See Teaching the Law School Curriculum, supra n. 26, at 286-287 (quoting Stephen L. Sepinuck, Gonzaga University School of Law).
268 Id.
269 Id.
I suggest combining one or all of these training options with Exam Review Workshops. Together, they are an effective way to train a student to conduct self-assessments while expanding his views of what good and bad exam writing skills look like.

A professor can encourage a student to both conduct self-assessments and put forth a good faith effort when doing so by having graded assessments. These can include requiring the student to complete the Assessment Form for IRAC-based practice exams and/or review problems. Although this may be difficult in large classes, reviewing the assessments on a random basis throughout the semester would serve to keep students motivated and provide them with feedback on their assessment skills. Other means of motivating a student to self-assess accurately and completely include the following: explaining the benefits of self-assessment; having a practicing lawyer explain the importance of self-assessment and how he does so in his career; and having a panel of successful upperclassmen explain how, why, and when they self-assess.

d. Conducting Peer-Assessments
The most effective way to train students how to conduct a peer-assessment using the Assessment Form is to facilitate an assessment during a class or Exam Review Workshop. It can be taught by a professor, Academic Support professional, or student. First, the students should bring a designated IRAC-based writing assignment to the class. Next, they should get into groups of three to five. Three students is the optimum number for cooperative learning exercises whereas groups of more than five tend to get side-tracked or have dominating members.

If this is the first peer-assessment the students have conducted, the groups should be random since this works well for new topics. Homogeneous groupings by ability are an option after conducting an assessment that determines which students have mastered specific skills (i.e., analysis, issue spotting) and which are lagging; however, using this information to

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270 Sergienko, supra n. 26, at 484.

271 The Assessment can be condensed for easier use on review problems.

272 Sergienko, supra n. 26, at 484.

273 Hess & Friedland, supra n. 7, at 138.

274 Id.

275 Id.
create heterogeneous groupings instead\textsuperscript{276} can be more useful since heterogeneous groupings allow students to work on their weaknesses by working with others who have those issues or skills as strengths. Homogeneous groupings may cause the students to flounder since they do not have strong role models to assist them with their weaknesses. Further, heterogeneous groupings are highly effective because the stronger student learns from explaining things to the weaker student, and the weaker student learns from having the other student explain the information.\textsuperscript{277}

Once the groups are established, begin by explaining what a peer-assessment is,\textsuperscript{278} why the students are conducting one,\textsuperscript{279} the benefits of the assessment,\textsuperscript{280} and how it will be conducted. The assessment should involve three steps: (1) the students should read and assess another student’s work product, including providing positive and constructive written feedback\textsuperscript{281} by completing the Assessment Form and writing comments on the student’s answer; (2) the groups should discuss the results of the assessments, including what they learned from the other student’s work, how they can overcome their weaknesses, and how they achieved their strengths; and (3) the facilitator\textsuperscript{282} should conduct a class discussion of the review, as covered below.

Students’ potential concern that their peer partner(s) will not be motivated to provide adequate feedback on their writing should also be addressed before the assessment. This can be done by providing an incentive for the students to put forth a good faith effort, as discussed under Section III, A, 1, c. Another way to encourage a good faith effort is to have each student confidentially critique his partner’s efforts after the assessment.\textsuperscript{283} A

\begin{itemize}
\item \textsuperscript{276} Id.
\item \textsuperscript{277} I would like to thank Susan Keller for providing comments on this topic.
\item \textsuperscript{278} Hill, supra n. 129, at 692.
\item \textsuperscript{279} See Anderson, supra n. 29, at 143 (Students are generally more willing to put forth good faith effort on a task if they understand why they are completing it and how it will benefit them.); Sergienko, supra n. 26, at 483 (Students will be motivated to provide quality feedback if the task is significant for them.).
\item \textsuperscript{280} Hill, supra n. 129, at 693.
\item \textsuperscript{281} SCHACHTER, supra n. 29, at 210.
\item \textsuperscript{282} The facilitator can be a professor, Academic Support professional, teacher’s assistant, or students in the class.
\item \textsuperscript{283} MUNRO, supra n. 20, at 126.
\end{itemize}
professor can also remind the students of the importance of the teamwork aspect of the exercise.\textsuperscript{284}

Next, provide the students with the Assessment Form and IRAC Assessment Form Suggested Uses and Student Instructions, then follow the training instructions in Appendix 4 for introducing them. The Assessment Form provides the students with a clear set of written criteria to consider and respond to during the assessment,\textsuperscript{285} sets the tone for the assessment,\textsuperscript{286} and helps them to stay on task.\textsuperscript{287} Using the Assessment Form also communicates a professor’s commitment to the peer-assessment process.\textsuperscript{288}

Another way to communicate the assessment expectations and how to accomplish them is to provide the students with examples of past student peer-assessments. The professor should talk through examples of effective and ineffective feedback and what the peer-assessors learned from the experience. Having one or two upperclassmen discuss their experiences while showing examples of their past peer-assessments can also be an effective learning opportunity.

Next, provide the students with a designated length of time that they should spend on each task (\textit{i.e.}, reading and assessing the other’s work, discussing the assessments)\textsuperscript{289} and then have them begin the assessment. The professor may also suggest that students highlight recurring issues as they review the answer. This will help the writer to overcome the common problem of being blinded to one’s own weaknesses. A good example is being conclusory. Many students I have counseled were completely convinced that they fully explained themselves on their exams. It was only when I highlighted all of the areas on their exams where they were conclusory and explained to them why they were conclusory that they began to understand what being conclusory meant. That was the point they became open to talking about ways to overcome this bad habit.

Be actively involved with the groups as they conduct their assessments by walking around the room to confirm they are on task, looking at the

\textsuperscript{284} Hill, \textit{supra} n. 129, at 692.
\textsuperscript{285} LeClercq, \textit{supra} n. 34, at 425; Schachter, \textit{supra} n. 29, at 210.
\textsuperscript{286} LeClercq, \textit{supra} n. 34, at 425.
\textsuperscript{287} Hess \& Friedland, \textit{supra} n. 7, at 138.
\textsuperscript{288} See Hess \& Friedland, \textit{supra} n. 7, at 138.
\textsuperscript{289} Id., at 138.
Assessment Forms to verify students are being thorough with their assessments and understand how to do so, listening to and making comments on their discussions, and answering their questions. Doing so “communicates your commitment to the students, their learning, and the collaborative process,” It also helps to alleviate concern that their peers are as uninformed as they are and that the peers’ assessment is not reliable. Further, it will dispel negative feelings experienced by students when, instead of being vested in the assessment process, a professor leaves the room, does work, or takes a break during the assessment.

It is important to conduct a debriefing session after the assessment because it allows a professor to “reclaim some control over the content of the learning, to summarize major points, and to provide a check for students to evaluate their learning.” One way to conduct the discussion is illustrated in the following example. I provide this example to my student leaders who conduct peer-assessments in their study group classes.

Sally and Joe are partners for an IRAC-based essay exam peer-assessment.

**Facilitator:** “Sally, what did Joe do well on his exam?”

**Sally:** “Joe did a great job with issue spotting. Plus his exam was easy to follow and was very organized.”

**Facilitator:** “Joe, what can you do to improve your exam writing?”

**Joe:** “I need to work on my time-management. I had a hard time fitting everything in so I really rushed at the end and wasn’t as thorough as I wanted to be.”

**Facilitator:** “How are you going to work on those weaknesses?”

**Joe:** “I think sticking to my outline and taking more practice exams will help.”

**Facilitator:** “Joe, what Sally did well on her exam?”

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290 Id. at 139 (quoting Paula Lustbader, Seattle University School of Law).
291 Id.
292 LeClercq, *supra* n. 34, at 425.
293 Hill, *supra* n. 129, at 688.
294 HESS & FRIEDLAND, *supra* n. 7, at 139 (quoting Paula Lustbader, Seattle University School of Law).
295 Additional questions, including follow-up questions on vague or overly broad questions, should be asked as necessary.
Joe: “Sally used an IRAC for each issue. She was also good about not being conclusory.”

Facilitator: “Sally, what can you do to improve your exam writing?”

Sally: “I need to outline my answer before I start writing because my organization wasn’t quite right. I stress out thinking I won’t have time to write my outline, but then the quality of my writing isn’t as good because I don’t outline.”

I have found that students tend to be more receptive to peer-assessments when the debriefing involve the reviewer only commenting on the strengths of the answer while the writer comments on areas for improvement. This also helps to “ensure a supportive context in which students offer fair and nondamaging feedback.”

After the debriefing discussion, a professor should encourage the students to meet with their peers to complete and assess additional work product.

To provide additional feedback, each group can elect one answer for that group. These answers can be submitted for critique. A copy of the critiqued answer should be provided to all students in a group. The professor or Academic Support professional can take this one step further by selecting one or two of the submitted answers to be discussed during a subsequent class or another designated time. The answers can be placed in a PowerPoint document and reviewed with the class to provide feedback on how the professor would critique the exam. The quality and accuracy of the peer-assessors’ comments and also be discussed.

2. Professor and Academic Support Professional Training

A professor should always work on improving himself as a teacher so he can better serve his students as their needs change. This is similar to a person expecting a doctor to be savvy with the newest medicines, techniques, treatments and equipment in the doctor’s area of specialty so he can serve the patient to the best of his ability. This need for a professor to continually grow requires that he humble himself by being open to learning from others. Regardless of other professors’ or Academic Support professionals’ level of experience, the ranking of the law school they

296 Hinett, supra n. 102, at 44.
297 I would like thank Chad DeVeaux for sharing this idea.
298 Teaching the Law School Curriculum, supra n. 26, at 173 (quoting Kevin McMunigal, Case Western Reserve University Law School).
attended, their gender, or age, they are experts in their own way and have unique life experiences and thoughts from which others can gain insights.

One training method is brown-bag lunches during which each person takes turns presenting scholarship, teaching techniques, etc. This provides an opportunity to introduce the Assessment Form in a non-confrontational setting. The brown-bag experience is very beneficial because there is much that can be learned from and about one’s colleagues. It also encourages the coordination of efforts and discussion of ideas rather than professors or Academic Support professionals choosing to be isolated islands.

Another method is to have those whose students will be using the Assessment Form co-teach a boot camp course, workshop, or review session with the person who is implementing use of the Assessment Form. This will expose them to the Assessment Form’s use in a classroom setting. It is also an avenue for introducing peer-assessments.

Another option that is time-consuming but very effective is for a person who intends to use the Assessment Form to have one-on-one meetings with other professors and Academic Support professionals at his school. Depending on the reason for introducing the Assessment Form to the others, the purpose of the meetings can be to inform them of what will be done with the form and why, and to receive their approval for doing so should using the form impact others’ courses. It can also be to share the excitement of using the Assessment Form and to encourage them to do the same. Regardless of the reason for introducing the Assessment Form to the others and how this is accomplished, some are more receptive to the Assessment Form if it is introduced in this intimate setting and if they are asked for their input on its content and implementation.

B. Considering Past Successes, Failures, Insights and Lessons Learned
Having worked with the Assessment Form for six semesters, I have learned some exciting and frustrating things about its use and implementation. First, students who complete it prior to their review meetings generally recognize some of their weaknesses and what caused them. Consequently, the meetings focus on steering students in the right direction when their hypotheses prove to be off, providing additional suggestions on how to improve, and pointing out their strengths.

Second, female students, regardless of race, tend to both embrace and benefit from the Assessment Form more than male students. My
counseling of female students revealed that many avoided visiting professors. This common female aversion may stem from feeling pressed to prepare for the meetings because they have difficulty maintaining the flow of conversation,\textsuperscript{299} traditionally experiencing less engagement than males when interacting with their professors,\textsuperscript{300} feeling insecure about their ability to build rapport with professors, or being hesitant about approaching them out of fear that the professors will not know them.\textsuperscript{301} It could also result from females feeling less comfortable than males in law school\textsuperscript{302} or females’ tendency to “respond to law school by experiencing greater feelings of alienation and loss of confidence than male students.”\textsuperscript{303}

Due to these and likely other fears and insecurities, I required all of the students working with my department to visit their professors using the Assessment Form, otherwise most of the female students would never have done so. One such student was Gina, a second year student who was terrified to meet with her professors. After completing her required meetings, she excitedly told me that using the Assessment Form helped her to relax during the visits because she felt prepared. Many other female students echoed this sentiment and were surprised by how beneficial the meetings were. Others were excited to learn precisely what they were doing wrong on their exams so they could take steps to improve their exam writing skills, thanks to the level of detail of the Assessment Form.

The exceptionally positive female response to the Assessment Form was exciting and satisfying, as was seeing them gain confidence and understanding that they carried forward to future semesters. Having female students use the form during review visits with professors is one way to improve their circumstances because it helps them to learn to constructively face uncomfortable or dreaded situations rather than avoiding or removing themselves from the situations. This develops skills

\textsuperscript{299} Bashi & Iskander, supra n. 182, at 420-421.
\textsuperscript{300} Id. at 399 (This feeling was found irrespective of the individual female respondents’ achievements as viewed by the school.).
\textsuperscript{301} Id. at 416.
\textsuperscript{302} IJIMA, supra n. 171, at 205.
\textsuperscript{303} Bashi & Iskander, supra n. 182, at 396; Hess, supra n. 10, at 76 (citing Joan M. Krauskopf, Touching the Elephant: Perceptions of Gender Issues in Nine Law Schools, 44 J. LEGAL EDUC. 311, 328 (1994)(involved a 1994 study of students at nine law schools).)
and experiences they can apply forward to their careers and may have a positive effect on their retention as lawyers. 304

Third, during prior semesters there were some lower achieving students who resented having to use the Assessment Form. 305 The students I worked with in spring 2010 were more open to using it. This refreshing change may have been due to any number of factors, including: amending the Assessment Form; providing the students with the Assessment Form Uses and Student Instructions and Suggestions on How to Overcome Specific IRAC Exam Writing Weaknesses; introducing the students to the Assessment Form during their first semester of law school; and/or working with a different group of students.

The lesson learned from this positive turn of events is the need to persevere when a one believes in the Assessment Form and its accompanying documents. One should not allow negative comments from students or other professors or Academic Support professionals to dissuade him from using the forms. Instead, these comments should be used as a springboard for improving the forms and/or their implementation. The reward I experienced from following this approach, despite three semesters of receiving more negative than positive comments, was finally having a smooth semester without student or professor complaints or backlash, and experiencing students’ excitement about using the forms.

Fourth, I learned that life tends to reward effort; 306 students generally get out of the Assessment Form what they put into it. This lesson was echoed by a student who commented on his or her response to a spring 2010 survey on the effectiveness of the form, “What you put into completing the Assessment Form is exactly what you will get out of it. If you take it seriously it is extremely helpful.” 307

304 SUSAN SMITH BLAKELY, BEST FRIENDS AT THE BAR 13 (2009).
305 Taylor, supra, n. 168, at 263 (“It is the lower-achieving student who is less involved, studies less, feels less competent, resents the demands made upon him and feels generally dissatisfied with his first year experience.”).
306 SHAPO & SHAPO, supra n. 70, at 215.
307 This comment was in response to Question 8 of the survey summarized in Chart 3. Question 8 was: “One thing I learned from completing the [Assessment Form] for my fall final exams was.”
Students who maintain a poor attitude towards the Assessment Form will waste their and their professors’ time, whereas students who embrace the form, or are at least open to using it as a learning tool, will find it to be effective. Some students will inevitably become converts after using the Assessment Form during a peer-assessment, hearing the benefits experienced by other students, or experiencing the benefits first-hand. Initially requiring all students to use the Assessment Form and then talking to them individually or in small groups about their experience will reveal where each student falls on the acceptance scale. Requiring continual use of the Assessment Form by students who do not accept it is not an effective use of time for the students or professor.

IV. IMPROVING ACADEMIC SUPPORT DEPARTMENTS’ ABILITY TO ASSIST STUDENTS WITH THEIR EXAM WRITING SKILLS

One reason for creating the Assessment Form was to assist with academic counseling in the Academic Support Department at my school. Using the Assessment Form became necessary because, although it would have been wonderful if the students had taken careful notes during their exam review meetings, as suggested by Adam Todd, and then reported their findings in detail, this was not a reality. Instead, those students who conducted exam reviews without the Assessment Form generally provided very vague findings. They were also frequently confused as to why they did not perform well. This necessitated asking each student numerous follow-up questions to determine their strengths and weaknesses, which was frustrating and not an effective use of time or resources.

Having a student complete the Assessment Form before an academic counseling meeting requires that he assess his exam weaknesses and strengths. The purpose of the meeting then becomes uncovering why the student has those weaknesses and how to overcome the weaknesses and hone the strengths. This greatly reduces the amount of time spent counseling students. For example, if the Assessment Forms indicate that the student was conclusory in torts, contracts, and civil procedure but not criminal law, ask the student about the format of the exams. Criminal law courses generally have race horse exams that require very little analysis, whereas torts, contracts, and civil procedure courses require deeper analysis. This finding provides direction for the counseling sessions and a concrete weakness for the student to work on.

Organization and consistency are another way the Assessment Form assists Academic Support Departments. Having designated forms to track each student’s exam writing performance is far more effective than writing notes on a notepad or keeping track in Outlook reminders. Doing so also makes certain that each student is held to the same criteria.

The Assessment Form also tracks a student’s exam performance. Sometimes a student will work with an Academic Support Department one semester and then not work with the Department again until many months or years later. Keeping the Assessment Forms in the student’s file evidences his past performance and provides a means of comparison with his current performance.

V. ASSESSMENT OF THE ASSESSMENT FORM

A. Student Survey Responses to Original Version of Assessment Form
In fall 2009, thirty-three second and third year students who were required to use the original version of the Assessment Form (Appendix 5) to review their spring 2009 final exams responded to a survey regarding its effectiveness. The survey results are summarized in Appendix 6.

My responsive actions to the students’ feedback were based on the prevalence of responses and my experience with using the Assessment Form for numerous semesters. One action I took to respond to the students not fully understanding the form, as indicated in response to Question 2, was to create the IRAC Assessment Form Suggested Uses and Student Instructions (Appendix 2). I also introduced the Assessment Form to the students during their mandatory, introductory boot camp course beginning in January 2010. During this course, the Assessment Form’s content and purposes were explained. They were then required to use the form to critique another student’s practice exam. In prior semesters our Academic Support Department verbally explained the Assessment Form to students when we met with them for one-on-one academic counseling; their first use of the form was to review their prior semester’s finals with their professors.

309 Question 2: “I understood the purpose of using the [Assessment Form] for review of my spring final exams.”
In evaluating the survey responses, it was determined that the “somewhat helpful” response to Question 3\(^{310}\) given by sixteen students likely related to a number of comments stated in response to Questions 4, 6 and 7. These related comments in response to Question 4\(^{311}\) included: “More open-ended questions;” “Make particular to the class and how the exam would be written;” “Gear the evaluations to written comments by students about what they felt their strengths and weaknesses were rather than forcing the student to pick from a list that might not adequately represent what the actual problems were;” and “I had just a bit of difficulty in applying the [Assessment Form] to what the professor actually wanted to cover.” Comments related to Question 6\(^{312}\) are, “Content can be improved by putting more blanks where the professor writes input” and “Allow for more self-written evaluation.” Finally, pertinent responses to Question 7\(^{313}\) are, “Maybe more ‘other’ sections for more professor input” and “A few less questions but more room for comments.”

In response to these survey comments, writing space was added after each listed item in the Assessment Form, as was a “General Comments” section at the end of the form. This supplemented the already existing “Other” blank writing areas. I did this to provide a student with more freedom to amend or add to the listed options. For example, if a student determines that he missed a lot of issues on the first question of an exam but not on the second question, he can write “Only first question” in the space provided after the “Missed a significant number of / some issues” category. This ability to provide further details allows a student to more accurately convey his exam strengths and weaknesses and preserve his observations for future use. A student looking back through prior Assessment Forms will not be misled into thinking his performance was different than it was because the form accurately reflects the performance.

Interestingly, in response to Question 5\(^{314}\), thirteen students indicated that the Assessment Form subsections (i.e., Issues, Rules, Analysis, etc.) had too much detail, yet thirteen students also indicated that the categories under these subsections were helpful. Further, one student indicated that

\(^{310}\) Question 3: “The format (layout – breaking down in IRAC) of the [Assessment Form] was:”

\(^{311}\) Question 4: “How can the format of the [Assessment Form] be improved?”

\(^{312}\) Question 6: “How can the content of the [Assessment Form] be improved?”

\(^{313}\) Question 7: “One thing I would change about the [Assessment Form] is:”

\(^{314}\) “The content (items listed under each section) of the [Assessment Form] was:”
the categories “provided a basis for [his] intent in meeting with the professor.” These were interpreted as meaning that the categories listed within the subsections should be maintained but simplified. This was further supported by the eight comments in the open-ended questions of the survey which suggested that the form was too long, had too many questions, and was repetitious.

Consequently, the Assessment Form was reduced from four to three pages by combining a number of categories within subsections and combining the “Why you succeeded or did not succeed” categories with the “General comments regarding why did not perform well on exam.” The reduced length and number of categories to which a student responds was intended to make the form less intimidating and burdensome, thereby increasing the likelihood that a student will make a good faith effort when using the form.

Two comments were given regarding providing feedback on what a student can do to improve his exam writing based on what he learns from the Assessment Form. The students stated, “More specific questions on the review that look forward to what we can do to improve,” and “There should be a section regarding ‘study tip improvements.’ This section would incorporate professor comments, too.” I created the How to Overcome Specific IRAC Exam Writing Weaknesses form (Appendix 4) to respond to these comments. My second incentive for creating this form was to further my goal of training students to self-assess and change their study habits without always having to ask a professor for suggestions or, when no suggestions are given, choosing to make broad-sweeping changes.

Despite the three suggestions to either have professor fill out the form or have more input in completing the form, I chose to still have the students complete the form. Many professors provide some written feedback on exam answers; some also provide a detailed grading sheet. This, taken into consideration with the fact that law schools generally have large classes, means that a professor’s time would be better spent having a student ask detailed, clarifying questions rather than the professor completing the Assessment Form himself. Also, one of the primary purposes of the Assessment Form is to assist a student with self-assessments. To do so, he needs to take the time to review his exams and complete the Assessment Form prior to exam review meetings with his professors. Anything short of this is not an effective use of his or his professors’ time.

B. Student Survey Responses to the Second Version of the
Assessment Form

In spring 2010, nineteen students responded to a survey regarding the effectiveness of the amended version of the Assessment Form based on their use of the form to review their fall 2010 final exams. The survey results are summarized in Appendix 7.

Based on these student comments, the format and content of the third version of the Assessment Form (Appendix 1) seem significantly improved from the original version (Appendix 5). The assessments and changes made to date illustrate that the Assessment Form is an ever-evolving creation that needs continual assessment.

C. Future Assessment

Another assessment that will be conducted is determining the effectiveness of the Assessment Form and its accompanying documents as a unit. Ideally, the assessment should be done at the beginning of a spring semester when the fall final exams are relatively fresh in the students’ and professors’ minds. Working with students who will have midterms in all of their casebook classes for both the fall and spring semesters would also be preferred. This would increase the number of IRAC-based exam self-assessments the students would perform.

The first step will be having all probationary students and some non-probationary students self-assess their fall finals. Next, they will meet with me individually when they will be asked a series of questions based on their self-assessments. For example, I will ask them about strengths and weaknesses they discovered in each class, why they believe they exhibited those weaknesses, and what changes, if any, they intend to make to their study habits to overcome their weaknesses and enhance their strengths.

Next they will be introduced to the Assessment Form and accompanying documents and trained on assessing exam writing skills. This will be done in a group setting. The students will then conduct a peer-assessment, the results of which will be discussed as a group. Finally, examples of prior self- and peer-assessments will be provided and discussed.

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315 The second draft of the Assessment Form is available by request.
316 Probationary students are required to work with the Academic Support Department.
317 I will ask some non-probationary student to volunteer for the assessment because only probationary students will be required to participate.
For the third step, the students will review their final exams a second time using the Assessment Form. After meeting with their professors to discuss the exams, they will provide me with the completed Assessment Forms.

The fourth step will be me reviewing the students’ IRAC-based final exam answers. I will complete an Assessment Form for each exam.

For the fifth step, I will meet individually with the students to ask a series of questions based on the results of their Assessment Form self-assessments and exam review meetings. The questions will focus on comparing the findings from the self-assessment without the Assessment Form to the one with the form and exam review meeting. They will also be asked questions regarding the effectiveness of the assessments and what they learned from one versus the other.

The sixth step will be comparing the students’ Assessment Forms with the ones I completed. I will evaluate whether they accurately self-assessed their performance and the causes of their weaknesses. It will be considered whether they put forth a good faith effort when completing the documents.

The next step will be repeating steps three through six for the students’ IRAC-based spring midterms. The Assessment Forms for the final and midterm exams will be compared to determine if the students’ have improved their self-assessment and exam writing skills.

Finally, it will be determined if there is a correlation between students’ use of the Assessment Form and accompanying documents and an increase in their cumulative grade point average. It will also be considered if there is a correlation between the documents’ use and individual course grades for courses with IRAC-based exams. This will be accomplished by comparing their grades in IRAC-based courses from the fall and spring semesters. A review of the range between the highest and lowest grade in these classes across the two semesters will be done to determine if the students became more consistent. This is because one of the purposes of the documents is to assist the students with making changes to their study habits on a class-by-class basis so they can perform consistently across their classes.

The difficulty with this final step will be the other factors that may affect the students’ performance. Those students who participate in the assessment will be on academic probation. In addition to using the
Assessment Form and accompanying documents, they will be required to participate in one-on-one academic counseling and attend mandatory seminars aimed at improving their exam taking skills. Many of these students will also have a heightened stress level, beyond that of the average student. This is due to the pressure they will be under to regain good academic standing. To assist with overcoming these variables, I will seek non-probationary student volunteers to participate in the assessment. The non-probationary students will not participate in the one-on-one counseling or seminars, thereby providing a control group.

Based on the results of this assessment, it will be determined whether to continue use of the Assessment Form and its accompanying documents. If it is decided to discontinue their use, I will ask the students who participated in the study to provide suggestions on other types of exam review forms that would assist with students’ self- and peer-assessments. Another option would be to host a contest that is open to the entire student body. To participate, students would submit an exam review form and its accompanying documents. The winner would receive a prize.

**CONCLUSION**

This article served to accomplish three things. First, to provide students with feedback tools that will help them achieve academic success and improve the quality of their law school experience. Students who do not receive feedback or receive inadequate feedback should use the Assessment Form and accompanying documents to proactively and creatively find ways to obtain feedback. They should never be afraid or too proud to ask others for assistance with generating this feedback.

Second, to encourage professors and Academic Support professionals who believe students should receive adequate feedback to take steps towards providing the feedback rather than only wishing circumstances were different. They should realize that their “individual expectations and approach[es] to teaching can have just as much impact on education reform as changes made to curriculum, process, and procedure.”

Further, even a minority of committed individuals can initiate significant changes at their schools. For, as Helen Keller stated, “I am only one, but still I am one. I

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318 Sonsteng et al., *supra* n. 91, at 169.
319 MUNRO, *supra* n. 20, at 84.
cannot do everything, but still I can do something; and because I cannot do everything, I will not refuse to do something that I can do."

Third, to provide Academic Support professionals with tools to help them monitor student exam writing progress and organize this information. The documents also allow the professionals to have in-depth one-on-one meetings and to provide more student-specific suggestions and assignments.

In closing, although the Assessment Form and accompanying documents may not be a miracle cure for the lack of quality formative assessment problems experienced at law schools, they are a means of working towards overcoming this problem one student, one professor, and one Academic Support Department at a time. Admittedly, not all students who use the documents believe they are useful; however, the positive changes in attitude, confidence, grades, and motivation experienced by those who do find them to be useful has made creating and implementing the documents a very rewarding experience.

APPENDIX 1: IRAC ASSESSMENT FORM (THIRD VERSION)

**DIRECTIONS:** This form was created for use during student peer- and self-assessment of IRAC-based work product. It helps you determine the specific parts of IRAC exam writing that you are struggling with in your casebook classes and allows you to track your writing progress throughout the semester.

1. Draft an answer to a review problem or partial or complete practice exam using the IRAC format;
2. Review the below chart to familiarize yourself with its contents;
3. Check off and circle the applicable items in the chart based on what was done correctly or incorrectly. For example, if you missed only one of four issues, you would check the “Missed all / some issues” option, circle “some,” and write the issue you missed, “battery.”
4. Write other comments in the “other” areas as necessary to further clarify what you did right or wrong.
5. Complete one form per answer.
6. Use the Suggestions on How to Overcome IRAC Exam Weaknesses handout to determine what changes you should make to your study habits.
7. Use the IRAC Assessment Form Suggested Uses and Student Instructions to learn other ways to use the form.
8. Save all Assessment Forms so you can review them to determine if there are patterns or inconsistencies with your strengths and weaknesses.

**Author’s Name:** _______________________  **Assessor’s Name:** ___________________________

**Class:** ___________________  **Subject(s):** ______________________  **Exam Date:** __________________

**Professor’s Signature:** ____________________  **Date of Exam Review Meeting:** ___________

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<td>___ Stated in format preferred by professor</td>
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<tr>
<td>___ Did not forget any conclusions</td>
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<tr>
<td><strong>Other</strong>: (please write in additional feedback/thoughts)</td>
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<tr>
<td>OVERALL WORK PRODUCT</td>
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<tr>
<td>___ Was unorganized</td>
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<tr>
<td>___ Contained spelling / grammatical (circle which applies) errors</td>
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<td>___ Was organized</td>
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<td>___ Was clean work</td>
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</table>

**Other**: (please write in additional feedback/thoughts)

<table>
<thead>
<tr>
<th>GENERAL COMMENTS</th>
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</table>
APPENDIX 2: IRAC ASSESSMENT FORM SUGGESTED USES AND STUDENT INSTRUCTIONS

<table>
<thead>
<tr>
<th>Suggested Uses</th>
<th>Purpose</th>
<th>When to Use the Assessment Form</th>
<th>Why to Use the Assessment Form as Suggested</th>
<th>How to Complete the Assessment Form</th>
</tr>
</thead>
</table>
| Midterm Exam Review  | To learn how to self-assess your exam writing skills, then, based on the results, make changes to your study habits to overcome your exam writing weaknesses. | As soon as you receive back your midterms so that you can change your study habits based on the feedback you receive. | 1. You cannot learn from your mistakes unless you know what those mistakes are.  
2. Law school exams are multi-faceted – there are many parts to each concept – so it is important to know what specific problems you have with your issues, rules, analysis, conclusions, and general writing skills. Just knowing that your analysis needs work is not sufficient – which part of the analysis?  
3. The Assessment Form trains you to self-critique your exam writing skills – it shows you | 1. Review the Assessment Form so that you are familiar with its contents.  
2. Review your graded midterm; highlight comments or markings you do not understand or if you are uncertain what steps to take to address them.  
3. Go through the Assessment Form, marking with a pencil those items that you believe you did right and wrong. Write in other comments as necessary to further clarify. **Highlight** those areas in which you are uncertain what you did right or wrong. **Complete one Assessment Form per exam.**  
4. Prepare a list of **specific questions** for your professor to clarify things you are uncertain about on the Assessment Form and your exam. Generally professors want you to lead the discussion.  
5. During the exam review meeting with your professor, ask your clarifying questions and complete the Assessment Form with a pen, firming up your prior thoughts and changing those |

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321 For example, instead of asking “What was wrong with my analysis?” you could ask, “When you continually commented ‘why,’ were you implying that I was being conclusory?”
<p>| | | | |</p>
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<tbody>
<tr>
<td></td>
<td></td>
<td>what professors are looking for and <em>not</em> looking for so that you can confirm whether you are complying with their expectations.</td>
<td>that were inaccurate. Treat it like a deposition – begin with specific questions, then ask follow-up questions as necessary.</td>
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<tr>
<td></td>
<td></td>
<td>6. Have the professor sign the Assessment Form if the meeting was required. The professors have been asked to not sign the form if you have not done your due diligence in preparing for and leading the discussion.</td>
<td>6. Have the professor sign the Assessment Form if the meeting was required. The professors have been asked to not sign the form if you have not done your due diligence in preparing for and leading the discussion.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7. Compare your midterm exam Assessment Forms with those from your review problems and/or practice exams from the semester in which you took the midterms to determine if you improved and/or worsened, and if you did, in which areas, and to look for common threads and/or inconsistencies – these may vary by class and/or topic.</td>
<td>7. Compare your midterm exam Assessment Forms with those from your review problems and/or practice exams from the semester in which you took the midterms to determine if you improved and/or worsened, and if you did, in which areas, and to look for common threads and/or inconsistencies – these may vary by class and/or topic.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8. Refer to the <em>Suggestions on How to Overcome Specific IRAC Exam Writing Weaknesses</em> handout to determine what changes can be made to your study habits to overcome your weaknesses.</td>
<td>8. Refer to the <em>Suggestions on How to Overcome Specific IRAC Exam Writing Weaknesses</em> handout to determine what changes can be made to your study habits to overcome your weaknesses.</td>
</tr>
</tbody>
</table>

322 Feel free to meet with Professor Zuber-Harshman to discuss how to use any of these forms or how to implement changes to your study habits based on the results of your assessments.
| **Final Exam Review** | To learn how to self-assess your exam writing skills, then, based on the results, make changes to your study habits to overcome your exam writing weaknesses. | Use the Assessment Form to assess your work as soon as you receive back your exams because the exam will be fresh in your mind. Meet with your professors to discuss your assessment as soon as they will allow you to.⁴²³ | 1. See items 1 – 3 under Midterm Exam Review.  
2. You will be expected to write exams in future classes based on a version of the same basic IRAC format you used in prior classes, so you can learn from past finals.  
3. Refer to the Suggestions on How to Overcome Specific IRAC Exam Writing Weaknesses handout to determine what changes can be made to your study habits to overcome your weaknesses. |

| **Practice Exams Submitted to Professors or Academic Support Professionals** | To learn how to self-assess your exam writing skills, then, based on the results, make changes to your study habits to overcome your exam writing. | Before midterms and finals. Complete the Assessment Form as soon as you receive back your critiqued exam. If possible, complete the Assessment. | 1. See items 1 – 3 under Midterm Exam Review.  
2. Compare the Assessment Forms with those from your midterms, practice exams, and review problems from the same semester to determine if you improved and/or worsened, and if you did, in which areas, and to look for common threads and/or inconsistencies – these may vary by class and/or topic.  
3. Refer to the Suggestions on How to Overcome Specific IRAC Exam Writing Weaknesses handout to determine what changes can be made to your study habits to overcome your weaknesses. |

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³²³ For fall semester finals, professors generally start allowing exam review office visits just prior to the start of spring classes or when classes start. For spring semester finals, professors often will not allow these visits until the beginning of August or immediately before fall classes start. Some professors are more open to spring final reviews, including those who (1) are on campus teaching during the summer, (2) prefer to complete exam reviews prior to fall classes, and (3) are consistently open to students requesting office visits.
<table>
<thead>
<tr>
<th><strong>weaknesses.</strong></th>
<th>Form and meet with your professor to review your exam at least five calendar days prior to your exam so you will have time to change your study habits and improve your writing skills before the exam.</th>
<th><strong>How to Overcome Specific IRAC Exam Writing Weaknesses</strong> handout to determine what changes can be made to your study habits to overcome your weaknesses.</th>
</tr>
</thead>
</table>
| **Review Problems Submitted to Professors or Academic Support Professionals** | To learn how to self-assess your exam writing skills, then, based on the results, make changes to your study habits to overcome your exam writing weaknesses. Consistently throughout the semester, as permitted by your professors and Academic Support professionals.  
1. See items 1 – 3 under Midterm Exam Review. | 1. See items 1 – 3 under Practice Exams Submitted to Professors or Academic Support Professionals.  
2. Meet with a friend(s) to complete a selected practice exam, portion of a practice exam, or review problem.  
2. Complete the exam or problem closed-book. Time |
| **Peer-Assessments of Practice Exams** | To learn your exam writing strengths and weaknesses Complete the Assessment Form as you conduct the peer- | 1. See items 1 – 3 under Midterm Exam Review.  
2. Most students are not able to receive as much |
Review Problems

as viewed by others and from viewing others’ work-product.

Conduct peer-assessments throughout every semester beginning approximately week 3 or 4.

substantive feedback on their exam writing skills from their professors as they would like.

Having another pair of unbiased eyes view your work product helps you to see strengths and weaknesses that you may be blinded to.

3. Exchange work product with the friend(s).

4. Review the Assessment Form so that you are familiar with its contents.

5. Fill out the Assessment Form as you read the other student’s work product. Write positive and constructive comments on the Assessment Form and work product.

6. Add additional, clarifying comments to the Assessment Form, as necessary. For example, if the student did a good job spotting issues for the first part of the fact pattern but then missed a number of issues in the latter part, note this clarification in the Issue section.

7. After the critique is completed, discuss the exam/problem and the comments each of you made.

8. Compare the Assessment Form with those from prior exams and review problems to determine if you improved and/or worsened, and if you did, in which areas, and to look for common threads and/or inconsistencies – these may vary by class and/or topic.

9. Discuss ways you can overcome your weaknesses and hone your strengths by reviewing the Suggestions.

You can begin assessments once a professor has completed a topic in a class (e.g., battery) and you have studied the topic.
<table>
<thead>
<tr>
<th><strong>Self-Assessment of Practice Exams and Review Problems</strong></th>
<th><strong>As you have time throughout the semester (in addition to the items referenced above) beginning approximate week 3 or 4.</strong></th>
<th><strong>1. See items 1 – 3 under Midterm Exam Review.</strong>&lt;br&gt;2. Generally speaking, the more you practice critiquing your work product and changing your study habits accordingly, the more effective you will become at writing exam answers.**</th>
<th><strong>1. Review the Assessment Form so that you are familiar with its contents.</strong>&lt;br&gt;2. Complete a portion of a practice exam, full practice exam, or review problem that has a sample answer/outline. Do the exam or problem closed-book. Time practice exams.&lt;br&gt;3. Fill out the Assessment Form.&lt;br&gt;4. Compare the Assessment Form with those from prior exams and review problems to determine if you improved and/or worsened, and if you did, in which areas, and to look for common threads and/or inconsistencies – these may vary by class and/or topic.&lt;br&gt;5. Refer to the <em>Suggestions on How to Overcome Specific IRAC Exam Writing Weaknesses</em> handout to determine what changes can be made to your study habits to overcome your weaknesses.**</th>
</tr>
</thead>
</table>
## APPENDIX 3: SUGGESTIONS ON HOW TO OVERCOME SPECIFIC IRAC EXAM WRITING WEAKNESSES

<table>
<thead>
<tr>
<th>WEAKNESS</th>
<th>SUGGESTED SOLUTIONS</th>
</tr>
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<tbody>
<tr>
<td>Use improper issue formats</td>
<td>1. Ask your professors how they want issues stated.</td>
</tr>
<tr>
<td></td>
<td>2. Look at professors’ practice exam sample answers to determine how they want issues stated.</td>
</tr>
<tr>
<td></td>
<td>3. Write issue statements for a practice exam for each of your professors then review them with your professors.</td>
</tr>
<tr>
<td>Have poor issue spotting abilities</td>
<td>1. Make sure you understand all of the material covered in your classes.</td>
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<tr>
<td></td>
<td>a. Take 1 – 2 practice exams per class at least two weeks before your exam to determine weak areas.</td>
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<td></td>
<td>b. Use supplements, multiple choice questions, review groups, office visits, CALI, and review problems continually throughout the semester to determine what you do/don’t understand and to gain understanding of all subjects.</td>
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<tr>
<td></td>
<td>2. Work on memorization.</td>
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<td></td>
<td>a. Determine if your memorization methods are appropriate for your learning styles; change the methods if they are not. Determine your learning styles by taking the VARK test at: <a href="http://www.vark-learn.com/english/page.asp?p=questionnaire">http://www.vark-learn.com/english/page.asp?p=questionnaire</a>. Please note: You can select more than one answer to each question.</td>
</tr>
<tr>
<td></td>
<td>b. Memorize in different ways to cater to each high scoring learning style and to keep studying interesting.</td>
</tr>
<tr>
<td></td>
<td>c. Create a checklist for each class of all the issues that could be on your exams. Organize the issues in a logical fashion (e.g., all intentional torts in the order covered in class). Memorize the list. Practice writing/saying the issues in order.</td>
</tr>
<tr>
<td></td>
<td>3. Use multiple choice questions to improve your ability to issue spot.</td>
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<tr>
<td></td>
<td>Multiple choice questions are IRACs: there is an issue you are to resolve (Was it battery?); you must know a rule to answer the issue (battery); and you must analyze the situation by applying the facts to the rule to reach a conclusion (no, it wasn’t battery) and select the correct answer. By answering hundreds of multiple choice questions for each class throughout the semester you can see dozens of ways in which each issue can be raised (e.g., touching a person’s arm with a plate is sufficient contact for battery).</td>
</tr>
</tbody>
</table>

### RULES

| Have | 1. Read and brief all of the cases in the required reading for your casebook |

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326 The list of weaknesses and suggestions contained in this handout is not exhaustive.
327 CALI can help you determine if you understand a topic and which specific parts you don’t understand. It can also help you to gain a better understanding of the topics because it provides detailed answers.
difficulty remembering rules

1. Attend all of your classes.
2. Review your rules with a partner/group.
3. Meet with your professors to review your rule statements.
4. Write/type rules verbatim when your professors indicate that you are to know a specific wording for a rule.

ANALYSIS

1. Stick to the equation.
   Write the following equation at the top of your exam outlines before writing/typing your answer so you remember to follow it: \( \text{ANALYSIS = buzz words + LSF}^{328} + \text{arguments} \)
2. Let your outline be your guide.
   Write the relevant LSF for each issue on your outline using shorthand.\(^{329}\)

---

\(^{328}\) Legally significant facts.

\(^{329}\)
Check each of them off as you use them.

3. **Conduct peer-assessments using the IRAC Assessment Form.**
   This allows you to see examples of other students being conclusory (most students are conclusory at one time or another) and where you are being conclusory. Critiquing others’ work has beneficial effects on students’ self-assessment capabilities, overcoming their weaknesses, and motivating them to improve their writing.

4. **Submit short writing samples to each of your casebook professors for them to critique.**
   a. Short means something that your professor can critique in just a few minutes, even while you are meeting with the professor to discuss your work product. Examples of short writing samples are writing an answer to one review problem or one or two issues on a practice exam. *You should always ask your professor whether you can submit work product and then agree upon what can be submitted before doing so.*
   b. Professors generally prefer that you submit small, single issue writing samples before you submit a practice exam. This allows them to help you hone your basic exam writing skills before applying those skills toward a full exam. It is also faster for them to review smaller samples and lets you receive more feedback throughout the semester.

5. **Incorporate the words “when” and/or “because” into your analysis.**
   Using these words forces you to explain yourself. For example, “John unlawfully detained Jane when he…” You would use buzz words and LSF after the “when” to support this statement.

6. **Pretend that you are writing to a client who knows nothing about the law.**
   If you view your job on your exams to be educating your client, you will have to explain how you reach your conclusions so he can see your thought process.

7. **Write the word “why” in big letters at the top of your outline.**
   Train yourself to constantly answer this question when writing answers to practice exams and review problems.

| Only list facts rather than analyzing | 1. **Stick to the equation.**
Write the following equation at the top of your exam outlines before writing/typing your answer so you remember to follow it: \( \text{ANALYSIS} = \text{buzz words} + \text{LSF} + \text{arguments} \)

2. **Let your outline be your guide.**
Write the relevant buzz words and arguments for each issue on your outline using shorthand. Check each of them off as you use them.

3. **Be comfortable with having white space on your exam answers.**
Force yourself to have a separate paragraph for each part of the IRAC so you’ll remember that it isn’t IRFAC or IFRAC.

4. **Conduct peer-assessments with other students using the IRAC Assessment**

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329 These should be short-hand so you do not spend more than the suggested approximate 1/6 of the exam time preparing to write.
5. **Submit short writing samples to each of your casebook professors for them to critique.**
   a. Short means something that your professor can critique in just a few minutes, even while you are meeting with the professor to discuss your work product. Examples of short writing samples are writing an answer to one review problem or one or two issues on a practice exam. You should always ask your professor whether you can submit work product and then agree upon what can be submitted before doing so.
   b. Professors generally prefer that you submit small, single issue writing samples before you submit a practice exam. This allows them to help you hone your basic exam writing skills before applying those skills toward a full exam. It is also faster for them to review smaller samples and lets you receive more feedback throughout the semester.

### Don't use enough LSF

| 1. Let your outline be your guide.   |
| Write the relevant LSF for each issue on your outline using shorthand. Check each of them off as you use them. |
| 2. Conduct peer-assessments with other students using the IRAC Assessment Form. |
| This allows you to see examples of other students being conclusory (most students are conclusory at one time or another) and where you are being conclusory. Critiquing others’ work has beneficial effects on students’ self-assessment capabilities, overcoming their weaknesses, and motivating them to improve their writing. |
| 3. Submit short writing samples to each of your casebook professors for them to critique. |
| a. Short means something that your professor can critique in just a few minutes, even while you are meeting with the professor to discuss your work product. Examples of short writing samples are writing an answer to one review problem or one or two issues on a practice exam. You should always ask your professor whether you can submit work product and then agree upon what can be submitted before doing so. |
| b. Professors generally prefer that you submit small, single issue writing samples before you submit a practice exam. This allows them to help you hone your basic exam writing skills before applying those skills toward a full exam. It is also faster for them to review smaller samples and lets you receive more feedback throughout the semester. |

### Do not understand what

| 1. Ask your professors what they want. |
| 2. Look at professors’ practice exam sample answers. |
| 3. Ask your professors to provide examples of good and poor analysis from |
| professors want for analysis | 4. Submit short writing samples to each of your casebook professors for them to critique.  
| a. Short means something that your professor can critique in just a few minutes, even while you are meeting with the professor to discuss your work product. Examples of short writing samples are writing an answer to one review problem or one or two issues on a practice exam.  
| You should always ask your professor whether you can submit work product and then agree upon what can be submitted before doing so.  
| b. Professors generally prefer that you submit small, single issue writing samples before you submit a practice exam. This allows them to help you hone your basic exam writing skills before applying those skills toward a full exam. It is also faster for them to review smaller samples and lets you receive more feedback throughout the semester. |
| Do not know when to stop writing on an issue | 1. Create time allocations and stick to them!!!  
| 2. Ask your professors for tips.  
| 3. Write a few timed, closed-book practice exams.  
| 4. Write the buzz words and short-hand versions of the LSF and arguments on your outline. When you have discussed all of them or are running out of time (based on your time allocations) move on!  
| 5. Remember that exam writing is a points game. You will obtain more points by somewhat discussing all issues rather than deeply discussing some issues.  
| 6. Remember that there is a maximum number of points you can receive for any given analysis. Just because you write a lot doesn’t mean you’ll get more points. |
| CONCLUSIONS | 1. Write I R A C on your outline for each issue. Check off each part as you complete it.  
| 2. Force yourself to have a separate paragraph for each part of the IRAC so you’ll realize when you do IRA instead or IRAC.  
| 3. Train yourself to stick to the IRAC by using I R A C headings for each issue on your practice exams (not your real exams) and review problems, like this: I: Whether John is liable for battery. R: Battery is… A: When John threw the ball at Kelly… C: John committed battery.  
| 4. Use headings and subheadings for each issue and subissue to remind yourself that you need to conclude at the end of each.  
<p>| OTHER EXAM WRITING PROBLEMS | 1. Outline a practice exam for each of your classes using only headings and |</p>
<table>
<thead>
<tr>
<th><strong>large scale organization</strong></th>
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<tbody>
<tr>
<td>subheadings. Review them with your professors. Outline additional exams and review them with your professors until you feel comfortable with your organization skills.</td>
<td>2. Ask your professors for suggestions on how to organize their exams.</td>
<td>3. Look at practice exam sample answers to see how they are organized.</td>
</tr>
<tr>
<td>4. Outline your answers before writing and <em>stick to the outline</em>!</td>
<td>5. Using headings and subheadings.</td>
<td>6. Create exam approaches for all issues in each class, or, at a minimum, the issues that are the most complex and/or confusing.</td>
</tr>
<tr>
<td>7. If you type, try writing some practice exams; if you write, try typing some exams to see if this improves your organization.</td>
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</table>

<table>
<thead>
<tr>
<th><strong>Have poor organization within each issue</strong></th>
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</thead>
<tbody>
<tr>
<td>1. Train yourself to stick to the IRAC by using I R A C headings for each issue on your <em>practice exams</em> (not your real exams), hypotheticals, and review problems, like this:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I: Whether John is liable for battery.</td>
<td>R: Battery is…</td>
<td>A: When John threw the ball at Kelly…</td>
</tr>
<tr>
<td>C: John committed battery.</td>
<td>2. Use headings and subheadings.</td>
<td>3. Remember to IRAC subissues (embedded/mini-IRACs).</td>
</tr>
<tr>
<td>4. Submit short writing samples to each of your casebook professors for them to critique.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Short means something that your professor can critique in just a few minutes, even while you are meeting with the professor to discuss your work product. Examples of short writing samples are writing an answer to one review problem or one or two issues on a practice exam.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>You should always ask your professor whether you can submit work product and then agree upon what can be submitted before doing so.</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Professors generally prefer that you submit small, single issue writing samples before you submit a practice exam. This allows them to help you hone your basic exam writing skills before applying those skills toward a full exam. It is also faster for them to review smaller samples and lets you receive more feedback throughout the semester.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Have a separate paragraph for each part of the IRAC.</td>
<td>6. Where applicable, have plaintiff/prosecution arguments in one paragraph or sequence of paragraphs and defense arguments in a separate paragraph(s).</td>
<td>7. If you type, try writing some practice exams; if you write, try typing some exams to see if this improves your organization.</td>
</tr>
<tr>
<td>8. <em>Use short paragraphs</em>! Don’t be afraid of white space.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Have poor analysis organization</strong></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Argue through rule buzz words from the beginning of the rule to the end, making certain to use LSF.</td>
<td>2. Where applicable, have plaintiff/prosecution arguments in one paragraph or sequence of paragraphs, and defense arguments in a separate paragraph(s).</td>
<td>3. <em>Use short paragraphs</em>! Don’t be afraid of white space.</td>
</tr>
<tr>
<td>8. <em>Use short paragraphs</em>! Don’t be afraid of white space.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Have poor</strong></th>
<th><strong>organization</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Complete a diagnostic test with Professor Zuber-Harshman to determine</td>
<td></td>
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</tr>
</tbody>
</table>
### grammar

1. Identify your specific areas of weakness.
2. Read *Plain English for Lawyers* by Richard C. Wydick and complete the provided exercises for the areas in which you are weak.  
4. Try typing rather than writing so you can use spell check (if time allows).
5. After completing items 1 to 4, submit short writing samples to each of your professors to see if you are improving.
   a. Short means something that your professor can critique in just a few minutes, even while you are meeting with the professor to discuss your work product. Examples of short writing samples are writing an answer to one review problem or one or two issues on a practice exam. **You should always ask your professor whether you can submit work product and then agree upon what can be submitted before doing so.**
   b. Professors generally prefer that you submit small, single issue writing samples before you submit a practice exam. This allows them to help you hone your basic exam writing skills before applying those skills toward a full exam. It is also faster for them to review smaller samples and lets you receive more feedback throughout the semester.

### Have exam anxiety

1. *Prepare, prepare, prepare!*
2. *Practice, practice, practice!*
3. Set a study cut-off time – *do not study immediately before an exam.*
4. Wear earplugs.
5. Close your eyes and take some deep breaths before starting an exam.
6. Learn from your mistakes on prior exams using the Assessment Form.
7. Arrive early for all of your exams.

### Are distracted by others during exams

1. Wear earplugs.
2. Arrive early so you can pick a seat at the front corner of the room.
3. *Prepare, prepare, prepare!* Being prepared helps you to relax, which means you will be less likely to be distracted by others.
4. *Practice, practice, practice!* Taking practice exams with others in the room helps you learn to get into your zone quickly. Once you’re in your zone, it should be difficult to be distracted.
5. Consider whether you have a learning disability. Speak with the Dean of Students regarding test accommodations.

### Don’t finish exams

1. Write time allocations on your outlines and *stick to them!*
2. Do a few closed-book, timed practice exams for each class to get used to pacing yourself.
3. *Prepare, prepare, prepare!* The more prepared you are for your exams, the more relaxed you will be, and the better you will perform.
4. Write the relevant LSF for each issue on your outline using shorthand. This will prevent you from having to continually re-read the fact pattern to

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330 Professor Zuber-Harshman has the answers to the exercises.
pull out facts for each issue.
APPENDIX 4: INSTRUCTIONS FOR IMPLEMENTING USE OF THE FORMS

I. Begin by explaining that the Assessment Form, IRAC Assessment Form Suggested Uses and Student Instructions, and Suggestions on How to Overcome Specific IRAC Exam Writing Weaknesses were created as tools for *students to use* to improve their exam writing and studying skills, and for *professors and Academic Support professionals to use* to assist students with making these improvements.

II. Next, provide the students with the Assessment Form and IRAC Assessment Form Suggested Uses and Student Instructions. Wait to provide the Suggestions on How to Overcome Specific IRAC Exam Writing Weaknesses until after they have conducted an assessment using the first two documents so they do not feel overwhelmed. Also, the latter two documents will make more sense once they have done the assessment.

A. **Assessment Form**

   1. **Explain why they should use the Assessment Form:**

      a. (may be read) To have an opportunity to **plan** receiving feedback on your exam writing skills by scheduling self-assessments, exam review meetings with professors, and peer-assessments;

         i. To prepare for exam review meetings with professors by allowing you to create specific questions on your exam performance rather than general questions;

      b. To **implement** receiving feedback by providing a framework within which to place the information you receive and specific categories on which to focus;

      c. To **monitor** your exam writing progress by comparing forms over multiple exams and review problems and across multiple semesters;

      d. To **evaluate** your IRAC exam writing skills by determining your specific strengths and weaknesses;

         i. To realize and learn how to view your exam writing skills as having multiple, different components within each part of the IRAC;

         ii. To receive feedback on your strengths and weaknesses from sources other than professors;

      e. To alleviate stress experienced due to not receiving any or insufficient feedback.

331 SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS, *supra* n. 60, at 3 (Self-regulated learning, the third aspect of becoming an “expert learner,” has four components: 1) planning, 2) implementation; 3) monitoring; and 4) evaluating. By having students continually cycle through these components, they will be “constantly reflecting on their learning.”).
2. Explain the layout of the Assessment Form: Each section has a list of good and poor practices that professors typically look for on exams.

3. Explain how to complete the Assessment Form:
   a. It is to be completed by students, not professors or Academic Support professionals;
   b. One form should be used per writing product (exam or review problem);
   c. Place a check mark by all categories that apply and write additional feedback or information in the space provided (e.g., if you only forgot your rules for the first part of the exam, write this in the “[f]orgot a significant number of / some (circle which applies) rules” category.)

B. IRAC Assessment Form Suggested Uses and Student Instructions:
1. Explain why they should use the form:
   a. (may be read) It summarizes when and how the Assessment Form can be used; and
   b. It helps you think of creative ways to receive feedback on your exam writing skills beyond what is provided on graded exams.

2. Explain the layout of the form: It contains six categories of suggested assessments that can be completed using the Assessment Form and its accompanying documents. Each category contains a description of the purpose of conducting the assessment, and when, why, and how to do so.

3. Explain how to use the form: (Professor/ASP Instructions) You should have the students conduct a self- or peer-assessment with the Assessment Form before continuing to the How to Overcome Specific IRAC Exam Writing Weaknesses form so they begin to understand how and why to use the documents.
   a. If you choose a peer assessment, talk them through Steps 1 through 9 of the peer-assessment part of the form before having them work on the assessment;
   b. If you choose a self-assessment, talk them through Steps 1 through 5 of the self-assessment part of the form before having them work on the assessment;
   c. Conduct a debriefing session after the assessment. Ask students to share strengths and weaknesses they discovered during the assessment. List the weaknesses on a white board/screen to help introduce the How to Overcome Specific IRAC Exam Writing Weaknesses form.
C. **How to Overcome Specific IRAC Exam Writing Weaknesses Form:**

1. **Explain why they should use the form:**
   a. (may be read) To **plan** necessary changes to your study habits on a class-by-class basis according to your specific exam writing strengths and weaknesses;
   b. To **plan** **creative** additions or substitute practices to your study habits; and
   c. To **implement** changes to your study habits, as necessary or desired.

2. **Explain the layout of the form:** It lists some of the weaknesses from the Assessment Form and provides suggested study habit changes to overcome these weaknesses.

3. **Explain how to use the form:** Complete an assessment of your work product for each casebook class using the Assessment Form and one of its suggested uses.
   a. If your weaknesses are the same between the classes (e.g., you are having difficulty memorizing rules for all of your classes), refer to the form for suggested changes for those weaknesses.
      i. Implement one or two changes to your study habits if more than one change is suggested. If a series of steps are suggested, follow them. Limit the changes to one or two at a time so you can determine if they are effective and to prevent you from feeling overwhelmed.
      ii. Allow time for the change(s) to take effect. This could range from a few days to a few weeks depending on the change(s) and your diligence in making the change(s). Then obtain feedback using the Assessment Form and accompanying documents to **evaluate** whether you have improved in the weak area(s).
   b. If your weaknesses are different for each class (e.g., you struggle with rule memorization in torts, with issue spotting in contracts, and with being conclusory in civil procedure) select one weakness to begin with. Refer to the form for suggested changes for that weakness.
      i. Implement one or two changes to your study habits if more than one change is suggested. If a series of steps are suggested, follow them. Limit the changes to one or two at a time so you can determine if they are effective and to prevent you from feeling overwhelmed.
      ii. Allow time for the change(s) to take effect. This could range from a few days to a few weeks depending on the change(s) and your diligence in making the change(s). Then obtain
feedback using the Assessment Form and accompanying documents to evaluate whether you have improved in the weak area(s).
APPENDIX 5: IRAC ASSESSMENT FORM (ORIGINAL VERSION)

Please complete this form during your professor visits (do not have the professor complete the form on your behalf). Use one form per visit.

The goal of your visits is to determine precisely what you are doing **right and wrong** so you can:
1) Continue practicing your good habits; and
2) Correct your bad habits.

Student Name: ____________________ Professor Signature: ____________________________
Date of Visit: _____ Subject Reviewed: _________ Semester Took This Subject: ____________

<table>
<thead>
<tr>
<th>ISSUES</th>
<th>Your performance on issues:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>___ Missed a significant number of issues (“significant” as determined by your professor)</td>
</tr>
<tr>
<td></td>
<td>___ Missed some issues (“some” as determined by your professor)</td>
</tr>
<tr>
<td></td>
<td>___ Did not state issues correctly</td>
</tr>
<tr>
<td></td>
<td>___ Stated issues correctly</td>
</tr>
<tr>
<td></td>
<td>___ Did not miss issues</td>
</tr>
<tr>
<td></td>
<td><strong>Other:</strong> (please write in additional feedback you received)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Why you succeeded or did not succeed with issues:</th>
</tr>
</thead>
<tbody>
<tr>
<td>___ Did not sufficiently memorize rule statements</td>
</tr>
<tr>
<td>___ Did not do enough practice exams (completed two or less)</td>
</tr>
<tr>
<td>___ Did not meet with professor prior to exam to discuss issue spotting</td>
</tr>
<tr>
<td>___ Did not receive professor feedback on practice exam(s)</td>
</tr>
<tr>
<td>___ Did not have sufficient time to cover issues in exam</td>
</tr>
<tr>
<td>___ Did not briefly outline exam answer before started writing/typing</td>
</tr>
<tr>
<td>___ Adequately memorized rule statements</td>
</tr>
<tr>
<td>___ Did multiple (more than two) practice exams</td>
</tr>
<tr>
<td>___ Met with professor prior to exam to discuss issue spotting</td>
</tr>
<tr>
<td>___ Received professor feedback on practice exam(s)</td>
</tr>
<tr>
<td>___ Briefly outlined exam answer before started writing/typing</td>
</tr>
<tr>
<td><strong>Other:</strong> (please write in additional feedback/thoughts)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RULE</th>
<th>Your performance at stating rules:</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATEMENTS</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>___ Forgot a significant number of rules (“significant” as determined by your professor)</td>
<td></td>
</tr>
<tr>
<td>___ Forgot some rules (“some” as determined by your professor)</td>
<td></td>
</tr>
<tr>
<td>___ Did not state rules correctly</td>
<td></td>
</tr>
<tr>
<td>___ Did not include sufficient number of “buzz words” (“sufficient” as determined by your professor)</td>
<td></td>
</tr>
<tr>
<td>___ Did not forget any rules</td>
<td></td>
</tr>
<tr>
<td>___ Stated rules correctly</td>
<td></td>
</tr>
<tr>
<td>___ Included sufficient number of “buzz words” (“sufficient” as determined by your professor)</td>
<td></td>
</tr>
</tbody>
</table>

**Other:** (please write in additional feedback you received)

---

| Why you succeeded or did not succeed on stating rules: | 
| --- | --- |
| ___ Did not sufficiently memorize rule statements |
| ___ Did not state rules in format requested/preferred by professor |
| ___ Did not know how professor wanted rules stated |
| ___ Did not ask professor clarifying questions regarding how wanted rules stated |
| ___ Did not start studying far enough in advance of exam |
| ___ Forgot rules when got in exam environment |
| ___ Did not have time to write out entire rules during exam |
| ___ Did not briefly outline exam answer before started writing/typing |
| ___ Adequately memorized rule statements |
| ___ Stated rules in format requested/preferred by professor |
| ___ Asked professor clarifying questions regarding how wanted rules stated |
| ___ Had sufficient time to write out entire rules during exam |
| ___ Briefly outlined exam answer before started writing/typing |

**Other:** (please write in additional feedback/thoughts)

---

<table>
<thead>
<tr>
<th>ANALYSIS</th>
<th>Your performance on analysis:</th>
</tr>
</thead>
<tbody>
<tr>
<td>___ Was too conclusory</td>
<td></td>
</tr>
<tr>
<td>___ Only stated facts</td>
<td></td>
</tr>
<tr>
<td>___ Did not state legally significant facts</td>
<td></td>
</tr>
<tr>
<td>___ Did not provide in-depth analysis</td>
<td></td>
</tr>
<tr>
<td>___ Did not provide any analysis</td>
<td></td>
</tr>
<tr>
<td>___ Misused course vocabulary</td>
<td></td>
</tr>
<tr>
<td>___ Confused legal concepts</td>
<td></td>
</tr>
</tbody>
</table>

**Other:** (please write in additional feedback/thoughts)
___ Missed nuances (finer points of law)
___ Provided in-depth analysis
___ Stated a sufficient number of legally significant facts (“sufficient” as determined by professor)
___ Correctly used course vocabulary
___ Did not confuse legal concepts
___ Discussed nuances (finer points of law)

Other: (please write in additional feedback you received)

**Why you succeeded or did not succeed on analysis:**
___ Did not understand what professor wanted for analysis
___ Did not start studying far enough in advance of exam
___ Did not do enough practice exams (completed two or less)
___ Did not meet with professor prior to exam to discuss what wanted for analysis
___ Did not receive professor feedback on practice exam(s)
___ Did not study nuances (finer points of law)
___ Had incomplete class notes (missed classes and/or had holes in notes)
___ Did not have time to write/type entire analysis during exam
___ Did not briefly outline exam answer before started writing/typing
___ Analysis was unorganized and/or difficult to follow

___ Understood what professor wanted for analysis
___ Completed exam preparations far enough in advance of exam
___ Did multiple (more than two) practice exams
___ Met with professor prior to exam to discuss what wanted for analysis
___ Received professor feedback on practice exam(s)
___ Asked professor clarifying questions regarding points of confusion and/or parts missing from notes
___ Had sufficient time to write out entire analysis sections during exam
___ Briefly outlined exam answer before started writing/typing
___ Analysis was easy to understand and follow

Other: (please write in additional feedback/thoughts)

**CONCLUSIONS**

__ Your performance on stating conclusions:
___ Did not include a significant number of conclusions (“significant” as determined by your professor)
<table>
<thead>
<tr>
<th>LAW REVIEW</th>
<th>[Vol. <strong>:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>___ Did not include some conclusions (“some” as determined by your professor)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>___ Did not include any conclusions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>___ Did not provide sufficient detail in conclusion (“sufficient” as determined by your professor)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>___ Did not forget any conclusions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>___ Provided sufficient detail in conclusion (“sufficient” as determined by your professor)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other</strong>: (please write in additional feedback you received)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Why you succeeded or did not succeed on stating conclusions:**

| ___ Did not understand what professor wanted for conclusions |
| ___ Did not know professor wanted conclusions |
| ___ Did not ask professor clarifying questions regarding what wanted in conclusions |
| ___ Understood what professor wanted for conclusions |
| ___ Asked professor clarifying questions regarding what wanted in conclusions |
| **Other**: (please write in additional feedback/thoughts) |

| GENERALS
| COMMENTS
| REGARDING
| WHY
| DID NOT
| PERFORM
| WELL
| ON
| EXAM |
|___ Poor large scale exam organization (overall layout) |
|___ Poor section organization (under subheadings) |
|___ Poor paragraph organization |
|___ Did not have sufficient time to complete exam |
|___ Did not understand the call of the question |
|___ Did not understand the facts |
|___ Misread the facts |
|___ Professor made comments regarding poor grammar |
|___ Missed/skipped one or more questions |
|___ Did not understand some topics covered in class |
|___ Did not understand what the professor’s expectations were on the exam |
|___ Did not budget studying time well |
|___ Exam anxiety affected performance |
|___ Too distracted by others in the room during the exam |
|___ Did not visit professor during office hours prior to the exam |
|___ Professor did not adequately respond to your questions prior to the exam |
|___ Did not know how best to study for the exam |
|___ Had difficulty memorizing materials |
|**Other**: (please write in additional feedback/thoughts) |
### APPENDIX 6 – FALL 2009 STUDENT SURVEY RESPONSES

<table>
<thead>
<tr>
<th>Questions</th>
<th>Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Meeting with my professors to review my spring finals was:</td>
<td>Not helpful Somewhat helpful Very helpful</td>
</tr>
<tr>
<td></td>
<td>5 20 7</td>
</tr>
<tr>
<td>2. I understood the purpose of using the [Assessment Form] for review</td>
<td>No Somewhat Yes</td>
</tr>
<tr>
<td>of my spring final exams.</td>
<td>1 11 21</td>
</tr>
<tr>
<td>3. The format (layout – breaking down in IRAC) of the [Assessment Form]</td>
<td>Not helpful Somewhat helpful Very helpful</td>
</tr>
<tr>
<td>was:</td>
<td>2 16 15</td>
</tr>
<tr>
<td></td>
<td>b. “Too many questions.”</td>
</tr>
<tr>
<td></td>
<td>c. “Make particular to the class and how the exam would be written.”</td>
</tr>
<tr>
<td></td>
<td>d. “More specific questions on the review that look forward to what we can do to improve.”</td>
</tr>
<tr>
<td></td>
<td>e. “Gear the evaluations to written comments by students about what they felt their strengths and weaknesses were rather than forcing the student to pick from a list that might not adequately represent what the actual problems were.”</td>
</tr>
<tr>
<td></td>
<td>f. “More substance than format.”</td>
</tr>
<tr>
<td></td>
<td>g. “Perhaps by making the student re-IRAC the essay instead of making check marks.”</td>
</tr>
<tr>
<td></td>
<td>h. “I think it would be beneficial if the professors actually filled them out while talking instead of having us fill them out.”</td>
</tr>
<tr>
<td></td>
<td>i. “Have the professors take them more seriously when the students meet with them to go over the exams.”</td>
</tr>
<tr>
<td></td>
<td>j. “There should be a section regarding ‘study tip improvements.’ This section would incorporate professor comments, too.”</td>
</tr>
<tr>
<td></td>
<td>k. “I had just a bit of difficulty in applying the [Assessment Form] to what the professor actually wanted to cover.”</td>
</tr>
<tr>
<td>5. The content (items listed under each section) of the</td>
<td>Confusing Helpful Had just the right amount of detail Had too much detail Other</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

332 One student did not answer the question.
[Assessment Form] was:
(circle all that apply)

1. “It provided a basis for my intent in meeting with the professor.”
2. “Overbroad.”
3. “Had too much detail on the wrong issues.”
4. “I actually preferred to write the professor’s thoughts and most of the time it did not pertain to the exam.”
5. “Some material because superfluous in some classes.”
6. “Some of it was a bit repetitious.”

6. How can the content of the [Assessment Form] be improved?
   a. “By having more professor input as opposed to student input.”
   b. “Less detail.”
   c. “Less subsections.”
   d. “Content can be improved by putting more blanks where the professor writes input.”
   e. “Ask the professors for feedback about what the form should contain.”
   f. “Allow for more self-written evaluation.”
   g. “The ‘A’ and the ‘R’ sections overlapped in many ways. Could be reduced in one area. Possibly section ‘R’ could be shorter. It seems that you either have the rule or you don’t. Whereas there are more variations in other sections.”
   h. “For me, a bit less detail might have been better.”
   i. “Some of the questions seemed repetitious.”

7. One thing I would change about the [Assessment Form] is:
   a. “Shorten it.”
   b. “Make the professor do it instead of the student because the student may not catch everything.”
   c. “Make them simpler.”
   d. “Less fields to be filled in.”
   e. “Maybe more ‘other’ sections for more professor input.”
   f. “Possibly provide some sample questions to help students elicit professor feedback that is on point.”
   g. “A few less questions but more room for comments.”

7. Completing the [Assessment Form] for my
   Not beneficial | Somewhat beneficial | Very beneficial
   2 | 22 | 8
8. One thing I learned from completing the [Assessment Form] for my spring final exams was:

|   | a. “I found that it allowed me to conduct a self-study which really helped me to understand where my weaknesses were.” |
|   | b. “I learned that I made very similar mistakes on all of my finals.” |
|   | c. “Exactly where my faults were according to the sheet.” |
|   | d. “The main area of mistakes made on my spring finals.” |
|   | e. “My areas of weakness/strength to help target points to focus on.” |
|   | f. “What I already knew.” |
|   | g. “My strengths/weaknesses. I learned I need to organize better.” |
|   | h. “I needed to work on my exam writing – format and clarity.” |
|   | i. “Range of problems. Less varied by class.” |
|   | j. “I need to figure out what the legal theory of the fact pattern is before applying random rules.” |
|   | k. “I needed to read fact patterns more closely and put more preparation into the objective portions.” |
|   | l. “My rules tended to be misstated which negatively affected my analysis.” |
|   | m. “Identifying my weaknesses.” |
|   | n. “I had work to do on issue spotting and rule memorization.” |
|   | o. “Practice exams. Practice exams. Practice exams.” |
|   | p. “Time-management on my exam is crucial.” |
|   | q. “Trends of my weaknesses and areas to improve.” |

9. I will continue using the [Assessment Form] in future semesters:

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Maybe</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>17</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

333 One student did not answer the question.
## Appendix 7: Spring 2010 Student Survey Responses

<table>
<thead>
<tr>
<th>Questions</th>
<th>Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Meeting with my professors to review my fall finals was:</td>
<td>Not helpful</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
<tr>
<td>2. I understood the purpose of using the [Assessment Form] for review of my fall exams.</td>
<td>No</td>
</tr>
<tr>
<td>3. The format (layout – breaking down in IRAC) of the [Assessment Form] was:</td>
<td>Not helpful</td>
</tr>
<tr>
<td>4. How can the format of the [Assessment Form] be improved?</td>
<td>b. “There is too much detail in some categories and so if you decided one it could also contradict the next category.”</td>
</tr>
<tr>
<td></td>
<td>c. “By allowing space after each component to add professor’s comments.”</td>
</tr>
<tr>
<td></td>
<td>d. “To have space to explain various areas where you did receive full or a good amount of points and look at why it was correct so you can repeat it.”</td>
</tr>
<tr>
<td></td>
<td>e. “More clear, simple format.”</td>
</tr>
<tr>
<td></td>
<td>f. “There are too many options to check and not enough room for general comments. It would be nice if a professor had a section to write comments.”</td>
</tr>
<tr>
<td></td>
<td>g. “I found that I used the general comments section (even the back of the [Assessment Form]) on all exam reviews to lay out my plan of attack for the new semester (i.e., I specifically bullet point the areas I will improve for that class so maybe more free writing space).”</td>
</tr>
<tr>
<td></td>
<td>h. “Separate classes for us (i.e., torts, civ pro, K, crim).”</td>
</tr>
<tr>
<td></td>
<td>i. “Have a section on what students did well.”</td>
</tr>
<tr>
<td></td>
<td>j. “Think the format is great, the IRAC break down is very helpful.”</td>
</tr>
<tr>
<td></td>
<td>k. “Too many leading questions.”</td>
</tr>
<tr>
<td></td>
<td>l. “More professor input. Two did not like the ‘buzz’ words question. More blank space so the prof can tell the student specific issues that the form does not address.”</td>
</tr>
</tbody>
</table>
|                                                                           | m. “Sometimes the option or answer I was looking for wasn’t there, so I just wrote my own answer in an open space. Maybe you could leave

---

334 One student did not respond to the question.
a spot for profs’ thoughts on the exam and have them write a short summary.”

n. “By using less categories because sometimes the amount of categories gets confusing.”

o. “It just depends on the professor and class. Crim law isn’t exactly IRAC format so it makes it difficult to fill out the form. [The professor] doesn’t do grading on IRAC scale so it’s also difficult to fill out. Maybe more broad surveys to encompass all types of classes.”

p. “Seemed like the issue and rule section of my reviews overlapped. If I didn’t spot the issue then no rule, or if I used the wrong issue, my rule didn’t follow. But use of IRAC break down works well overall.”

5. The content (items listed under each section) of the [Assessment Form] was:
   (circle all that apply)

<table>
<thead>
<tr>
<th>Confusing</th>
<th>Helpful</th>
<th>Had just the right amount of detail</th>
<th>Had too much detail</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>9</td>
<td>5</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

a. “I probably under-utilized some of the content that may not have been applicable to a particular class but sometimes it felt like there may be too much detail. But that might be a good thing.”

b. “It was a little confusing at first, but I think I got the hang of it as I filled more out.”

c. “The positive aspects (i.e., was organized, etc.) could be eliminated. Only focus on errors, most could tell what they did right.”

d. “Not all of the answers/options that I was thinking of were there, but having a blank section to fill in the answer fixes that.”

e. “Some parts seemed redundant ‘buzz words’ are similar to stating the
6. How can the content of the [Assessment Form] be improved?
   a. “To not only focus on weaknesses but to also focus on strengths so you can affirm good analysis and writing.”
   b. “Considered each course separately, which was great!”
   c. “The content is ok.”
   d. “I would include a section entitled ‘how will you improve’ for each area. I did this myself and it was very helpful.”
   e. “Separate the terms so they are easier to read (sometimes it was hard to read/remember what terms meant).”
   f. “I liked them.”
   g. “Focus more on the actual exam taking.”
   h. “When filling out the form I wasn’t sure if I should be writing out the exact issue/rule/analysis/conclusion I wrote on the exam or was I to fill out the terms more generally.”
   i. “Just right.”
   j. “A space where the professor writes comments on the form, returned to the students before the [Assessment Forms] are due.”
   k. “Maybe ask more of time allocations, of studying, ‘how many hours a week/day?’”
   l. “Use less categories and make the remaining ones more general and available for comment.”
   m. “Maybe a line to say where you are wrong. I know there’s a ‘general comments’ box, but not every problems fits into one of the lines provided form.”
   n. “Works well overall. Reminds me of finer more detailed questions.”

7. One thing I would change about the [Assessment Form] is:
   a. “Maybe add a section which would enable professors to add their own comments, and so you could leave the form with them to add to at their own discretion after looking over your final exam in their own time.”
   b. “Separation of dids and did nots in separate columns.”
   c. “The format. Make it cleaner and easier to go through.”
   d. “A blank area (larger than the ‘general comments’ section) to sum up the areas in need of improvement so it’s easier to refer back to during the course of the year.”
   e. “Some of the questions did not apply or only contained extremes (lacked a middle ground).”
   f. “At first filling out the [Assessment Form] was confusing for me. Maybe the instructions could clarify a little more of how to fill out the form.”
   g. “Amount of information (reduced).”
   h. “May be a bit confusing to some.”
   i. “Somehow allow it to be more versatile for all classes.”
   j. “Make is shorter. Possibly a checklist and then at the end lines for
general comments. Visually, it’s a little hard on the eye with so much text. The info is needed but possibly format in a different way.”

<table>
<thead>
<tr>
<th>7. Completing the [Assessment Form] for my fall final exams was:</th>
<th>Not beneficial</th>
<th>Somewhat beneficial</th>
<th>Very beneficial</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>12</td>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>

8. One thing I learned from completing the [Assessment Form] for my fall final exams was:

a. “I needed to complete more practice exams and also take more time to outline my answers before starting the question.”
b. “The [Assessment Form] allows you to focus on the problem area for each class by narrowing down and identifying the reoccurring issue or issues.”
c. “Helped me to focus on what needs to be improved upon in my writing for this semester.”
d. “That there is so much to learn!”
e. “The areas I needed to work on.”
f. “What you put into completing the [Assessment Form] form is exactly what you will get out of it. If you take it seriously it is extremely helpful.”
g. “What I consistently did wrong.”
h. “Where my weaknesses were in the exams.”
i. “I need to take practice exams.”
j. “Office hours are helpful.”
k. “IRAC. I was not taught it at my previous law school. The format, or lack thereof, cost me upwards of .5 grade in at least two classes.”
l. “Helped point out to me all my weaknesses of my study habits, showed me specific ways I could improve my academic advancement.”
m. “Patterns of mistakes I made.”
n. “Where my weaknesses are but more importantly where my strengths are.”
o. “Could pinpoint where I did things incorrectly and could compare them to other classes. Makes it easier to see what areas need to be worked on.”
p. “That I struggle in the same areas for all classes.”
q. “By doing the review forms I get a better sense of each prof’s style of grading and the level of emphasis they place on each part of the IRAC. All put the most emphasis on analysis, but some require different forms of rule/issue statements and some don’t care as much about that format.”

9. I will continue using the [Assessment Form]

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Maybe</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10</td>
<td></td>
<td>8</td>
</tr>
</tbody>
</table>

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One student noted that he or she would especially use the form in two-semester classes.

One student did not respond to the question.