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# Formation-of-an-Ethical-Professional-Identity (Professionalism) Learning Outcomes and E- Portfolio Formative Assessments

Neil Hamilton

*University of St. Thomas (MN) School of Law*

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# Formation-of-an-Ethical-Professional-Identity (Professionalism) Learning Outcomes and E-Portfolio Formative Assessments

Neil Hamilton\*

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\* Thomas and Patricia Holloran Professor of Law and Co-Director of the Holloran Center for Ethical Leadership in the Professions, University of St. Thomas (MN) School of Law. The author is grateful for research assistant Steve Stark’s help in formatting the footnotes.

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## I. INTRODUCTION

Student e-portfolios are a very promising curricular strategy to help each law student and the law school itself achieve several important goals. A portfolio is “a purposeful collection of student work that demonstrates the student’s efforts and progress in selected domains.”<sup>1</sup> An e-portfolio is simply a digital repository for the purposeful collection of the student’s work in one place. It enables each student, working with faculty and staff, to “create evidence of learning in creative ways that are not possible with typical paper-based methods. For example, e-Portfolios enable learners to demonstrate, reflect upon, and easily share scholarly and other work products using graphics, video, web links, and presentations.”<sup>2</sup> The focus of this article is to analyze how an e-portfolio curricular strategy helps each law student develop toward: (1) the faculty’s formation-of-an-ethical-professional-identity learning outcomes; (2) each law student’s goal of meaningful employment after graduation; and (3) each law school’s goal that a high percentage of its graduates secure good employment outcomes that in turn influence stronger applications to the law school.

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1. Yvonne Steinert, *Educational Theory and Strategies to Support Professionalism and Professional Identity Formation*, in *TEACHING MEDICAL PROFESSIONALISM: SUPPORTING THE DEVELOPMENT OF PROFESSIONAL IDENTITY* 68, 78 (Richard Cruess et al. eds., 2016).

2. Laurie Posey et al., *Developing a Pathway for an Institution Wide ePortfolio Program*, 5 *INT’L J. OF E-PORTFOLIO* 75, 75 (No. 1, 2015).

Part II of the article outlines the results of a December, 2016 survey of learning outcomes posted on law school websites. Part III outlines the next steps in the development of a curriculum that will help each law student achieve the faculty's learning outcomes. First, Part III discusses how the faculty will define the stages of development for each learning outcome (from novice to advanced beginner to competent to expert), and second, Part III outlines the principles that should guide the development of the most effective curriculum to foster each student's growth toward later stages of development with respect to formation-of-an-ethical-professional identity learning outcomes. Part IV explains how the faculty and staff can help each student understand and use the faculty's learning outcomes and the curriculum as the bridge to grow toward later stages of the competencies that legal employers want in order to achieve the student's goal of meaningful employment post-graduation. Part V analyzes whether e-portfolios are a useful curricular strategy to foster each student's growth toward a learning outcome that each student should demonstrate understanding and integration of responsibility for pro-active professional development toward excellence at the competencies needed to serve clients and the legal system. Part V also analyzes how e-portfolios will help each student develop toward later stages of other basic competencies that all law schools will include in their learning outcomes, using legal research and writing as an example. Part VI analyzes the lessons learned from the efforts to implement a curriculum using e-portfolios.

## II. DECEMBER, 2016 SURVEY OF POSTED LAW SCHOOL LEARNING OUTCOMES

American Bar Association (ABA) accreditation Standard 302 requires all law schools to establish learning outcomes that include competency in “(a) knowledge and understanding of substantive and procedural law; (b) legal analysis and reasoning, legal research, problem solving, and written and oral communication in the legal context; [and] (c) the exercise of proper professional and ethical responsibilities to clients and the legal system . . . .”<sup>3</sup> While learning outcomes must be in place by the end of the 2017-18 academic year, ABA accreditation site teams visiting schools in the 2016-17 academic year will be reporting on the progress a law school is making in establishing learning outcomes.<sup>4</sup>

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3. Managing Director's Guidance Memorandum, ABA SEC. LEGAL EDUC. & ADMISSIONS TO THE BAR, 4 (June 2015), available at [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/governancedocuments/2015\\_learning\\_outcomes\\_guidance.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_learning_outcomes_guidance.authcheckdam.pdf) (on file with *The University of the Pacific Law Review*). “Learning outcomes must consist of clear and concise statements of knowledge that students are expected to acquire, skills students are expected to develop, and values that they are expected to understand and integrate into their professional lives.” *Id.* at 1.

4. *Id.* at 6. “Learning outcomes for the school's overall program of legal education must appear in those places on its website and in its publications where the law school describes its mission and its curriculum.” *Id.* at 4.

A first question is to what degree are law schools creating learning outcomes that give further definition to Standard 302(c)'s competency in "the exercise of proper professional and ethical responsibilities to clients and the legal system? As of December 23, 2016, 78 out of the 205 ABA-accredited law schools had posted learning outcomes on the school's website.<sup>5</sup> Of these 78 law schools, 25 have adopted essentially the minimum Standard 302(c) learning outcome that students will be competent in "the exercise of proper professional and ethical responsibilities to clients and the legal system,"<sup>6</sup> while 53 have adopted a learning outcome that goes beyond the minimum of Standard 302(c) and further defines "professional and ethical responsibilities to clients and the legal system" to include "values that students are expected to understand and integrate into their professional lives."<sup>7</sup> Of the 53 law schools:

1. Thirty-two law schools have adopted a version of a learning outcome that includes the competency of demonstrating understanding and integration of pro-active professional development toward excellence at the competencies needed to serve clients and the legal system (in addition five others include just the habit of reflection),<sup>8</sup>
2. Twenty-eight have a learning outcome that includes competency in the value of providing pro bono legal services to the disadvantaged; and
3. Twenty-seven include a learning outcome that students develop self-awareness and cross-cultural competency to work with those of diverse backgrounds.

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5. Memorandum from Jeremiah Enright Summarizing a Search of All ABA-Accredited Law School Websites to Neil Hamilton (Dec. 2016) (on file with the author). These data from the December 23, 2016, survey of law school websites have been updated from an earlier Oct. 15, 2016, version published in a Mercer Law Journal symposium. Neil Hamilton, *Off-The-Shelf Formative Assessments To Help Each Student Develop Toward A Professional Formation/Ethical Professional Identity Learning Outcome of an Internalized Commitment To The Student's Own Professional Development*, MERCER L. REV. (forthcoming 2017).

6. Standard 302(c), ABA STANDARD AND RULES, 15 (2016-17). Note that this Standard 302(c) language is ambiguous as to whether these "professional and ethical responsibilities to clients and the legal system" require more than competency in meeting the minimum standards of the law of lawyering. *Id.*

7. Managing Director's Guidance Memorandum, *supra* note 3, at 4. The number of schools with these various learning outcomes exceeds 53 because several schools have learning outcomes that address more than one of these aspects of professional formation, Neil Hamilton, *Off-The-Shelf Formative Assessments To Help Each Student Develop Toward A Professional Formation/Ethical Professional Identity Learning Outcome of an Internalized Commitment To The Student's Own Professional Development*, MERCER L. REV. (forthcoming 2017).

8. Note that the Interpretation 302-1 for ABA Standard 302 includes "self-evaluation" as one of the "other professional skills" that a law school faculty may include in its learning outcomes. Interpretation 302-1, ABA STANDARDS AND RULES, 16 (2016-17).

Smaller numbers of law schools describe other values supporting the competency of “the exercise of proper professional and ethical responsibilities to clients and the legal system” that students are expected to understand and integrate into their professional lives. These include:

1. Twenty law schools include teamwork/effective collaboration;
2. Seventeen law schools state that a student should develop professionalism and four include a commitment to high or the highest ethical standards;
3. Fifteen law schools state that a student should develop strong client relationship skills with twelve mentioning active listening;
4. Twelve law schools include integrity/honesty in professional life;
5. Seven law schools include initiative/strong work ethic/diligence;
6. Seven law schools state a learning outcome of respect for others;
7. Seven law schools include leadership; and
8. Six law schools include a learning outcome that students should develop a personal code of ethics/moral core to guide discretionary professional decision-making.

Forty-one percent (32 out of 78) of the law schools that have posted learning outcomes have defined the meaning of the competency of “the exercise of proper professional and ethical responsibilities to clients and the legal system” further by asking students to demonstrate understanding and integration of pro-active professional development (self-directed learning) toward excellence at the competencies needed to serve clients and the legal system.<sup>9</sup> If this same proportion holds for all 205 ABA accredited law schools, approximately 84 law schools will have adopted a version of this type of learning outcome. This article focuses on e-portfolios as a curriculum to help each student develop toward later stages of this learning outcome.

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9. *Infra* note 13, at 4; *infra* note 14, at 856 (both defining the phrase “self-directed learning”).

III. DEFINING THE STAGES OF GROWTH FOR A COMMITMENT TO PROFESSIONAL DEVELOPMENT LEARNING OUTCOME (FROM NOVICE TO ADVANCED BEGINNER TO COMPETENT TO EXPERT), AND OUTLINING THE PRINCIPLES THAT SHOULD GUIDE THE DEVELOPMENT OF THE MOST EFFECTIVE CURRICULUM TO FOSTER EACH STUDENT'S GROWTH TOWARD LATER STAGES OF GROWTH WITH RESPECT TO THIS LEARNING OUTCOME

A. *The Creation of Performance Benchmarks or Milestones for Each Competency Included in the Faculty's Learning Outcomes*

If legal education follows the model of medical education, once the law schools have defined learning outcomes, the next step is that the faculty must develop a series of benchmarks or stage-development performance levels (from novice to expert) for each competency included in the faculty's learning outcomes. Medical education calls these benchmarks "milestones."<sup>10</sup> Milestones define specific stage-appropriate goals to aid in the internalization, evaluation, and assessment of the competencies. The American Council for Graduate Medical Education website notes that "for accreditation purposes, the milestones are competency-based developmental outcomes (e.g. knowledge, skills, attitudes, and performance) that can be demonstrated professionally by residents and fellows from the beginning of their education through graduation to the unsupervised practice of their specialties."<sup>11</sup> These Milestones, developed in collaboration with the American Board of Medical Specialties certifying boards, medical-specialty organizations, program-director associations, and residents, are "a natural progression of the work on the six competencies."

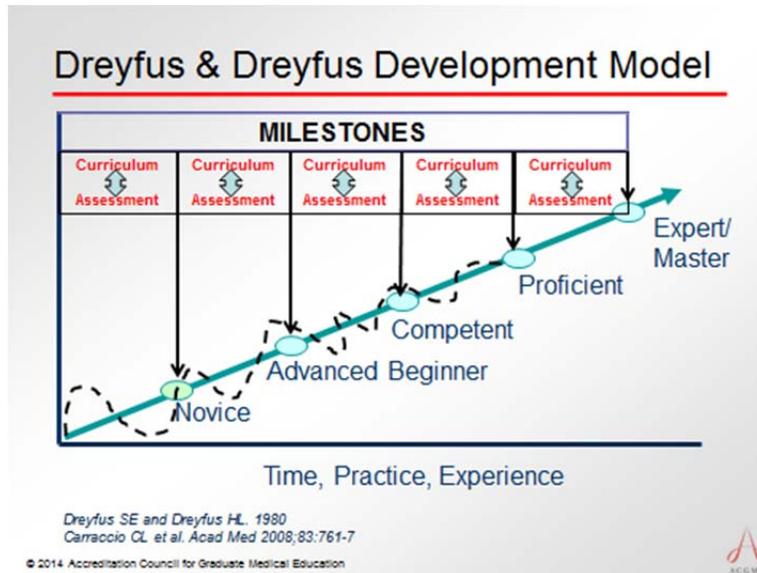
Overall, the Milestones reflect the Dreyfus and Dreyfus model of development from novice to expert shown in Figure 1.

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10. This section is borrowed from my earlier article, Neil Hamilton & Sarah Schaefer, *What Legal Education Can Learn From Medical Education About Competency-Based Learning Outcomes Including Those Related to Professional Formation (Professionalism)*, 29 GEORGETOWN J. LEGAL ETHICS 399, 415–16 (2016).

11. *Milestones*, ACGME, available at <http://www.acgme.org/What-We-Do/Accreditation/Milestones/Overview> (on file with *The University of the Pacific Law Review*).

Figure 1



As indicated in Figure 1, for each competency the law faculty has included in its learning outcomes, the faculty would also define Milestones to create a guide for the level of the particular competency that a law student should be expected to have achieved at a particular time in the student's matriculation. The Milestones map progression as a student continues his or her education.

For example, for a learning outcome that each student demonstrates understanding and integration of pro-active professional development (self-directed learning) toward excellence at the competencies needed to serve clients and the legal system, the scholarship on self-directed learning is very helpful to define the relevant stages of development or milestones toward later stages of development on this learning outcome. Self-directed learning has been defined as "a process in which individuals take the initiative, with or without the help of others, in diagnosing their learning needs, formulating learning goals, identifying the human and material resources for learning, choosing and implementing appropriate learning strategies, and evaluating learning outcomes."<sup>12</sup> "It is widely accepted that self-directed learning promotes adult learning success in both academia and practice work."<sup>13</sup>

12. MALCOLM S. KNOWLES, SELF-DIRECTED LEARNING: A GUIDE FOR LEARNERS AND TEACHERS 18 (Association Press 1975). See also, Michael Hunter Schwartz, *Teaching Law Students to be Self-Regulated Learners*, 2003 MICH. ST. DCL L. REV. 447 (Summer 2003).

13. Stefanie Boyer et al., *The Moderating Effect of the Self-Directed Learning Measurement Tool: A User's Guide*, 10 INT'L J. SELF-DIRECTED LEARNING 21 (Nov. 2, 2013). Research in multiple science domains indicates that teaching students to self-monitor improves students' learning; see, e.g., SUSAN A. AMBROSE ET

To give a specific example, the American Council for Graduate Medical Education and the American Board of Surgery created milestones for self-directed learning set forth in Table 1.

**Table 1**  
**ACGME/American Board of Surgery Self-Directed Learning Milestones**

Practice Domain	Competency	Critical Deficiencies	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Self-directed Learning	PRACTICE-BASED LEARNING AND IMPROVEMENT	The resident does not engage in self-initiated, self-directed learning activities.	This resident completes learning assignments using multiple sources.	This resident independently reads the literature and uses sources (e.g. SCORE modules, peer-reviewed publications, practice guidelines, textbooks, library databases, and online materials) to answer questions related to patients.	This resident looks for trends and patterns in the care of patients and reads and uses sources to understand such patterns.	This resident participates in local, regional, and national activities, and/or self-assessment programs.
		The resident does not complete simulation assignments. This resident is frequently absent for scheduled simulation exercises without a valid excuse.	This resident participates in assigned skills curriculum activities and simulation exercises to build strong surgical skills.	This resident develops a learning plan based on feedback with some external assistance.	This resident can select an appropriate evidence-based information tool to answer specific questions while providing care.	This resident demonstrates use of a system or process for keeping up with changes in the literature, and initiates assignments for other learners.
			This resident identifies gaps in personal technical skills and works with faculty members to develop a skills leaning plan.	This resident independently practices surgical skills in a simulation environment to enhance technical ability.	This resident independently practices surgical skills in a simulation environment to enhance technical ability.	This resident leads surgical skills experiences for students and residents and participates in skills curriculum development.

Another model of the stages or milestones of student development of self-directed learning, adapted from Gerald Grow, is shown in Table 2 below.

**Table 2**  
**Developmental Stages of Self-Directed Learning<sup>14</sup>**

	<b>Student Characteristics</b>
<b>Dependent Stage</b>	<ul style="list-style-type: none"> <li>- Assumes passive role with respect to professional self- development</li> <li>- Lacks interest in developing competencies except minimum required by external authority</li> <li>- Does not generally want or seek feedback into strengths and weaknesses</li> <li>- May react negatively to such feedback</li> <li>- Depends on external authority for explicit direction and validation</li> </ul>
<b>Interested Stage</b>	<ul style="list-style-type: none"> <li>- Can see self-interest in professional self-development</li> <li>- May recognize weaknesses, but motivation to improve is principally externalized</li> <li>- Responds reasonably to questions and feedback on strengths and weaknesses</li> <li>- Is willing to engage mentors/coaches in goal-setting and implementation strategies</li> <li>- Shows some initiative and persistence to learn competencies</li> </ul>
<b>Involved Stage</b>	<ul style="list-style-type: none"> <li>- Is committed to professional self-development</li> <li>- Identifies strengths and weaknesses in development of competencies</li> <li>- Responds positively to and reflects on feedback concerning strengths and weaknesses and how to improve</li> <li>- Seeks insight from mentors and coaches in goal-setting and implementation</li> <li>- Is internalizing motivation to learn new knowledge and skills continuously</li> <li>- Is internalizing standard of excellence at all competencies</li> <li>- Shows substantial persistence in learning competencies</li> </ul>
<b>Self-Directed</b>	<ul style="list-style-type: none"> <li>- Is intrinsically motivated to professional self-development and learning new knowledge and skills over a career</li> <li>- Actively identifies both strengths and weaknesses in development and sets goals and creates and executes implementation plans</li> <li>- Proactively develops mentor and coach relationships and proactively seeks help and feedback from mentors and coaches</li> <li>- Reflects on feedback and responds to feedback appropriately</li> <li>- Knows when and how to seek help</li> <li>- Actively seeks challenges</li> <li>- Has internalized standard of excellence at all competencies</li> </ul>

14. Adapted from Gerald O. Grow, *Teaching Learners to be Self-Directed*, 41 ADULT EDUC. Q. 125, 129 (Nov. 3, 1991). See Neil Hamilton, *A Professional Formation/Professional Challenge: Many Students Need Help With Self-Directed Learning*, 27 REGENT U. L. REV. 225, 231–32 (2015).

*B. Twelve General Principles to Guide Curricular Design of Formative Assessments for a Learning Outcome that Each Student Demonstrates Understanding and Integration of Pro-active Professional Development (Self-Directed Learning) toward Excellence at the Competencies Needed to Serve Clients and the Legal System*<sup>15</sup>

A number of general principles to guide curricular design to foster student development toward a learning outcome that each student demonstrates understanding and integration of pro-active professional development toward excellence at the competencies needed to serve clients and the legal system emerge from a recent analysis of empirical research on these principles from four perspectives.<sup>16</sup> These perspectives include a synthesis of the five Carnegie Foundation for the Advancement of Teaching Studies of higher education for the professions; a synthesis of the empirical studies on effective curriculum coming out of the research on the Four Component Model in moral psychology; a synthesis of principles from *How Learning Works: Seven Research-Based Principles for Smart Teaching*; and a synthesis of what medical education has learned about the most effective professional-formation curriculum.

A comparison of all four research perspectives indicates agreement among them that an effective professional-formation curriculum should include the principles in Table 3.

**Table 3**  
**General Agreement That An Effective Professional-Formation Curriculum Should:**

1. take into account that students are at different developmental stages of growth and engage each student at the student's present developmental stage;
2. provide repeated opportunities for reflection on the responsibilities of the profession and reflective self-assessment in general;<sup>17</sup>
3. emphasize experiential learning, feedback on the student's performance, and reflection; and
4. emphasize coaching.<sup>18</sup>

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15. Some of this section borrows from my Mercer Law Review article.

16. Neil Hamilton & Jerome Organ, *Thirty Reflection Questions to Help Each Student Find Meaningful Employment and Develop an Integrated Professional Identity (Professional Formation)*, 83 TENN. L. REV. 843, 874 (2016).

17. The habit of self-assessment and reflection is foundational for students and practicing lawyers to identify areas for further professional development and become effective career-long learners. Sami Shaban et al., *Factors Influencing Medical Students' Self-Assessment of Examination Performance Accuracy*, 29 EDUC. FOR HEALTH 75, 76 (2016).

In addition, one of the four research perspectives suggests that an effective professional-formation curriculum should include the principles in Table 4 below.

**Table 4**  
**An Effective Professional-Formation Curriculum Should Also:**

5. provide experiences that create cognitive dissonance/optimal conflict with the student's current developmental stage on either of the professional-formation learning outcomes;
6. provide instruction that helps the student understand how new knowledge and skills are building on the student's prior knowledge and competencies (the student's existing narrative);
7. provide instruction that helps each student understand how the professional-formation curriculum is helping the student achieve his or her goals; and
8. give effective feedback that tells each student where the student is developmentally relative to the stated learning outcome and what specifically the student needs to do to improve in order to make progress toward later stages of development.

One additional principle to guide curricular design on professional-formation learning outcomes is unique to legal education. There is growing empirical evidence that legal education's paradigm for professional success tends to undermine the well-being of many students.<sup>19</sup> For many students, legal education's reward system's emphasis on ranking, competitive achievement, status credentials, and money tends to undermine the key intrinsic values that contribute to a student's or lawyer's well-being: self-understanding/growth; intimacy with others; helping others; and being in/building community.<sup>20</sup> This growing body of research on the negative impact of legal education on well-

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18. "A coach is generally understood to mean a senior professional who guides a student by asking the student questions about issues important to the work, helping the student to identify goals, creating a plan to achieve the goals, and providing constructive feedback." Neil W. Hamilton, Verna E. Monson & Jerome M. Organ, *Encouraging Each Student's Personal Responsibility for Core Competencies Including Professionalism*, 21 PROF. LAW. 1, 12 (2012). A mentor is a professional who has a relationship with the student and is someone from whom the student can seek advice. "In general a mentor gives advice when asked, and a coach proactively asks questions." *Id.*

19. See Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 566-69 (2015); Lawrence Krieger, *The Most Ethical of People, The Least Ethical of People: Proposing Self-Determination Theory to Measure Professional Character Formation*, 8 U. ST. THOMAS L.J. 168, 184-86 (2011).

20. See Krieger & Sheldon, *supra* note 19, at 566-69; Krieger, *supra* note 19, at 184-86.

being for many students leads to a ninth principle for curricular design that an effective professional-formation curriculum should:

9. consider carefully the impact of the curricular design, including formative assessment, on student well-being.

With respect to curricular design of formative professional-formation *assessments* in particular, we need to add the three additional important principles set forth in Table 5 to evaluate the effectiveness of an off-the-shelf formative assessment.

**Table 5**  
**Effective Formative Assessments on Professional-Formation Learning Outcomes Should Also:**

10. consider carefully the validity<sup>21</sup> and reliability<sup>22</sup> of the assessment while realizing that validity and reliability are of highest concern if the test is a high-stakes norm-referenced assessment, of significant concern if the test measures complex cognitive constructs, and of more moderate concern if the test is fostering interpersonal and communication abilities and self-reflection;<sup>23</sup>
11. consider carefully that formative self-assessments are particularly challenging because many people, particularly poor performers in comparison with their peers, are not particularly accurate at self-assessment and tend to have a higher impression of their knowledge and skills than is the reality;<sup>24</sup> and

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21. Validity: Although people tend to talk about an assessment tool or measure as “validated,” and many commercially available tests or measures claim to be “validated,” validity is instead an ongoing process. Validity is not a characteristic of a test or a measure but a characteristic of the data. Construct validity explores whether a test is measuring what it claims to measure. Content validity explores what subject-matter experts view as important or valid within a test or assessment. Predictive validity looks at how well scores on a test predicted some type of outcome, such as whether LSAT scores predict class grade rank at the end of law school. Through replication of studies, validity accrues; Neil Hamilton & Verna Monson, *Legal Education’s Ethical Challenge: Empirical Research on How Most Effectively to Foster Each Student’s Professional Formation (Professionalism)*, 9 U. ST. THOMAS L.J. 325, 386–87 (2011).

22. Reliability. Reliability contributes to the overall validity of a test or measure. Reliability is estimated by looking at how similar items on a survey or measure correlate or how different versions of a test or measure given at the same time or some weeks or months apart correlate. If researchers are coding narrative data or rating responses using a scale, reliability between coders can be calculated. The widely accepted definition of sufficient reliability of a test or measure is a number—with a coefficient of approximately .80. Reliability is increased by controlling conditions in which students are given the assessment, limiting the length of the interview or survey to avoid fatigue and distraction, and training raters or coders. *Id.*

23. *Id.* at 387.

24. See Joyce Ehrlinger et al., *Why the Unskilled Are Unaware: Further Explorations of (Absent) Self-Insight Among the Incompetent*, 105 ORGANIZATIONAL BEHAV. HUM. DECISION PROCESSES 98 (2008) (“People

12. consider, in a time of scarce resources, how to minimize the total cost of the assessment in terms of (1) student time, (2) instructor time, (3) out-of-pocket costs to purchase the assessment and any expert debrief an assessment may require.

#### IV. HELPING EACH STUDENT UNDERSTAND AND USE THE FACULTY'S LEARNING OUTCOMES AND CURRICULUM AS THE BRIDGE TO THE STUDENT'S GOAL OF MEANINGFUL EMPLOYMENT AFTER GRADUATION (AND THE LAW SCHOOL'S GOAL OF GOOD EMPLOYMENT OUTCOMES)

Part III outlined: (1) the stages of development for a learning outcome that each student should demonstrate understanding and integration of pro-active professional development toward excellence at all of the competencies needed to serve clients and the legal system (self-directed learning); and (2) the general principles that should guide the development of an effective curriculum to foster's each student's growth toward this learning outcome. Part IV focuses on several of the general principles that are particularly important as foundations for Part IV's analysis of a strategy of e-portfolio formative assessments.

The first principle above in Table 1—that a professional-formation curriculum including formative assessments should take into account that students are at different developmental stages and engage each student at the student's present developmental stage—is the most foundational principle to guide curricular design. This article calls principle 1 “go where they are and engage the students there.” This first principle means that the faculty at each school needs to assess where the students are developmentally with respect to this learning outcome. Data from four law schools indicates that approximately 50 percent of the 1L students are self-assessing at one of the two earlier stages of self-directed learning set forth previously in Table 2.<sup>25</sup> Since these early-stage students by definition are more passive and less likely to take advantage of elective engagements, faculty and staff need to act as co-educators on a *required* curriculum to address this learning outcome.

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are typically overly optimistic when evaluating the quality of their performance on social and intellectual tasks. In particular, poor performers grossly overestimate their performances because their incompetencies deprive them of the skills needed to recognize their deficits.”); Susan Zvacek et al., *Accuracy of Self-Assessment Among Graduate Students in Mechanical Engineering*, in PROCEEDINGS OF 2015 INT'L CONF. ON INTERACTIVE COLLABORATIVE LEARNING 1130, 1130, 1132 (2015) (confirming the Dunning-Kruger effect that low-performing students tend to overestimate their abilities and high-performing students tend to underestimate theirs).

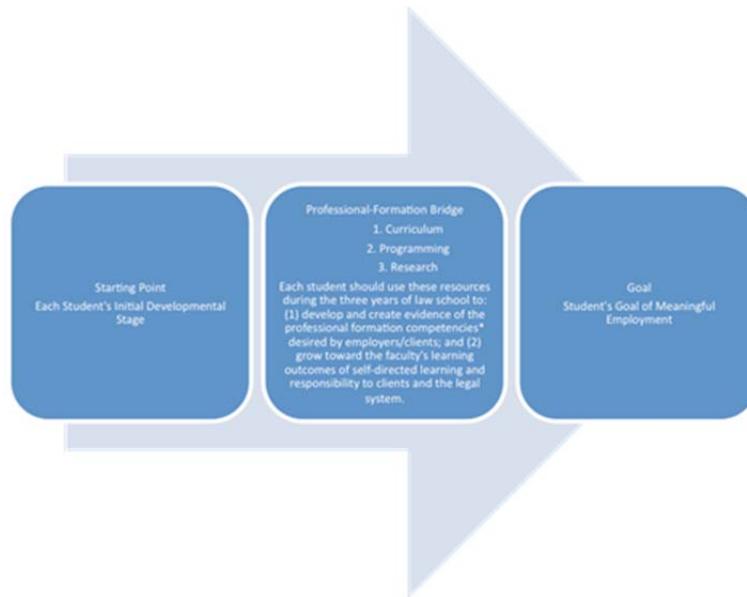
25. Hamilton & Organ, *supra* note 16, at 859. Note that there is a self-report bias in this type of research because, “[i]n general, research participants want to respond in a way that makes them look as good as possible;” they want to respond in ways they consider “socially desirable. *Id.* See Stewart I. Donaldson & Elisa J. Grant-Vallone, *Understanding Self-Report Bias in Organizational Behavior Research*, 17 J. BUS. & PSYCHOL. 245, 247 (2002). The true proportion of 1L students at the two earlier stages of self-directed learning is probably significantly higher than 50 percent.

Curricular design principles 7 and 9, outlined above in Table 4, also build off principle 1 and are very important foundations for Part IV's analysis of a student e-portfolio. Principle 7 is to provide instruction that helps each student understand how the curriculum is helping the student achieve her goals, and principle 9 is to consider carefully the impact of the curricular design on student well-being. Essentially Principles 7 and 9 are further elaborations of Principle 1 and "go where they are and engage students there."

The data available indicates that the vast majority of law students have a post-graduation goal of passing the bar and gaining meaningful employment. For example, in August, 2015, and again in August, 2016, the author asked fall semester 2L students (who must take Professional Responsibility in the 2L year) "what are the professional goals you would like to achieve by six months after graduation?" Students report that the most important goals are meaningful employment and passing the bar. However, if half or more of the students are at earlier stages of development on self-directed learning, many students do not know how to use their time in law school most effectively to achieve their goals.

A synthesis of principles 1, 7, and 9 together indicates that faculty and staff should be intentionally transparent in their communication with students to help them understand how the faculty's learning outcome of demonstrating pro-active professional development and the curriculum fostering this outcome are major bridges to help the student achieve her goal of meaningful employment. Figure 2 outlines how the faculty and staff can help each student connect the dots.

**Figure 2 – Helping Each Student Connect The Dots To See That The Student Can Reach Her Goal Of Meaningful Employment By Developing Toward The Competencies That Legal Employers And Clients Want And The Faculty’s Professional-Formation Learning Outcomes**



\* The professional formation competencies that legal employers and clients want are:

- Trustworthiness/Integrity;
- Commitment to Professional Development Toward Excellence, including the Habit of Actively Seeking Feedback and Reflection;
- Initiative/Strong Work Ethic/Diligence;
- Relationship Skills including Respect for Others, Understanding of and Responsiveness to Clients, and Listening; and
- Good Judgment.

V. ANALYZING WHETHER STUDENT E-PORTFOLIOS ARE A USEFUL CURRICULAR STRATEGY TO FOSTER EACH STUDENT'S GROWTH TOWARD LATER STAGES OF PRO-ACTIVE PROFESSIONAL DEVELOPMENT (SELF-DIRECTED LEARNING) AND OTHER BASIC COMPETENCIES NEEDED TO SERVE CLIENTS AND THE LEGAL SYSTEM

A. *Student E-Portfolios and Fostering Self-Directed Learning*

An e-portfolio is a digital repository for the purposeful collection of a student's work efforts and progress in learning in selected domains. It demonstrates that learning on particular competencies has taken place. In recent years, the use of portfolios in M.D. medical education has become more widespread, partly due to the trend toward competency-based medical education and partly due to an increased emphasis on reflective practice.<sup>26</sup>

An e-portfolio is not just the collection and storage of information and the recitation of experiences. It is the creation of evidence that demonstrates later-stage development of both the specific competencies that the faculty's learning outcomes require and the specific competencies that the legal employers in the student's areas of employment interest want. Note that the student may have to "bridge" from the faculty's learning outcomes to reframe them in language that matches up with the competencies that legal employers want. The evidence can come from the student's experience both before and during law school, including extra-curricular activities and work experience. After the student collects evidence of stage or milestone development regarding a particular competency, the student then selects the most credible and persuasive evidence that the student has achieved that stage of development. The student then reflects on what the student needs to do to grow to the next stage of development regarding that competency and how to develop credible evidence of that stage of development.

A student who creates and reflects on e-portfolios on specific competencies over the three years of law school, as described above, is clearly growing toward later stages of self-directed learning, defined earlier as "a process in which individuals take the initiative, with or without the help of others, in diagnosing their learning needs, formulating learning goals, identifying human and material resources for learning, choosing and implementing appropriate learning strategies, and evaluating learning outcomes."<sup>27</sup> Professor Anthony Niedwiecki emphasizes that law schools and the profession want to foster this type of life-long learning. This is a form of meta-cognition—"the voice in one's head that

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26. Sharon Buckley et al, *The educational effects of portfolios on undergraduate student learning: A Best Evidence Medical Education (BEME) systematic review*. *BEME Guide No. 11*, 31 *MEDICAL TEACHING* 340, 341 (2009).

27. MALCOLM KNOWLES, *SELF-DIRECTED LEARNING: A GUIDE FOR LEARNERS AND TEACHERS* 18 (1975). See generally Michael Hunter Schwartz, *Teaching Law Students to be Self-Regulated Learners*, 2003 *MICH. ST. DCL L. REV.* 447 (Summer 2003).

tells you when you do not understand something, need to change your methods of learning or believe you completed a task. Some scholars and teachers may describe meta-cognition in different terms, including self-regulated learning or expert learners, but it is simply the internal reflection and deliberate control that learners should engage in while learning.”<sup>28</sup> This article has used self-directed learning to describe this goal of life-long learning.

A student’s creation of e-portfolios on specific competencies the student wishes to emphasize that the student develops (and regularly revisits) over the three years of law school meets a number of the 12 general principles to guide curricular design discussed in Part II. Most importantly, an e-portfolio on a specific competency a student wishes to emphasize goes where the student is and engages the student there (principle 1). For example, a student creating an e-portfolio on the competency of understanding and integration of pro-active professional development toward excellence at the competencies needed to serve clients and the legal system would first reflect on the student’s past experience and evidence regarding this competency (principle 6), and second self-assess and seek feedback on the student’s current stage of development on this competency. The student should then include in her portfolio both her reflection (and current evidence) on this competency and her plan regarding the next steps to use the curriculum and other experiences of law school to grow toward the next stage of self-directed learning. She should seek feedback on her plan and reflect on the feedback (principle 8). The student should understand that growing toward a later-stage of self-directed learning (with evidence that a legal employer would accept) helps the student demonstrate a competency that legal employers want and thus helps toward the student’s goal of meaningful post-graduation employment (principle 7). A coach to give feedback from time to time on the creation, implementation, and further refinement of the student’s portfolio on this competency is important (principle 4). The coach can ask questions that foster each student’s growth (principle 5) and can foster the student’s habit of reflection and pro-active solicitation of feedback (principles 2 and 3). The coach can mitigate bias in student self-assessment. If the student is growing toward later stages of self-directed learning and moving toward her goal of meaningful post-graduate employment, this should contribute to student well-being (principle 9).

Overall, the empirical evidence available on the effectiveness of e-portfolios is from medical education for the M.D. degree. A systemic review of all the empirical evidence on the educational effects of using portfolios found that “the ‘higher quality’ studies identified by our review suggest benefits to student reflection and self-awareness knowledge and understanding (including the integration of theory and practice) and preparedness for postgraduate training in

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28. Anthony Niedwiecki, *Prepared for Practice? Developing a Comprehensive Assessment Plan for a Law School Professional Skills Program*, 50 U.S.F. L. REV. 245, 270–71 (2016).

which the keeping of a portfolio and engagement in reflective practice are increasingly important.”<sup>29</sup>

“[T]here has been little published in the United States on educational portfolios in legal education.”<sup>30</sup> There is one study in 2015 focusing on the impact on a student’s stage of self-directed learning where each student is required to develop a portfolio that is a written professional development plan, revised from time to time based on experience, to grow toward serving clients and the legal system in meaningful employment. Each student meets with a coach who gives feedback on the student’s written plan. The fourteen steps of this e-portfolio curriculum, called ROADMAP: THE LAW STUDENT’S GUIDE TO PREPARING AND IMPLEMENTING A SUCCESSFUL PLAN FOR MEANINGFUL EMPLOYMENT [hereafter ROADMAP curriculum]<sup>31</sup> are set forth in Appendix A. The data indicate while 54.4 percent of the beginning-of-the-spring semester 1L students were self-assessing at the dependent or interested stage of self-directed learning (using the stage development model at Table 2 earlier), after completing the ROADMAP curriculum, only 9.8 percent were at the interested stage and none were at the dependent stage. Similarly, while 60.3 percent of the beginning-of-fall-semester 2L students (who had not yet had the ROADMAP curriculum in the 1L year when we first experimented with this curriculum) self-assessed at the dependent or interested stage of self-directed learning, after completing the ROADMAP, only 9.5 percent were at the interested stage and none were at the dependent stage.<sup>32</sup>

There is an Australian law school study of the effectiveness of portfolios for undergraduate law students. The pilot project asked students in level 1 (introductory) courses to use e-portfolios to collect, store, and display evidence of specific competencies developed in response to specific class assignments. The students early in their law school studies did not embrace e-portfolio technology as enthusiastically as the authors expected. The authors conclude that until students had progressed into later stages of their program, they were unlikely to appreciate how e-portfolios could enrich their learning by providing a vehicle for reflection upon the incremental development of competencies needed upon graduation. Evidence from that pilot project “remains thin that e-portfolio pedagogy leads to deeper learning and professional identity development.”<sup>33</sup>

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29. Buckley et al, *supra* note 26, at 351.

30. Viki Waye & Margaret Faulkner, *Embedding E-Portfolios in a Law Program: Lessons from an Australian Law School*, 61 J. LEGAL EDUC. 560, 561 (2012).

31. NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT’S GUIDE TO PREPARING AND IMPLEMENTING A SUCCESSFUL PLAN FOR MEANINGFUL EMPLOYMENT 3–4 (2015).

32. Neil Hamilton, *Professional Formation with Emerging Adults Law Students in the 21-29 Age Group: Students Take Ownership of Their Own Professional Development Toward Both Excellence and Meaningful Employment*, J. OF PROF. L. 125, 142 (2015).

33. Waye & Faulkner, *supra* note 30, at 581.

*B. Student E-Portfolios and Fostering Growth Toward Later Stages of Other Basic Competencies Like Legal Writing*

Student e-portfolios should be an excellent curricular strategy to help each student develop toward the technical competencies as well. For example, ABA accreditation standard 302 requires all law schools to establish a learning outcome that includes competency in written communication in the legal context. As indicated in Figure 1 earlier, for each competency the law faculty has included in its learning outcomes, the faculty would then also define milestones to create a guide for the level of the particular competency that a law student should be expected to have achieved at a particular time in the student’s matriculation. The milestones map a student’s progress on each needed competency as she continues her education.

Table 6 below sets forth a proposal regarding what developmental benchmarks might look like for legal writing.<sup>34</sup>

**Table 6**  
**Legal Writing Developmental Benchmarks**

	<b>BEGINNER</b>	<b>NOVICE</b>	<b>PROFICIENT</b>	<b>EXPERT</b>
<b>Organization</b>	Reliance on professors and texts to understand requirements and structures of legal writing.	Generally proper organizational signposting, inconsistency in formatting, quality headings and topic sentences.	Effective use of signposts, consistently correct use of format and generally well-constructed headings and topic sentences.	Artful use of signpost, consistently summarizes complex issues with headings and topic sentences. Enquist, 141. <sup>35</sup>
<b>Writing Style</b>	Shows tendencies of undergraduate writing; emphasizes self-expression and length. Enquist (2005). <sup>36</sup>	Shifting to clarity, directness and brevity.	Well-developed and succinct analysis of legal issues. Begins use of rhetorical tools of persuasive writing.	Sophisticated legal analysis and arguments communicated clearly and concisely. Skillful use of rhetorical tools of persuasive writing.

34. My research assistant, James Lopez, created a number of drafts of Table 6 setting forth these developmental stages for legal writing, and Professors Rob Kahn and Julie Oseid gave very helpful comments on the drafts. I am not an expert of teaching legal writing and suggest these legal writing developmental benchmarks as a tentative proposal that needs critique.

35. Anne Enquist, *Topic Sentences—Potentially Brilliant Moment of Synthesis*, 14 PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING, 139, 141 (2006).

36. Anne Enquist, *Talking to Students About the Differences Between Undergraduate Writing and Legal Writing*, 13 PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING, 104, 104 (2005).

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<b>Use of Legal Authority</b>	Students are unfamiliar with implications of jurisdiction and legal authority.	Incorrect emphasis of decisions outside of jurisdiction without justification or reason. Niedwiecki, 257. <sup>37</sup>	Consistently identifies, understands and address's jurisdictional issues as required by assignment.	Skillfully analyzes persuasive and controlling authority to support positions.
<b>Terms of Art</b>	Introduction to terms of art and definitions.	Incorrect or clumsy usage of terms of art.	Generally correct use of terms of art.	Consistently appropriate use of terms of art.
<b>Citation</b>	Introduction to correct formatting of citations (use of Bluebook).	High rate of errors in citation formatting.	Citation errors are rare.	No citation errors, sophisticated use of attribution.
<b>Proofreading/Rewriting<sup>38</sup></b>	High level of typos and usage errors, demonstrating less time devoted to rewriting and editing.	Less typos, usage errors and more refined writing, demonstrating more time devoted to rewriting and editing.	Generally well-crafted sentence structures, rare typos or usage errors.	Consistently well-crafted sentences and paragraphs structure. No typos or usage errors
<b>Legal Research<sup>39</sup></b>	Introduction to use of legal search engines.	Sometimes miss key cases and statutes in the relevant area of law.	Use of databases to consistently find and cite relevant case law and statutes. Niedwiecki, 264. <sup>40</sup>	Skillfully researches databases to find motions and briefs used in former cases to inform theories and briefs.
<b>Identification of Opposing Arguments</b>		Not mentioning strong opposing arguments or employing straw man arguments.	Generally anticipates and responds to opposing arguments.	Anticipates and skillfully preempts strongest opposing arguments.

37. Niedwiecki, *supra* note 28, at 257.

38. Proofreading and editing encompasses a spectrum of skills, including learning from feedback and constructive criticism and rewriting which incorporates corrections and suggestions. The author is indebted to Lawyering Skills Professors at the University of St. Thomas Law School for constructive feedback that informed the creation of this chart. Dr. Robert Kahn and Professor Julie Oseid provided helpful comments that improved the Legal Writing Benchmarks.

39. The development of many skills measured on the chart also reflect growth in professional and ethical development.

40. Niedwiecki, *supra* note 28, at 259.

<b>Use of Quotes</b>		Over reliance on long quotes for explanation of legal principles the writer does not command well enough to explain in his or her own words.	Quotes used economically to further analysis.	Skillful use of quotes to emphasizes analysis. Secondary sources used to inform analysis, rarely quoted.
<b>Case Description</b>		Emphasis on summary of facts and cases over analysis. Needlessly cite legal standards to clarify for own understanding, or to show competence or knowledge. Williams p. 20 <sup>41</sup>	Shift to more analysis, yet still relies on too much summarization. Correctly states legal standards as needed.	Strongly demonstrates mastery of legal analysis by distinguishing and analogizing fact patterns to case law, statutes and regulations.

These are the sources listed in Table 6.

- Anne Enquist, Topic Sentences—Potentially Brilliant Moment of Synthesis, *Perspectives: Teaching Legal Research and Writing*, Vol. 14, No. 3, Spring 2006 139-141.

- Anne Enquist, Talking to Students About the Differences Between Undergraduate Writing and Legal Writing, *Perspectives: Teaching Legal Research and Writing*, Vol. 13, Winter 2005.

- Joseph M. Williams, On the Maturing of Legal Writers: Two Models of Growth and Development, *The Journal of the Legal Writing Institute*, 1991.

- Anthony Niedwiecki, Prepared For Practice? Developing a Comprehensive Assessment Plan for a Law School Professional Skills Program, *50 University of San Francisco Law Review* 245 (2016).

An e-portfolio curricular strategy applied to these stages of development for a technical skill like legal writing would require each student to collect evidence that demonstrates later-stage development of this competency. After the student collects evidence of stage or milestone development regarding legal writing, the

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41. Joseph M. Williams, *On the Maturing of Legal Writers: Two Models of Growth and Development*, 1 THE J. OF THE LEGAL WRITING INST. 1, 20 (1991).

student then selects the most credible and persuasive evidence that the student has achieved a particular stage of development from Table 6. The student would need to focus on what is the most persuasive evidence for audiences like law faculty as well as audiences like legal employers in the student's areas of employment interest. The student then reflects on what the student needs to do to grow to the next stage of development regarding that competency and how to develop credible evidence of that growth.

## VI. LESSONS LEARNED FROM E-PORTFOLIO CURRICULAR INITIATIVES

A foundational step for an e-portfolio curricular strategy is for the faculty and staff to create stage-development benchmarks or milestones similar to Figure 1 earlier for each competency that might be included in a student's e-portfolio. Then the faculty and staff would experiment with requiring e-portfolios for specific competencies.

### A. Experiment with an E-Portfolio Curriculum as a Formative Assessment First

ABA accreditation Standard 314 requires that "A law school shall use both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students."<sup>42</sup> "Formative assessment methods are measurements at different points during a particular course or at different points over the span of a student's education that provide meaningful feedback to improve student learning. Summative assessment methods are measurements at the culmination of a particular course or at the culmination of any part of a student's legal education that measure the degree of student learning."<sup>43</sup> If the e-portfolio is used as a summative assessment, then, because the e-portfolio is a high stakes assessment,<sup>44</sup> principle 10 from Table 5 earlier requires careful consideration of the validity and reliability of the assessment.

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42. AMERICAN BAR ASSOCIATION, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2016-2017, 23 (2016), available at [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2016\\_2017\\_aba\\_standards\\_and\\_rules\\_of\\_procedure.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_aba_standards_and_rules_of_procedure.authcheckdam.pdf) [hereinafter 2016-2017 ABA STANDARDS AND RULES] (on file with *The University of the Pacific Law Review*) (Standard 314).

43. *Id.* at 23; John Norcini & Judy Shea, *Assessment of Professionalism and Progress in the Development of a Professional Identity*, in TEACHING MEDICAL PROFESSIONALISM 155, 156 (R. Creuss et al. eds., 2nd ed. 2016) (stating "[f]ormative assessment, in particular, offers feedback intended to direct and catalyze learning").

44. *Infra* Part III.B (referencing Table 5).

*B. The Importance of Principle 7 in Table 4—Provide Clear Instruction that Helps Each Student Understand how the E-portfolio is Helping the Student Achieve His or Her Goals*

Students need detailed guidance on the benefits of the e-portfolio to their goal of meaningful employment post-graduation. They also need detailed guidance on how to create an e-portfolio and how to select the most persuasive evidence of a later-stage development of a particular competency for a specific audience of faculty, staff, or legal employers. Providing examples of particularly strong evidence for particular competencies is very useful. Students also need guidance and support to develop toward later stages on the skill of reflection.<sup>45</sup>

*C. The Time Demands for Developing and Revisiting a Student's E-Portfolio Must Be Reasonable*

Substantial time demands to do the e-portfolio will reduce students' willingness to engage in portfolio work. The e-portfolio becomes "one more thing" on top of an already busy schedule. Strict word limits and clear expected time commitments are useful. E-portfolios need to be an integrated part of a for-credit course where the e-portfolio is clearly aligned with the course learning outcomes.<sup>46</sup>

Each student could be asked to develop an e-portfolio on the top three competencies the student intends to emphasize in seeking meaningful employment with the student's highest priority employment options. If e-portfolios are combined with ROADMAP curriculum, then one competency is going to be that the student is demonstrating understanding and integration of pro-active professional development (self-directed learning) toward excellence at the competencies needed to serve clients and the legal system.

*D. Learn as Much As Possible from Experimentation with E-Portfolio Curricular Strategies from Other Disciplines and Other Law Schools*

Over 45 percent of the medical schools in the United States are now using student portfolios with 72 percent using a longitudinal, competency-based portfolio strategy.<sup>47</sup> Eighty percent of students and 69 percent of faculty agreed that portfolios engage students. Ninety-seven percent agreed that there is room for improvement with respect to the use of portfolios.<sup>48</sup> It will be important to follow medical education research on the use of portfolios in the curriculum.

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45. Buckley et al., *supra* note 26, at 341, 351.

46. *Id.*

47. J. Chertoff et al., *Status of Portfolios in Undergraduate Medical Education in the LCME accredited US Medical School*, 38 MED. TEACH. 886, 896 (2016).

48. *Id.*

A few law schools are experimenting with portfolios, but there are no published studies focusing specifically on assessing the experiments with portfolios. For example, Elon University School of Law requires each student to develop a portfolio.<sup>49</sup> Daniel Webster Scholars at the University of New Hampshire School of Law are required to develop portfolios.<sup>50</sup> The University of Nebraska College of Law has an optional e-portfolio App.<sup>51</sup> The University of St. Thomas (MN) has the ROADMAP curriculum described in Part V.A. above.<sup>52</sup>

#### E. *Training for Faculty and Staff*

A significant challenge is that faculty and staff at law schools are not familiar with an e-portfolio curricular strategy, and they will need training on how to use e-portfolios effectively.<sup>53</sup> A lack of meaningful faculty engagement regarding student portfolios has been a problem in medical education.<sup>54</sup> For example, some faculty members waited too long to give timely feedback on student portfolios.<sup>55</sup> Some faculty members have come to meetings with students without first reviewing the portfolio.<sup>56</sup> Some faculty members do not feel adequately prepared to give feedback on a student portfolio.<sup>57</sup>

#### F. *E-Portfolio Platforms*

It is beyond the scope of this article to evaluate the relative effectiveness of the existing e-portfolio platforms. Principle 12 mentioned earlier—minimize the total cost of an assessment in terms of student time, instructor time and out-of-pocket costs—suggests that the best initial step is to investigate any existing electronic teaching platform that the university is using to see if it provides an e-

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49. Elon School of Law, 2016-2017 Academic Catalog and Student Handbook 68 (2016-2017) (unpublished, but official, student handbook, Elon School of Law), on file with *The University of the Pacific Law Review*).

50. John Garvey, *Making Law Students Client-Ready*, 85 N.Y. ST. BAR J. 44, 47 (2013).

51. Nebraska College of Law, *Build Your Character*, UNIVERSITY OF NEBRASKA-LINCOLN (last visited Jan. 16, 2017), <http://law.unl.edu/build-your-character/>.

52. *Infra* Part V.A.

53. *See infra* Part V.A.

54. Rosie Belcher, *Qualitative Study of the Impact of an Authentic Electronic Portfolio in Undergraduate Medical Education*, 14 B.M.C. MED. EDUC. at 265, 6. (2014).

55. *Id.* at 4.

56. Adina L. Kalet et al, *Promoting Professionalism Through an Online Professional Development Portfolio: Successes, Joys and Frustrations*, 82 ACAD. MED. 1065, 1071 (2007).

57. Donald Boudreau, *The Evolution of an Undergraduate Medical Program on Professionalism and Identity Formation*, in TEACHING MEDICAL PROFESSIONALISM 226 (R. Creuss et al. eds., 2016).

portfolio capability. For example, Blackboard has this capability. There are articles that list all the e-portfolio platforms.<sup>58</sup>

## VII. CONCLUSION

This article has analyzed how an e-portfolio curricular strategy helps each law student develop toward: (1) the faculty's learning outcomes, including technical learning outcomes like legal writing, but especially professional-formation learning outcomes like helping each student demonstrate self-directed learning; (2) each law student's goal of meaningful employment after graduation; and (3) each law school's goal that a high percentage of its graduates secure good employment outcomes that in turn influence stronger applications to the law school. While a few law schools like Elon, Nebraska, and the University of St. Thomas (MN) are experimenting with e-portfolios as a requirement for all students, others like New Hampshire are requiring e-portfolios for some subset of the students.<sup>59</sup> The important goal with these experiments is to set up some strong assessments of what approaches are most effective to help students achieve the learning outcomes.<sup>60</sup> There is also much we can learn from medical education concerning the most effective approaches and good strategies for assessment of the effectiveness of an e-portfolio curriculum.<sup>61</sup>

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58. Jeffrey Alderson, *Two Trends Driving Change in the ePortfolio Market*, EDUVENTURES (SEPT. 6, 2016), <http://www.eduventures.com/2016/09/two-trends-driving-change-eportfolio-market/> (on file with *The University of the Pacific Law Review*); *supra* Part III.B (referencing Table 4).

59. *Supra* Part VI.D.

60. *Supra* Part VI.F.

61. *Supra* Part VI.D.

Appendix A

**ROADMAP WRITTEN PLAN FOR EACH STUDENT TO DEMONSTRATE  
PROFESSIONAL DEVELOPMENT TOWARD THE COMPETENCIES THAT  
LEGAL EMPLOYERS AND CLIENTS WANT  
(from pages 3-4 of the ROADMAP book)**

A. ASSESSMENT OF YOURSELF

1. What are your strengths?
2. What are the characteristics of past work/service experience where you have found the most meaning and positive energy? Are there particular groups of people whom you have served where you have drawn the most positive energy in helping them? What specific strengths and competencies were you using in this work or service?
3. How do you self-assess your trustworthiness in the past to help others on important matters? How do others who know your past work/service assess your trustworthiness?
4. Looking at the competencies that clients and legal employers want, how do you self-assess what are your strongest competencies? How do others who know your past work/service assess your strongest competencies?
5. How do your strengths from Question 1 and strongest competencies from Question 4 match up with the competencies that legal employers and clients want?
6. Step back and think creatively about the changing legal market and possible entrepreneurial responses to those changes. Could you demonstrate some innovative ideas and differentiating competencies to help potential employers and clients to be more successful in this changing legal market?

B. ASSESSMENT OF YOUR MOST PROMISING OPTIONS FOR EMPLOYMENT

7. Can you create a tentative list of the most promising options for employment where you see the best match among your strengths, the characteristics of past work that have given you the most positive energy, and the competencies that legal employers want?
8. What is your value proposition to demonstrate to these potential employers that you can add value beyond the standard technical legal skills to help the employers' clients and the employer itself be more successful?

C. YOUR PROFESSIONAL DEVELOPMENT PLAN

9. How do you plan to use your remaining time in law school to gain good experience at your most promising options for meaningful employment so that you can confirm or eliminate (or add to) your list of most promising employment options? What metrics will you create to assess whether you are implementing your plan?

10. How do you plan to use your remaining time in law school, including the curriculum and all the other experiences of law school, most effectively to develop the competencies that support your value proposition? Are you assessing your progress in implementing your plan?

11. What evidence are you collecting to demonstrate to potential employers your development at your differentiating competencies? What evidence do you want to develop going forward?

12. How do you plan to develop long-term relationships based on trust with other lawyers, particularly senior lawyers and judges who can give feedback on your employment plan, help you with experiences to implement it, and help provide evidence that you have developed a competency? Are you assessing your progress in implementing this plan?

13. What is your biggest fear or roadblock holding you back in implementing any of the steps above?

**D. PERSUASIVE COMMUNICATION**

14. How will you most effectively communicate your value to specific potential employers on your list of most promising employment options?