



## LAW

# 2022 Assessment Report

### MISSION STATEMENT

The Alexander Blewett III School of Law at the University of Montana prepares students for the people-oriented practice of law by integrating theory and practice in a competency-based curriculum; serves as the academic legal center in Montana; and contributes to the development of national, state, and tribal law and legal institutions through teaching, scholarship, and service. In pursuit of this mission, the Blewett School of Law strives to:

- Develop in its students the demonstrated ability to serve society as lawyers, to represent clients generally and in particular transactions, and to seek resolution of conflicts in appropriate forums;
- Foster intellectual inquiry, knowledge of the law, fundamental professional skills, perspective on the role of law and lawyers in society, and the character and values necessary to serve society;
- Support scholarship and provide professional service to Montana, tribal governments and communities, the nation, and the international community;
- Emphasize those areas of law significant to the Rocky Mountain West, including natural resources, environmental, and Indian law; and
- Promote among students, faculty, and the profession a sense of community enriched by a diverse group of people devoted to freedom of inquiry and freedom of expression.

### DEPARTMENT ALIGNMENT WITH PRIORITIES FOR ACTION

After listing each departmental objective, indicate which of the five [Priorities for Action](#) the objective supports. In this section, you may also briefly describe any innovative or noteworthy programs/initiatives that support the Priorities for Action.

**The Blewett School of Law graduates students with the knowledge, skills, and values necessary to serve society as lawyers.**

#### 1. Our graduates possess a practical understanding of substantive and procedural law

- a. Priority 1: Place student success at the center of all we do
  - i. Provide academic success programming for all 1L students
  - ii. Provide courses to assist in studying for and passing the required professional exams
- b. Priority 2: Drive excellence and innovation in teaching, learning, and research
  - i. Offer students opportunity to take courses addressing each of the areas tested on the bar exam.
  - ii. Require students to complete an advanced research requirement with a focus on law and its policy implications
- c. Priority 4: Partner with place
  - i. Offer ability to earn Indian Law Certificate
  - ii. Offer ability to earn Environmental Law Certificate
  - iii. Address Montana specific issues in required and elective courses
  - iv. Support and publish the Montana Law Review focused on Montana law and issues
  - v. Support and publish the Public Land and Resources Law Review focused on environmental law and natural resources law

#### 2. Our graduates are proficient in fundamental lawyering skills

- a. Priority 1: Place student success at the center of all we do
    - i. Provide individualized mentoring and feedback in capstone clinic program
    - ii. Field competition teams including NALSA Moot Court, National Moot Court, Environmental Moot Court, ABA Negotiations Team, ABA Trial Team, among other competition teams.
  - b. Priority 2: Drive excellence and innovation in teaching, learning, and research
    - i. Provide external clinic placements in a variety of subject matter areas, including criminal law, transactional and business law, environmental law, Indian law, civil litigation. Provide the option to design an independent and individualized clinic placement.
    - ii. Offer two in-house clinics – Veteran’s Advocacy Clinic and Margery Hunter Brown Indian Law Clinic
    - iii. Offer skills training throughout all three years of law school with required courses in legal writing, legal analysis, legal research, business transactions, and pretrial advocacy.
    - iv. Include skills training as part of each capstone requirements – clinic, advanced writing requirement; oral advocacy requirement.
    - v. Offer skills exercises in many elective courses including estate planning, secured transactions, intellectual property, alternative dispute resolution, negotiations, appellate advocacy, water law, insurance law, real estate transactions, tax practice and procedure, trial practice and others.
- 3. Our graduates recognize the character, values, and professionalism necessary to serve society as lawyers**
- a. Priority 2: Drive excellence and innovation in teaching, learning, and research
    - i. Offer joint degree programs, including a joint Masters in Public Administration, Masters in Business Administration, Masters of Environmental Studies, Masters in Social Work.
    - ii. Support Montana Law Review’s Browning Symposium and Browning Lecture Series where speakers focus on professionalism and values.
    - iii. Offer course in Lawyer’s Values.
  - b. Priority 3: Embody the principle of “Mission First, People Always”
    - i. Offer pro bono programming where students provide service to underserved communities.
    - ii. Clinics must be completed either for a government agency or a 501(c)(3) nonprofit organization.
    - iii. Offer certificate programs in Indian Law and Environmental Law.
    - iv. Provide an Indian Law Summer Program.
    - v. Offer study abroad opportunities in Ireland (current) and China (paused).
    - vi. Encourage student groups, with more than 15 active current student groups, to invite speakers, hold symposiums, undertake charitable activities, and build community.

## STUDENT LEARNING OUTCOMES and MEASUREMENT TOOLS

Student Learning Outcomes	Course exams and final assessments <sup>1</sup>	Professional exam <sup>2</sup>	External student assessment <sup>3</sup>	Student Course Evaluations <sup>4</sup>	
1. <b>Knowledge:</b> possess a practical understanding of substantive and procedural law	Quizzes, mid-term exam,	MBE, MEE	Evaluation of external clinic supervisors	Each course evaluation asks students	

<sup>1</sup> Faculty are asked to have a class mean GPA of 2.7 to 3.3, and classes are graded on a curve. To graduate a law student must obtain a cumulative GPA of 2.30.

<sup>2</sup> Most recent bar exam results reported to ABA show pass rates for Montana law graduates in 2021 exceeded the national pass rates.

<sup>3</sup> Some courses are evaluated by external practicing attorneys, including clinic, competition teams, and our voluntary pro bono program.

<sup>4</sup> As part of the course evaluation, students indicate whether the course met its stated learning outcomes.

<b>Student Learning Outcomes</b>	<b>Course exams and final assessments<sup>1</sup></b>	<b>Professional exam<sup>2</sup></b>	<b>External student assessment<sup>3</sup></b>	<b>Student Course Evaluations<sup>4</sup></b>	
	final exam, papers			to address specific learning outcomes	
2. <b>Skills:</b> proficient in fundamental lawyering skills	Written and oral evaluation of skills exercises specific to the skill taught	MPT	Competition teams, Clinical board of visitor clinic site visits	Each course evaluation asks students to address learning outcomes	
3. <b>Values:</b> recognition of the character, values, and professionalism necessary to serve society as lawyers	Final exams, Evaluation of client representation	MPRE	Practicing attorneys work with students in pro bono program	Each course evaluation asks students to address learning outcomes	

## RESULTS and MODIFICATIONS

<b>Student Learning Outcomes results</b>	<b>Modifications made to enhance learning</b>
Faculty recently instituted an oral advocacy requirement to address skills needed based on legal practice areas and determined that additional courses needed to be added that meet this requirement.	We have added new courses satisfying this requirement in the areas of environmental law, constitutional law, bankruptcy law.
Legal research, analysis, and writing program, due to retirements is being reevaluated and reconfigured by faculty.	Legal writing curriculum is being revised to better integrate teaching of legal analysis, research, and writing skills.
With a small faculty and increased student interest in a variety of different types of clinic placements, faculty is reevaluating clinic placements.	To address student interests, clinic added six external placements, including several in Helena.
The law school needs to increase student response rates for course evaluations.	The law school continues to explore how best to increase student response rates. We receive 100% response rates in clinic where staff are able to track and require students complete course evaluation prior to receiving a grade. We will explore whether we can institute a similar requirement for all courses. Providing in-class time to complete evaluations and allowing students to submit online has not sufficiently increased response.

## FUTURE PLANS FOR CONTINUED ASSESSMENT

- Given the interim nature of leadership, strategic planning and the many opportunities for assessment and feedback from the various law school constituencies have been delayed. Once a dean is in place, the faculty will proceed with its strategic planning process.
- Law school will begin preparation for its next accreditation cycle next year.
- Learning outcomes will be reassessed and course mapping updated during next academic year. The learning outcomes will be realigned to focus on five outcomes.

- Once learning outcomes are revised, the law school will arrive at a consensus for how best to evaluate whether the law school is achieving these outcomes. In addition to the bar exam, we will explore the benefit of surveys, student portfolios or other assessment of required courses, more detailed course mapping, student evaluations, and other assessment options.

## **APPENDICIES**

1. Course mapping of required courses and learning outcomes
2. Student Learning Outcomes (working draft 1/2017)
3. Bar passage rates reported to the ABA for 2021 reporting cycle

## UM Curriculum Mapping Template Law Degree - Required Courses

Required Course (Name and Number)	Outcome 1:	Outcome 2:	Outcome 3:	Assessment	Tested on Prof'l Exam
Introductory Program	I	I	I	not graded	
Civil Procedure	D, M	I	I	Eam	Bar exam-MBE
Constitutional Law	D, M	I	I	Exam	Bar exam-MBE
Contracts	D, M	I	I	Exam	Bar exam-MBE
Criminal Law	D, M	I	I	Exam	Bar exam-MBE
Legal Analysis		D		Memo	Bar exam-MPT
Legal Research		D		Exam	Bar exam-MPT
Legal Writing		D		Brief	Bar exam-MPT
Property	D, M		I	Exam	Bar exam-MBE
Torts	D, M		I	Exam	Bar exam-MBE
Evidence	D, M		I	Exam	Bar exam-MBE
Prof'l Responsibility	D, M		D	Exam	Bar exam-MPRE
Business Transactions		D	D	Skill Exercise	Bar exam-MPT
Pretrial Advocacy		D	D	Skill Exercise	Bar exam-MPT
Clinic		M	M	Live Client Representation	
Advanced Writing Req't		M		Paper & Oral Presentation	
Oral Advocacy Req't		M		Skill Exercise & Oral Presentatio	

**KEY:**

I = Introduced

Learning outcome 2: Our graduates possess fundamental lawyer

D = Developed/reinforced,  
with opportunities to practice

M = Mastery

A = Assessment evidence  
collected

**Learning outcome 1: Graduates possess a practical understanding of substantive and procedural law**

**Learning outcome 2: Graduates possess fundamental lawyering skills**

**Learning outcome 3: Graduates recognize the character, values, and professionalism necessary to se**





**STUDENT LEARNING OUTCOMES  
 PERFORMANCE CRITERIA**

**Working Draft**

**Adopted by the Faculty January 27, 2017**

[1] Our graduates possess a practical understanding of substantive and procedural law ...

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[1.0.1]	<b><i>Identifying, describing, and interpreting the fundamental terms, rules, and principles of law, including significant alternative formulations, such as minority rules; and</i></b>
[1.0.2]	<b><i>Applying such knowledge to a given set of facts and circumstances.</i></b>

... including:

[1.1] Law significant to the Rocky Mountain West;

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[1.1.1]	<b><i>Demonstrating an ongoing awareness of current issues that affect the laws, peoples, and places of our region;</i></b>
[1.1.2]	<b><i>Identifying those legal issues and principles significant to our region; and</i></b>
[1.1.3]	<b><i>Articulating the various stakeholder perspectives on legal issues significant to our region.</i></b>

[1.2] Legal theory and legislative, executive, and judicial roles in law and policy-making; and

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[1.2.1]	<b><i>Identifying the varied sources of law in modern society;</i></b>
[1.2.2]	<b><i>Applying canons of construction, standards of judicial review, and other legal doctrines used in the interpretation of laws and legal decisions; and</i></b>
[1.2.3]	<b><i>Understanding the major policies and theories that influence court decisions, legislation, and regulation.</i></b>

[1.3] Graduates who complete our certificate programs possess additional expertise in natural resources and environmental law, Indian law, or dispute resolution.

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[1.3.1]	<b><i>Completing all certificate courses with a minimum grade of B-;</i></b>
[1.3.2]	<b><i>Integrating field work, interdisciplinary collaboration, and problem-solving methods into their certificate studies;</i></b>
[1.3.3]	<b><i>Writing an advanced paper on a specialized topic in their certificate area, and defending that writing in an oral presentation; and</i></b>

[1.3.4]	<i>Applying substantive knowledge in experiential exercises within their certificate courses, and in live-client clinical work in their certificate area.</i>
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[2] Our graduates possess fundamental lawyering skills, including:

[2.1] The identification of legal issues;

<i>Graduates will demonstrate achievement of this learning outcome by ...</i>	
[2.1.1]	<i>Articulating potential legal issues that arise from a given set of facts and circumstances; and</i>
[2.1.2]	<i>Distinguishing those potential legal issues from other issues not legally relevant, cognizable, or resolvable.</i>

[2.2] Legal research;

<i>Graduates will demonstrate achievement of this learning outcome by ...</i>	
[2.2.1]	<i>Developing effective and efficient research strategies;</i>
[2.2.2]	<i>Exhibiting a basic command of legal research tools;</i>
[2.2.3]	<i>Conducting thorough and accurate research; and</i>
[2.2.4]	<i>Managing and organizing research results.</i>

[2.3] Legal analysis;

<i>Graduates will demonstrate achievement of this learning outcome by ...</i>	
[2.3.1]	<i>Identifying relevant laws and legal processes applicable to a given set of facts and circumstances;</i>
[2.3.2]	<i>Synthesizing and applying those laws and processes;</i>
[2.3.3]	<i>Recognizing the weaknesses or counter-arguments that affect a legal analysis and determining how to address them; and</i>
[2.3.4]	<i>Reaching sound legal conclusions.</i>

[2.4] Factual investigation and development;

<i>Graduates will demonstrate achievement of this learning outcome by ...</i>	
[2.4.1]	<i>Understanding the nature of fact and factual theory;</i>
[2.4.2]	<i>Developing and undertaking a comprehensive factual investigation plan;</i>
[2.4.3]	<i>Articulating objective and persuasive factual narratives;</i>
[2.4.4]	<i>Identifying facts relevant to elements of legal claims; and</i>
[2.5.4]	<i>Identifying other disciplines, services, and expertise on which problem-solving may depend.</i>

[2.5] Problem-solving;

<i>Graduates will demonstrate achievement of this learning outcome by ...</i>	
[2.5.1]	<i>Identifying both legal and non-legal issues that arise from a given set of facts and circumstances;</i>
[2.5.2]	<i>Articulating and employing a client-centered, collaborative problem-solving framework to address those issues; and</i>
[2.5.3]	<i>Recognizing the fluidity of disputes and transactions, and the flexibility</i>



	<i>necessary to resolve and manage them.</i>
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[2.6] Objective and persuasive oral and written communication;

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[2.6.1]	<i>Speaking and writing in a variety of lawyering settings; and</i>
[2.6.2]	<i>Tailoring their communication to the applicable audience, including being able to explain the law to non-lawyers when the setting so requires.</i>

[2.7] Client interviewing and counseling;

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[2.7.1]	<i>Articulating and employing a comprehensive client interviewing and counseling method; and</i>
[2.7.2]	<i>Adapting that method to a variety of lawyering settings.</i>

[2.8] The organization and management of legal work;

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[2.8.1]	<i>Exhibiting an ability to set goals, formulate a plan, and implement a plan over time;</i>
[2.8.2]	<i>Displaying the ability to balance competing demands and workloads routinely found in the legal profession;</i>
[2.8.3]	<i>Dedicating the time and effort necessary to accomplish professional tasks;</i>
[2.8.4]	<i>Performing tasks in a timely manner; and</i>
[2.8.5]	<i>Learning, communicating, and addressing personal limitations.</i>

[2.9] The recognition and resolution of ethical dilemmas;

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[2.9.1]	<i>Identifying ethical issues that arise in the course of legal practice;</i>
[2.9.2]	<i>Consulting with others about those issues; and</i>
[2.9.3]	<i>Adhering to accepted norms of professional conduct resolving them.</i>

[2.10] Negotiation;

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[2.10.1]	<i>Understanding basic negotiation theory, including the best and worst alternatives to a negotiated agreement;</i>
[2.10.2]	<i>Using that understanding to formulate negotiation strategy and tactics;</i>
[2.10.3]	<i>Recognizing principled negotiation concepts; and</i>
[2.10.4]	<i>Negotiating in litigation and transactional contexts.</i>

[2.11] Dispute resolution;

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[2.11.1]	<i>Understanding the nature of disputes;</i>
[2.11.2]	<i>Recognizing the range of dispute-resolution methods and settings; and</i>
[2.11.3]	<i>Advocating in each method and setting, which includes pre-litigation</i>

	<i>conflict resolution, litigation, settlement negotiations, and plea bargaining.</i>
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[2.12] Document-drafting;

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[2.12.1]	<i>Drafting legal instruments that are formatted and structured, clear, concise, well-reasoned, organized, professional in tone and appearance, appropriate to audience, and, if expected, contain proper citations to authority;</i>
[2.12.2]	<i>Analyzing and revising forms to achieve objectives; and</i>
[2.12.3]	<i>Drafting a contract that uses defined terms, representations, covenants, and conditions.</i>

[2.13] The use of technology; and

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[2.13.1]	<i>Using technology common in the profession;</i>
[2.13.2]	<i>Identifying technological trends and the legal and ethical considerations associated with using them in legal practice; and</i>
[2.13.2]	<i>Conforming with best practices in the profession by adopting new technologies when appropriate.</i>

[2.14] Cross-cultural competence.

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
2.14.1	<i>Exhibiting sensitivity to cultural differences and similarities and their impact on the practice of law and system of justice; and</i>
2.14.2	<i>Adapting approaches to lawyering, when appropriate, to reflect such cultural differences and similarities.</i>

[3] Our graduates recognize the character, values, and professionalism necessary to serve society as lawyers, including:

[3.1] Excellence in their role as a representative of clients, an officer of the court, and a public citizen responsible for the quality and availability of justice;

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[3.1.1]	<i>Exhibiting integrity, thoroughness, effort, civility, and respect in the discharge of their professional responsibilities; and</i>
[3.1.2]	<i>Knowing and adhering to the applicable rules of professional conduct.</i>

[3.2] Diversity and equality of opportunity in the practice of law;

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[3.2.1]	<i>Respecting the dignity and rights of all persons regardless of age, ideas and perspectives, disabilities, creed, ethnicity, gender identity, gender expression, veteran status, national origin, race, religious and spiritual beliefs, sex, sexual orientation, or socioeconomic status.</i>

[3.3] The importance of *pro bono* work, service, and access to justice for underserved communities;

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[3.3.1]	<b><i>Identifying communities underserved by the legal system and profession;</i></b>
[3.3.2]	<b><i>Articulating their legal needs; and</i></b>
[3.3.3]	<b><i>Committing to serving those needs by performing volunteer legal work.</i></b>

[3.4] Collaboration with clients and other professionals; and

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[3.4.1]	<b><i>Practicing client-centered lawyering; and</i></b>
[3.4.2]	<b><i>Working in cross-professional settings.</i></b>

[3.5] The capacity for self-reflection as key to continuous learning, self-improvement, and self-development.

<b><i>Graduates will demonstrate achievement of this learning outcome by ...</i></b>	
[3.5.1]	<b><i>Engaging in a process of self-reflection;</i></b>
[3.5.2]	<b><i>Exhibiting a self-awareness of individual strengths and weaknesses as they relate to the practice of law; and</i></b>
[3.5.3]	<b><i>Demonstrating the capacity to accept and provide constructive feedback.</i></b>

### Ultimate Bar Passage

Calendar Year of graduation	A	B			C			D		E	F	
	Number of graduates in calendar year	Graduates who sat for a bar examination within one year of their date of graduation.			Graduates who sat for a bar examination within two years of their date of graduation.			Graduates who have been admitted or have applications pending to be admitted via Diploma Privilege		# with no info	Number who did not take a bar examination	
		# of takers	# who passed	% that passed	# of takers	# who passed	% that passed	# of Diploma Privilege	% that passed (incl. Diploma Privilege)		within one years of graduation	within two years of graduation
2018	66	-	-	-	62	55	88.71%	0	88.71%	0	-	4

### First Time Bar Passage

Calendar Year	A	B	C	D	E	F	G	H	I	J	K	
	Total Graduates in Calendar Year*	# from Calendar Year NOT taking Bar Exam	# from Previous Years Taking Bar for First Time in Calendar Year	Number of Early Takers	# of Graduates with no info	Total First Time Takers in any jurisdiction	Total who passed the bar in any jurisdiction	Law School weighted average pass rate	ABA first time weighted average pass rate	Difference In Weighted Average	Graduates who have been admitted or have applications pending to be admitted via diploma privilege	
											# of Diploma Privilege	% that passed (incl. Diploma Privilege)
2020	68	16	12	0	0	64	59	92.18%	81.56%	10.62%	3	92.54%

Details 2020:

Jurisdiction	Takers	Passers	Pass %	State Pass % for ABA approved law schools	Difference
MONTANA	63	58	92.06	81.73	10.33
1 REMAINING JURISDICTION	1	1	100.00	70.86	29.14