Meeting Learning Outcomes: Assessments and Rubrics for Legal Research Competency

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PennState Law
Lesson: Assessments and Rubrics
COMPETENCY I:
A successful legal researcher possesses foundational knowledge of the legal system and legal information sources.

- Many ways to assess that students are learning these concepts
- Easy to employ a “flipped” classroom model to teach students terminology and basics
- Easily assessed by quizzes or exams
COMPETENCY II:
A successful legal researcher gathers information through effective and efficient research strategies.

• A tool to assess a student’s research
  – Research Plan & Research Log
    • Journal
    • Table
    • Outline

• Assess over the time to see how students strategies have evolved
James Franklin was about to start his first year of law school at Penn State Law. While visiting the school in June, he entered into a one-year lease for an apartment with Sandy Barbour, a landlord. The lease stated that the lease term was to start on August 1st and that rent of $500 was due on the first of each month.

James showed up at the apartment on August 12th with a rental truck loaded with his furniture, having already paid the rent on the first of the month, but he was unable to move in because the prior tenant was still living there. James immediately called Sandy and informed her of the situation. Sandy said, "It's not my problem." Since orientation started the next day, James was forced to check into a motel and keep his furniture in the rental truck incurring nightly motel rates and additional charges on the rental truck. Two weeks later, the prior tenant moved out of the apartment, and James moved into the apartment on August 28th.

Since James has been so preoccupied with the details of moving, he hasn't been paying attention during his Legal Research Tools and Strategies class. He decided to research this issue. He has come to you asking whether he has a duty or an action against Sandy for not making his lease term effective at the beginning of his lease term.

Since James is looking for your help, please answer the following questions:

1. Did the landlord breach the lease agreement?
2. Did the tenant assume the lease agreement?
3. If yes, what are the implications of the tenant assuming the lease agreement?

For each question, answer in the paragraph that follows. Be sure to include support from ethical principles and legal principles.

Once you have answered the questions, write a research plan, then answer

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<table>
<thead>
<tr>
<th>Date</th>
<th>Source</th>
<th>Location/database</th>
<th>Search Queries</th>
<th>Findings/ Value</th>
<th>Next Steps/ Citations</th>
<th>Currentness/ Good Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/15/18</td>
<td>West law</td>
<td>WL → filtered to New York State search query</td>
<td>Rescission of sale of house</td>
<td>The standard for the evidence to prove fraud is “by the most satisfactory evidence” which is higher than preponderance of the evidence. – important for discovery. There are two kinds of fraud: actual fraud and constructive fraud. Good to know for purposes of our legal issue.</td>
<td>Find broader resources because this has no good information but I have little context yet.</td>
<td>1995, kind of old. Have to make sure that more recent sources do not contradict this. It is not flagged on WL though.</td>
</tr>
<tr>
<td>10/15/18</td>
<td>NY REAL PROP § 462 Property condition disclose statement</td>
<td>WL → New York State Filter McKinney’s Consolidated Laws of New York Annotated → Chapter 50 → article 14 Property Disclosure in the Sale of</td>
<td></td>
<td>Still too narrow but it helps to identify the normal things that would be disclosed prior to purchasing a house.</td>
<td>Effective march 1, 2002</td>
<td></td>
</tr>
</tbody>
</table>
COMPETENCY III:
A successful legal researcher critically evaluates information.

- Focusing on analyzing their research results
- Choosing the best cases to support their argument
COMPETENCY IV: A successful legal researcher applies information effectively to resolve a specific issue or need.

- Focusing on whether the student accurately related their chosen sources to their client’s legal issues

- Students are expected to apply reasoning behind their choices, not just repeat back a list of sources
Instructions

Use the hypothetical to complete each of the five parts of this assignment.

- **Part 1. Research Plan:** Before you begin your research, create a research plan based on the facts of the case.
- **Part 2. Short Answer:** Answer the specific questions as set forth under Part 2 below.
- **Part 3. Informal Memo:** Prepare a short memo (no more than 3 pages single spaced) to the supervising partner that analyzes your legal issues and states the likelihood that Mr. Banks would succeed on appeal.
- **Part 4. Research Log:** Create a research log to track your research to track the sources that might be important to your case. Attach a detailed research timesheet that includes time spent researching (see fee chart below).

Please read the question carefully. DO NOT PUT YOUR NAME ON THE ASSIGNMENT TO CANVAS. DO NOT SUBMIT A DOCUMENT OR AN EXCEL SPREADSHEET OR A COMBINATION OF BOTH. Do not submit a PDF or Mac Pages document. This assignment is worth 20% of your grade.

Grading will be based on:

- Identification of relevant authorities
- Identification of preliminary authorities
- Research strategy and process
- Format and grammar
- Inclusion of all required documents
- Appropriate authorities retrieved
- Application of appropriate authorities to issue(s)
Rubrics

- Makes grading easier for instructor
- Provide consistency and fairness across grading
- Can make explaining/justifying grades to students easier
- Clarify what you’re expecting from your students in a given assignment
Should you provide rubrics to students?

- **Pros:**
  - Provide transparency for students
  - Create a perception of fairness

- **Cons**
  - Can make grading less flexible
  - Provide too much guidance to students
Lesson: Assessments and Rubrics

RUBRIC

Legal Research Tools & Strategies Section 202
Administrative Law Group Project & Presentation
Written Submissions Due by 10/31/2018 at 11:59 PM
Group Presentations held during class on 11/2 and 11/7

This assignment will require you to create a timeline and summary for a promulgated regulation and present your findings in class. There are two parts to this assignment:

Part 1. Canvas Group Written Assignment

- Each group will create a written Canvas page/document that contains the following:
  - A timeline of your regulation that includes:
    - The date that the proposed rule was published,
    - The length of time and notice required for the notice and comment period,
    - The date that the regulation was published
  - Additional information:
    - Citation(s)
    - A summary of the regulation (1-2 paragraphs),
    - A summary of the stakeholder’s response to the regulation
    - Feel free to be creative! Just make sure you would like, but the final product cannot change based on this.
  - The Canvas Group project will be a compilation and division of work
    - This means that we will need to document in a manner that each group member should be shown by submitting a summary of the discussion feature with their comments.
    - I will begin the discussion by posting a summary of our team to your group on your Canvas Group discussion board.

Part 2: In-Class Presentation

- Each group will do a short presentation providing a summary of your promulgated regulation and communications and contributions from the discussion. Please note: If I do not see evidence of individual participation, this will be reflected in your individual part of the grade.
MEMORANDUM

TO: SUMMER ASSOCIATE
FROM: SUPERVISING PARTNER
DATE: NOVEMBER 6, 2017
RE: RESEARCH FOR NEW CLIENT

We recently took on representation of a new client, Everett Banks, who has lived in Las Vegas, Nevada his entire life, is a widower with three children, Alexis, age 9, Kevin, age 6 and Derek, age 4. Mr. Banks’s wife passed away when he was a single parent for the past 4 years. He does not have any living relatives and cannot afford to hire additional help, and ran a successful job recruitment firm in Las Vegas, however he handles all parental duties on his own. Mr. Banks started a job hunting and employers use online job websites rather than recruiters. As a result, Mr. Banks has been desperately

After attempting to sell drugs to an undercover cop, Mr. Banks was convicted of possession and distribution of drugs, a category B felony, and sentenced to 13 months in Nevada state prison. This is his second criminal conviction. After the birth of his second child, Mr. Banks was convicted of misdemeanor assault and served six months in Nevada state prison.

During his prior incarceration, Mr. Banks exchanged letters, drawings and pictures with his oldest daughter, Alexis, and developed a relationship with his infant son, Kevin. His youngest son, Derek, had not been born yet. During his current incarceration, Mr. Banks continues to call and speak with is children on a bi-weekly basis and often sends letters and drawings, and, while he can’t provide significant financial support for his children, he does include small monetary payments for his children’s allowances which he earns from his prison work payments. He also sends special cards and presents for birthdays and holidays.

several months ago. The Briggs, who are not attempting to adopt the children, are claiming that Alexis, Kevin and Derek are too afraid to visit their father in prison. The Division of Child and Family Services hired a child psychologist, Dr. Sara Martin, who evaluated the Banks children. Her report stated that the two younger children are apprehensive about visiting Mr. Banks in prison, but that Alexis, has expressed that she still wishes to continue visiting her father. Last month, the Clark County District Court Family Division entered an order terminating Mr. Banks’s parental rights to his three children stating that there was clear
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We recently took on representation of Mr. Banks, who has lived in Las Vegas, Nevada his entire life, is a widower with children, and has been arrested for the past 4 years. He does not have any living relatives to help him pay for childcare or housekeeping and so he handles all parental responsibilities himself. This is his first arrest, a previous successful job recruitment firm believed that online job advertisements were the way to go to find a way to provide for his children.

After attempting to sell drugs on the streets, Mr. Banks was convicted of the sale and distribution of drugs, a class C felony and sentenced to time in state prison. This is his second criminal conviction in the state of Nevada, the first being a misdemeanor assault and battery in 2009.

During his prior incarceration in prison, Mr. Banks has seen his two oldest children, Alexis, and developed a strong bond. His youngest son, Derek, had not been born yet. During his current incarceration, he is allowed to call and speak with is children on a bi-weekly basis and often sends letters with photos. While he can’t provide significant financial support for his children, he does include small monetary payments for his children’s allowances which he earns from his prison work payments. He also sends special cards and presents for birthdays and holidays.

Because Mr. Banks has no living relatives, his children have been placed in a foster home by the Nevada Division of Child and Family Services. They are currently living with Mr. and Mrs. Robert Briggs, who have been foster parents in the Nevada foster care system for many years. Mr. Banks has requested that his children, Alexis, and Martin, who evaluated the Banks children. Her report stated that the two younger children are apprehensive about visiting Mr. Banks in prison, but that Alexis, has expressed that she still wishes to continue visiting her father. Last month, the Clark County District Court Family Division entered an order terminating Mr. Banks’s parental rights to his three children stating that there was clear and convincing