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**2017 Transactional Clinic Conference – June 1-2, 2017
Philadelphia. Results of a Survey of Conference Participants on
Skills, Competencies, Learning Outcomes and Assessments (And
Other Transactional Clinic Demographics)**

Brian Krumm

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2017 Transactional Clinic Conference – June 1-2, 2017, Philadelphia
**Results of a Survey of Conference Participants on Skills,
Competencies, Learning Outcomes and Assessments (and Other
Transactional Clinic Demographics)**

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2017 Transactional Clinic Conference – June 1-2, 2017, Philadelphia
Results of a Survey of Conference Participants on
Skills, Competencies, Learning Outcomes and Assessments
(and Other Transactional Clinic Demographics)

A total of 31 respondents completed the survey. Results are provided below. Percentages have been rounded, and may not total 100%. Some minor grammatical clean-up in comments, where possible.

1. Please choose the best description of how you teach and assess the following competencies, based on your view on which are most important in evaluating a transactional clinic student's performance.

	I teach and assess this: very important in evaluation/grade	I teach and assess this: somewhat important in evaluation/grade	I teach and assess this: but not significant in evaluation/grade	I teach this but don't assess it	I assess this but don't teach it: not significant in evaluation/grade	I assess this but don't teach it: significant in evaluation/grade	Total
Professional Responsibility and Relationships (Awareness, conscientiousness, concern and sense of responsibility regarding professional choices and consequences; understanding the lawyer's role in advising a new enterprise)	39% 12	42% 13	6% 2	13% 4	0% 0	0% 0	31
Clinical Judgment (Ability to identify and diagnose legal issues relevant to client representation)	57% 17	37% 11	3% 1	0% 0	0% 0	3% 1	30
Legal Reasoning (Ability to analyze a legal problem and synthesize law and facts, apply legal concepts to client-specific facts)	61% 19	35% 11	0% 0	0% 0	0% 0	3% 1	31
Theoretical Perspective (Ability to see legal issues in a broader social and political context)	7% 2	22% 6	15% 4	41% 11	11% 3	4% 1	27
Communication (Ability to listen to clients, understand their legal issues and respond both orally and in writing, with accuracy, clarity and economy; ability to convey complex legal concepts in plain English)	87% 27	10% 3	0% 0	3% 1	0% 0	0% 0	31
Management of Effort (Ability to use time, resources and energy with awareness of competing priorities in a way that produces optimal legal services; ability to handle variety of matters, meet deadlines and commitments; adjust to changing priorities)	55% 17	29% 9	3% 1	0% 0	6% 2	6% 2	31
Risk Identification and Assessment (Ability to identify legal risks for clients, understand business risks and appreciate client's risk tolerance, including appreciation of law practice economics, e.g., billable hour cost and level of certainty)	20% 6	47% 14	23% 7	7% 2	3% 1	0% 0	30

	I teach and assess this: very important in evaluation/grade	I teach and assess this: somewhat important in evaluation/grade	I teach and assess this: but not significant in evaluation/grade	I teach this but don't assess it	I assess this but don't teach it: not significant in evaluation/grade	I assess this but don't teach it: significant in evaluation/grade	Total
Judgment and Common Sense (Ability to develop scope of work, level of refinement based on client's needs, including when to stop or continue research, when to seek guidance)	39% 12	32% 10	6% 2	6% 2	10% 3	6% 2	31
Thinking Outside the Box (Ability to expand efforts beyond the bounds of the client assignment itself and providing additional value to the client)	13% 4	32% 10	19% 6	16% 5	19% 6	0% 0	31
Cultural Awareness and Social Justice (Sensitivity to different cultural norms, including cultural, socio-economic status, access to legal resources and ability to act appropriately with clients, staff, faculty, other students and others)	7% 2	25% 7	25% 7	32% 9	4% 1	7% 2	28
Classroom Discussion and Rounds (Questions and comments on assigned materials and clinic assignments, makes relevant contributions that promote deeper analysis)	33% 10	43% 13	13% 4	0% 0	7% 2	3% 1	30

Others/Comments:

The ability to work as a team and bring out the best in their teammate. It Client satisfaction with effort. Effectiveness at delivering presentations, Preparation, reliability/dependability.

Initiative in case mgmt, not simply acting like an associate expecting to be assigned tasks

Growth is the most important category in terms of our assessment of students. Have they improved from beginning to end regardless of starting level.

Thinking strategically and tactically, which really seems to be included in a combo of questions above.

Ability to work in a team

I also consider identification of interdisciplinary issues.

2. Please choose the best description of how you teach and assess the following skills, based on your view on which are most important in evaluating a transactional clinic student's performance.

	I teach and assess this: very important in evaluation/ grade	I teach and assess this: somewhat important in evaluation/grade	I teach and assess this: but not significant in evaluation/ grade	I teach this but don't really assess it	I assess this but don't really teach it: not significant in evaluation/ grade	I assess this but don't teach it: significant in evaluation/ grade	Total
Client Interviewing and Counseling (Planning, active listening, establishing rapport with the client, identifying issues, effectiveness in executing clients' choice)	81% 25	16% 5	3% 1	0% 0	0% 0	0% 0	31
Research and Information Gathering (Ability to obtain accurate information about client's operations and goals, thorough factual legal research, and an awareness of client's deadlines and time constraints)	42% 13	52% 16	3% 1	0% 0	0% 0	3% 1	31
Problem Solving and Negotiation (Ability to identify and comprehend legal issues and risks based on client's goals and objectives; ability to effectively counsel clients and persuasively communicate client's position to third parties, incl. negotiate)	53% 16	33% 10	3% 1	10% 3	0% 0	0% 0	30
Communication and Drafting (Ability to write and draft clearly, grammatically, without typos, well-organized, in a variety of contexts, including emails, memos, contracts, engagement letters)	87% 27	10% 3	0% 0	0% 0	0% 0	3% 1	31
Supervision and Project Management (Ability to manage client assignments effectively, update clients on status, prioritize projects; aware of need for input from supervisor and build in time for supervisor review)	52% 16	35% 11	10% 3	3% 1	0% 0	0% 0	31
Work Product (Ability to plan and counsel client on final work product to be delivered; prepare timely, clear document - organized, grammatical, no typos, well-formatted; ability to create work product from scratch and use forms)	77% 24	19% 6	0% 0	0% 0	0% 0	3% 1	31
Office Administration and File Maintenance (Adherence to office procedures, keep appointments, retain and organize all documents and notes in file systems. Timely record billable hours.)	23% 7	39% 12	23% 7	6% 2	10% 3	0% 0	31
General Professionalism (Attention to professionalism when working with: clients, support staff, internal and external attorneys, and the media and public; understand the role of a lawyer)	48% 15	39% 12	10% 3	0% 0	0% 0	3% 1	31

	I teach and assess this: very important in evaluation/ grade	I teach and assess this: somewhat important in evaluation/grade	I teach and assess this: but not significant in evaluation/ grade	I teach this but don't really assess it	I assess this but don't really teach it: not significant in evaluation/ grade	I assess this but don't teach it: significant in evaluation/ grade	Total
Ethical Issues (Sensitivity to potential ethical issues in representing clients: role of counselor, drafter, advocate; client confidentiality, competence, scope of representation, conflict of interest, beginning and end of engagement)	42% 13	35% 11	10% 3	10% 3	0% 0	3% 1	31
Computer Skills and Other Business Basics (facility with word, including formatting, track changes, comparing documents, metadata, and other skills like excel, formatting a business letter, business jargon)	3% 1	24% 7	24% 7	21% 6	28% 8	0% 0	29
Reflecting on Performance (Ability to reflect upon and identify one's own strengths and weaknesses; accept constructive criticism; and modify performance based upon critique or self assessment)	23% 7	33% 10	20% 6	10% 3	7% 2	7% 2	30
Class Attendance and Participation (Effective class performance and ability to work with other student attorneys to effectively serve client; timely for meetings with clients and supervisor).	48% 15	29% 9	13% 4	0% 0	3% 1	6% 2	31

[no comments]

3. Do you have any other comments on skills, competencies, learning outcomes or assessment in your clinic?

I use Q\extensive Qualtrics surveys ad mid-semester and end of semester to get their own perspectives on their performance of the grading criteria. I also solicit feedback on the lessons they are learning and ways that they would improve the program.

Important to note that we grade Credit /no credit for the clinical work. We can't accept anything less than A-level work. But we do grade the classroom component, because we want to incentivize class participation and attendance.

The greatest lesson we want to students to walk away with is the ability to teach themselves -- to learn how to learn. This is what they'll have to do in practice so we structure the experience so that they must do this in the Clinic.

As I filled this out, it occurred to me that some of the skills and competencies measure into evaluation only if they are "bad." Example: you don't get extra credit for being on time, but you can definitely lose points for being late. The other issue is some students never run into an ethical (or some other) issues, while others may have them in spades. Hard to evaluate something that not all students deal with.

Our clinic does not assess "skills" and "competencies" separately. It assesses "learning outcomes," which encompass both skills and competencies.

We do a Final Portfolio, which includes reflecting on three pieces of work product: (1) best, (2) worst, and (3) a creative value add.

4. What types of clients does your clinic represent - or other types of projects does the clinic undertake? (choose all that apply).

Answer Choices	Responses
would-be entrepreneurs who want to set up a for-profit or social enterprise business	97% 30
small businesses (first year or two).- less than \$100,000 annual revenue	94% 29
small businesses (more than two years old) - less than \$100,000 annual revenue	71% 22
larger businesses - \$100,000 annual revenue or more	19% 6
founders for nonprofit formation	68% 21
existing nonprofits	68% 21
government agencies	10% 3
primarily students from my university	3% 1
primarily students, faculty and staff from my or another university	23% 7
primarily clients from a specific neighborhood or region	42% 13
<p>Other (please specify), including types of projects beyond direct client representation:</p> <p>client referrals from various entrepreneurial resources</p> <p>In addition to full-service representation, UCB Practicum provides community workshops on the law, regular office hours, in the summer we will launch an online legal resource library for entrepreneurs. The services are focused on entrepreneurs in California's East Bay and Central Valley</p> <p>Definitely represent students from my university but its not the primary client. Also target certain neighborhoods and corridors, but again, not primary.</p> <p>Clients include students from my university, other universities and neighborhood based clients</p> <p>student entrepreneurs</p> <p>Artists, inventors not interested in setting up companies, and I do represent student entrepreneurs and the university technology transfer office, although neither "primarily"</p>	26% 8

5. What types of projects does your clinic undertake for clients or other constituencies?

	All students do this at least once	Most students do this at least once	Some students may do this	Students do this rarely or never	Total
Interview client	97% 30	0% 0	3% 1	0% 0	31
Draft intake memo to file	68% 21	10% 3	19% 6	3% 1	31
Draft or mark up engagement letter	77% 24	19% 6	0% 0	3% 1	31
Draft a contract	35% 11	55% 17	10% 3	0% 0	31
Review, revise or comment on a contract	29% 9	58% 18	13% 4	0% 0	31
Write a memo to a client to describe an area of law or answer a question	45% 14	39% 12	16% 5	0% 0	31
Form a legal entity	29% 9	32% 10	32% 10	6% 2	31
Other corporate filing (dissolution, amend articles, etc.)	10% 3	23% 7	61% 19	6% 2	31
Prepare or advise on Form 1023 or 1023EZ	3% 1	16% 5	48% 15	32% 10	31
Other nonprofit tax advice	6% 2	19% 6	32% 10	42% 13	31
Copyright advice or filing	0% 0	20% 6	60% 18	20% 6	30
Trademark advice or filing	10% 3	35% 11	39% 12	16% 5	31
Patent advice or filing	0% 0	10% 3	13% 4	77% 23	30
Tax advice (NOT nonprofit)	0% 0	7% 2	21% 6	72% 21	29
Negotiate	6% 2	16% 5	65% 20	13% 4	31
Carry out a business transaction	13% 4	32% 10	35% 11	19% 6	31
Present educational programs on legal matters in the community	42% 13	6% 2	35% 11	16% 5	31

All students contribute content to our online legal resource library -- every team is expected to do one workshop in the community on a legal issue, for example, how to protect intellectual property, and we record it, and load it into the legal resource library.

Most students will counsel a client about potential solutions to problems.

6. How many students participate in the clinic at one time, per supervising faculty member?

Answer Choices	Responses
5-7	17% 5
7-9	33% 10
9 or more	3% 1
always 8	0% 0
variable: 4-10	17% 5
Other (please specify) I teach two clinics, an 8-student, 6 credit clinic and an 8-student, 3 credit practicum (with an outside IP co-counsel). Usually 8, but due to student interest (54 applicants [¼ of eligible students] - all qualified), so I added a full section of --8 during summer session and am temporarily increasing the fall and spring to 10 each semester We have two attorneys, including myself, and we have 18 students per term. Some of those twins are returning students. Supervising attorney covers all of the full-service representation client work, while the deputy attorney supervises all office hour student participation and the content creation for the online legal resource library. 4 students, one adjunct faculty member (half-time) Full time faculty supervises 8/semester; Adjunct supervises 4/semester 4 Ratio is 8:1; however, we will sometimes take on "advanced" clinic students, who only do client work, which boosts the ratio somewhat. 12 3	30% 9
Total	30

7. Approximately how many total students participated in your clinic in the most recent academic year?

Answer Choices	Responses
10 or fewer	7% 2
11-15	17% 5
16-20	33% 10
21-30	27% 8
31-40	10% 3
more than 40	7% 2
Total	30

8. Do you grade the classroom component of your clinic separately from the clinic/client component?

Answer Choices	Responses
yes	32% 10
no	68% 21
Total	31

9. How many credit hours does a student typically receive for participating in the clinic?

Answer Choices	Responses
2 or 3	13% 4
4 or 5	27% 8
6 or 7	43% 13
8 or more	7% 2
totally variable (anywhere from 1 to 10 or more)	0% 0
Other (please specify): 6 or 3 Two for the seminar, and four for the clinical work 4-5 for clinic, additional 2 for required class	10% 3
Total	30

10. How many hours per credit hour are students expected to spend on clinic work?

Answer Choices	Responses
42.5	27% 8
43-49	27% 8
at least 50	30% 9
Other (please specify) Four hours per week per credit, so I total of 16 hours per week on the client work 60 (law school requirement) 10 hrs per week	17% 5

The question doesn't make sense for the way we calculate hours. It's 3 hours per credit hour x 14 credit hours (for 2 semesters) = 42 hours, but that's a minimum. Not certain. 40?	
Total	30

11. What is the approximate size of a 1L class at your law school?

Answer Choices	Responses
less than 100	6% 2
100-199	39% 12
200-299	32% 10
300-399	13% 4
400 or more	10% 3
Total	31

12. Does your law school have an evening program?

Answer Choices	Responses
no	74% 23
yes	26% 8
Total	31

13. If your school has an evening program, are evening students eligible to participate in your clinic?

Answer Choices	Responses
yes, and they participate often	12% 3
yes, and they participate occasionally	0% 0
yes, but they participate rarely	12% 3
no	0% 0
Not applicable (no evening program)	77% 20
Total	26

Class meets during the day, when they work; and our clients meet at night, when the students go to other classes. So evening students rarely participate.

14. How many transactional clinics does your law school offer?

Answer Choices	Responses
1	42% 13
2	35% 11
3	3% 1
4	6% 2
5 or more	13% 4
Total	31

4 core clinics plus a few minor practicums and clinics

15. Where is your clinic located? (check all that apply)

Answer Choices	Responses
In the law school	94% 29
Not in law school, but on university campus	3% 1
Not on university campus but in shared space with other clinics	6% 2
Separate location from law school and other clinics	0% 0
Urban setting	29% 9
Suburban setting	19% 6
Rural setting	0% 0
Total Respondents: 31	

satellite office in urban community

We have a location at the law school as well as in the metropolitan city we serve

16. What prerequisites does your clinic have for students to participate?

	Required (1 weighting)	Recommended/ preferred, but can be waived (2 weighting)	Somewhat desirable (3 weighting)	Total	Weighted Average
Business Organizations (or equivalent)	46% 11	46% 11	8% 2	24	1.63
Professional Responsibility	44% 8	28% 5	28% 5	18	1.83
Basic Tax	9% 1	18% 2	73% 8	11	2.64
Advanced/Corporate Tax	8% 1	8% 1	83% 10	12	2.75
Intellectual Property	11% 2	32% 6	58% 11	19	2.47
Contract Drafting	6% 1	25% 4	69% 11	16	2.63
Transactional Practice/Skills	15% 2	31% 4	54% 7	13	2.38
Approx 30 credit hours total law study (one full year)	93% 13	7% 1	0% 0	14	1.07
Approx 60 credit hours total law study (two full years)	62% 8	23% 3	15% 2	13	1.54
Must be eligible for student practice license	79% 11	14% 2	7% 1	14	1.29
Must obtain student practice license (if eligible)	82% 9	0% 0	18% 2	11	1.36

no student practice rule in MO for transactional work

There is no student practice license or other prerequisites required, though next year we might require at least a business associations course

Negotiation; we only have 3Ls in the fall and at most half 2Ls in the Spring.

none

4th semester required

2L or 3L status

17. Approximately what percent of students at your law school who apply for your clinic are admitted to participate?

Answer Choices	Responses
All - and sometimes undersubscribed	3% 1
100%	3% 1
75%	33. 10
50%	20% 6
Less than 50%	27% 8
Students are usually admitted for the semester/year they apply	13% 4
Students are usually admitted, but not necessarily for the semester/year they first apply	30% 9
Clinic assignments are based on allocation of all students to various clinics - may not get first choice clinic	10% 3
Total Respondents: 30	

I defer rising 2Ls and try to accommodate all qualified 1Ls [sic – presumably meant 3Ls]

18. Are students permitted to participate in the clinic for a second time (beyond the standard - semester, quarter or year)?

Answer Choices	Responses
Never	44% 11
On a space available basis	24% 6
Often	20% 5
Always	4% 1
Limited projects for pro bono hours	8% 2
Total	25

Supervisor can invite students to continue

I wish

We offer an "Advanced Clinic" by invitation. It's fewer credits, 3-4, and graded.

I do take Independent Study students who have taken my clinic to continue to represent clients under my supervision

haven't dealt with this yet

A couple stay on for a second semester

Only upon invitation for credit (3 hrs) or pro bono hours

Sometimes, for 2 credit hours

19. What sort of extra training do students receive before the beginning of the clinic?

Answer Choices	Responses
None, all training is completed in classroom component	43% 13
Orientation of up to 5 hours	23% 7
Boot camp of 5 to 15 hours	27% 8
More than 15 hours	7% 2
Total	30

I have tried orientation of 5-6 hours but due to our Quarter system , it is very hard to schedule.

Intensive training day during first couple of weeks

Orientation for 2 1/2 days during the first week of classes.

20. Do students generally work with clients in pairs or individually?

Answer Choices	Responses
Students generally have their own client(s) or own project(s) for client and work individually	40% 12
Students generally work in pairs - same pair for all clients in semester	50% 15
Students generally work in pairs - but different pairings for different clients	3% 1
Students generally work in groups of 3 or more	7% 2
Total	30

Students always work in teams of three

Students generally work on one client individually and one client in a pair

I will assign some complex matters to teams of two. I will also assign a client to two students and they will divide up assignments rather than work together.

Students have one individual and one paired client

Work individually with some clients and in pairs for others; occasionally in small groups

21. Does your clinic operate over the summer?

Answer Choices	Responses
yes	32% 10
no	68% 21
Total	31

Operates without students.
 This summer, for the first time, due to student demand
 Deputy attorney and supervising attorney cover all cases in
 the summer, and may except new cases if urgent need
 More limited capacity
 For those clients who need it

22. How do students in your clinic maintain files?

Answer Choices	Responses
paper	0% 0
electronic	32% 10
both	68% 21
Total	31

Just switched to electronic-only

23. Do your students communicate with clients via email?

Answer Choices	Responses
No	0% 0
Yes, through their individual (personal) email accounts	6% 2
Yes, through school-issued email accounts to which they retain access after their participation in the clinic ends	68% 21
Yes, through clinic-issued email accounts over which the clinic maintains custody and control	26% 8
Total	31

School issued accounts continue for about one year after graduation
 Our entire clinical program will adopt clinic-issued email accounts this coming year.

24. How do your students carry out legal work (research, drafting) for your clinic?

Answer Choices	Responses
Clinic-supplied computer with clinic-only drive - accessible only during clinic participation	10% 3
Cloud-based server (e.g., Clio) with clinic-only access - accessible only during clinic participation	7% 2
Both clinic-supplied and cloud-based options, as described above	17% 5
May use personal computer but required to delete all drafts and work product after clinic participation (other than approved writing samples)	40% 12
May use personal computer but requested to delete all drafts and work product after clinic participation (other than approved writing samples)	13% 4
Personal computer with no limitations on deletion of work product	13% 4
Total	30

Students understand that client confidentiality responsibility continues after their participation in the clinic.

Also cloud server for documents (NetDocuments) and timekeeping (Clio)

Also have access to clinic-supplied computer

ALSO use clinic and cloud based options

25. What do you do when you encounter matters outside your clinic's capabilities?

Answer Choices	Responses
Decline representation	7% 2
Undertake partial representation (portion clinic can assist with)	46% 13
Refer to private counsel or other resource recommended by clinic	29% 8
Provide a list of several potential alternate private (or pro bono) resources	18% 5
Refer to local bar association for recommendations	0% 0
Total	28

We might to any or all of the above.

Whichever of the above seems appropriate under the circumstances

All of the above

If we can handle the majority of issues, we undertake partial representation. If that is inefficient for client, or we cannot handle the majority of issues, we will refer to programs and potential practitioners in the community.

We also accept representation but work with co-counsel with necessary expertise

Combination of the above answers would be more accurate

Depends--sometimes take portions if they exist, sometimes refer our entire matter or decline altogether

I'd like to check more than one here. We may take the part we can, but we will refer to a list of other potential resources AND to the local bar

26. What is the average grade awarded in your clinic?

Answer Choices	Responses
Pass (based on pass fail scale)	11% 3
Some form of A (or equivalent, such as 3.5 and above)	63% 17
Some form of B (or equivalent, such as 2.5 - 3.4)	26% 7
Some form of C (or equivalent, such as 1.5 - 2.4)	0% 0
Total	27

Again, clinical work is based on credit versus no credit scale, seminar is based on class participation and attendance, so the seminar average is equivalent to a B+

B+

Pass and high pass, about 50/50

Based on a 3.5 curve

A-

27. What types of employment do your students typically pursue after graduation? (check all that apply)

	Often	Sometimes	Rarely	Don't know	Total
Large Firm (over 100 attorneys)	50% 15	23% 7	17% 5	10% 3	30
Medium Firm (20-99 attorneys)	21% 6	71% 20	0% 0	7% 2	28
Small Firm (2-19 attorneys)	31% 9	31% 9	31% 9	7% 2	29
Sole practitioner	7% 2	26% 7	56% 15	11% 3	27
Court	3% 1	41% 12	45% 13	10% 3	29
Government (non-court)	4% 1	36% 10	46% 13	14% 4	28
JD Advantage	0% 0	36% 10	29% 8	36% 10	28
Continue in current job (for evening students)	0% 0	13% 2	47% 7	40% 6	15
Transactional law	64% 18	25% 7	4% 1	7% 2	28
Non-transactional	4% 1	73% 19	15% 4	8% 2	26

28. How long have you been engaged in teaching in a transactional clinic?

Answer Choices	Responses
Just finished my first year	13% 4
2-5 years	45% 14
6-10 years	29% 9
more than 10 years	13% 4
Total	31

19 years

29. Did you practice transactional law before your clinic teaching?

Answer Choices	Responses
No	3% 1
2 years or less	6% 2
3-7 years	32% 10
8-15 years	23% 7
16-30 years	26% 8
more than 30 years	10% 3
Total	31

30. If we revised this survey and circulated it for broader input, are there any additional questions you would like to see added? Any you would like to delete or clarify?

For those of us teaching more than 1 clinical offering, would be helpful to clarify how to answer. Also, clarify the summer work question re: students/no students.

Contract structures, salary information, faculty standing related questions.

Whether clinics limit representation to clients who lack access to counsel.

Some questions should allow for multiple answers

I would like a copy of the entire form and answers.

The first two questions should have an option for neither teaching nor assessing a particular skill

Include a question re whether the clinic lasts for one or two semesters; clarify credit hours question.

How are clinics funded? Are they staffed with adjuncts or full time, non-tenure track instructors?