

Indianapolis

June 5, 2013

Dr. Nasser Paydar Executive Vice Chancellor, Chief Academic Officer Indiana University – Purdue University at Indianapolis Office of Academic Affairs 355 Lansing Street, AO 126 Indianapolis, IN 46202

Re: Graduate Certificate in Advocacy Skills

Dear Vice Chancellor Paydar,

I am pleased to forward for your review and approval a curriculum proposal approved by the Law School Faculty to create a new Graduate Certificate in Advocacy Skills. The Law Faculty approved the Certificate in Advocacy Skills on March 5, 2013.

As the enclosed proposal details, the Advocacy Skills Certificate will foster and strengthen experiential learning opportunities within the law school curriculum, including real-client clinics, externships, and other courses designed to promote professional skills and values within the study of law. Additionally, the Advocacy Skills Certificate will better position law school graduates to enter the competitive legal profession equipped with "practice ready" skills beyond the minimum required skills coursework.

The law school clinical faculty brings its collective experience with clinical teaching methodologies to the challenge of preparing law students to become caring and competent professionals by suggesting a sequence of experiential learning opportunities within the Certificate curriculum to teach practice-based competencies. The Advocacy Skills Certificate reflects and builds on our strengths to offer it with currently existing faculty and within our existing budgetary resources.

We look forward to working with you as you review this proposal, and would be happy to respond to any questions or requests that may arise among members of the Academic Policies and Procedures Committee or the Graduate Affairs Committee in the course of their consideration.

Sincerely,

Gary R. Roberts, Dean and Gerald L. Bepko Professor of Law

Cc: Sherry F. Queener, Ph.D., Director of the Graduate Office, IUPUI Associate Dean of the Graduate School, Indiana University

Cc: Mary L. Fisher, Ph.D., Associate Dean of Faculties

New Degree/Certificate Cover Sheet

Date: 6/5/2013

Institution: Indiana University

Campus: Indianapolis

School or College: Robert H. McKinney School of Law

Department: Law

Location: On Campus 50% or more online: Yes No () *If yes please send to Office of Online Education

County: Marion

Type: Certificate-With Degree Program Financial Aid Eligible: Yes No

Degree/Certificate name:

Graduate Certificate in Advocacy Skill

Graduate/Undergraduate: Graduate

Degree Code: Other Juris Doctorate

Brief Description:

To qualify for a Graduate Certificate in Advocacy Skills, a law school JD candidate must satisfy all general requirements for the JD degree, and also:

- 1. Complete the following curriculum:
- a. Complete one experiential capstone in-house Clinical Course from the approved list;
- b. Complete the two required Core Courses; and
- c. Complete at least 4 credits of Elective courses from the approved list.

Rationale for new degree:

Pursuant to its strategic plan, Indiana University Robert H. McKinney School of Law has committed to: "Increase and strengthen opportunities for experiential learning through our clinics, externships and other programs that involve faculty and students in addressing the legal needs of our communities." The Certificate of Advocacy Skills, with its emphasis on professional skills, will serve as a bridge to practice, moving students from "thinking like a lawyer" to "preparing to practice."

The Certificate program provides not only a means to draw on the current experiential curriculum, but a means to identify curricular needs, as well. With the enhanced quality of preparation, the school will become more attractive to students interested in the practice of law. The enhanced emphasis in lawyering skills will result in producing graduates who are better equipped to enter the practice of law with outstanding client representation abilities.

CIP Code: Law

Name of Person who Submitted Proposal:

Joanne Orr, Clinical Professor of Law and Co-Director of Clinical Programs

Contact Information (phone or email): 274-8903 or jorr1@iupui.edu

Indiana University Request for a New Credit Certificate Program

Campus: Indianapolis, Indiana University Robert H. McKinney School of Law

Proposed Title of Certificate Program: Graduate Certificate in Advocacy Skills

Projected Date of Implementation: September 2013 or Upon University Trustee Approval

TYPE OF CERTIFICATE: (check one)

□ UNDERGRADUATE CERTIFICATES − These programs generally require 12-29 credits of undergraduate-level academic work.

□ GRADUATE CERTIFICATES − These programs generally require 12-29 credits of graduate-level academic work or undergraduate academic work carrying graduate credit.

□ POST-BACCALAUREATE CERTIFICATES − These programs generally require 12-29 credits of undergraduate-level academic work, although students enrolling in these programs must have completed their baccalaureate degrees.

I. Why is this certificate needed? (Rationale)

Pursuant to its strategic plan, Indiana University Robert H. McKinney School of Law (hereinafter, "school of law") has committed to: "Increase and strengthen opportunities for experiential learning through our clinics, externships and other programs that involve faculty and students in addressing the legal needs of our communities." The Certificate of Advocacy Skills, with its emphasis on professional skills, will serve as a bridge to practice, moving students from "thinking like a lawyer" to "preparing to practice."

Two recent publications have examined and made recommendations for improving the state of legal education in the United States. These texts will provide direction in the implementation and review of the proposed Certificate and will guide the teaching and supervision of the courses required to complete the Certificate.

II. List the major topics and curriculum of the certificate.

A Certificate in Advocacy Skills will be awarded to a Juris Doctorate candidate who completes approved courses *totaling at least 15 credit hours in experiential and practice-related subjects* (see ASC Curriculum Table, below) while maintaining a minimum cumulative grade point average as specified below in the classes counted in the Certificate.

To qualify for a Certificate in Advocacy Skills, a JD candidate must satisfy all general requirements for the JD degree, and also:

¹ BEST PRACTICES FOR LEGAL EDUCATION: *A VISION AND A ROADMAP*, Stuckey, Roy, et al. (2007) (hereinafter, *Best Practices*) and EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW, Sullivan, William M., et al. (2007) (hereinafter, *Carnegie Report*).

- 1. Complete the following curriculum:
 - a. Complete one experiential capstone in-house Clinical Course from the approved list (2 to 4 credits, see ASC Curriculum Table below);
 - b. Complete the two required Core Courses (7 credits, see Table below)
 - c. Complete at least 4 credits of Elective courses from the approved list (see Table below) (Upper level courses that have been approved by the faculty may be added to or removed from this list from time to time by the Vice Dean and the Academic Affairs Committee.)
- 2. Maintain a cumulative 3.2 GPA in the non pass-fail courses applied toward the Certificate.²
- 3. At least ten (10) of the minimum 15 hours must be acquired from graded courses.
- 4. No more than one pass/fail externship placement may count in the Electives category.

III. What are the admission requirements?

Any JD candidate enrolled and in good standing at the school of law who has completed their 1L courses is eligible to seek the Certificate. A candidate seeking the Certificate must file a "Notice of Intent to seek Certificate in Advocacy Skills," using a form approved by the school of laws' Office of the Recorder. This form must be completed and filed during or before a student's penultimate semester prior to graduation. In order to complete the Advocacy Skills Certificate, students must meet minimum GPA requirements, and thus students who file a Notice of Intent will be counseled to give attention to their GPA in order to assure that they have a reasonable prospect of completing the Certificate while meeting minimum GPA.

IV. List the major student outcomes (or set of performance based standards) for the proposed certificate.

One identified goal of the Certificate in Advocacy Skills is to present a coherent agenda of skills instruction that extends beyond the law school's commitment to the core skills of legal analysis, reasoning, and research represented by the LARC program. The Certificate program provides not only a means to draw on the current experiential curriculum, but a means to identify curricular needs, as well. With the enhanced quality of preparation, the school will become more attractive to students interested in the practice of law. The enhanced emphasis in lawyering skills will result in producing graduates who are better equipped to enter the practice of law with outstanding client representation abilities.

A. Expected Student Outcomes:

- Core courses provide each student a strong foundation for practice.
- The actual-client clinical capstone course requires students to apply the knowledge gained in traditional courses in a practice environment under supervision of an experienced Law Clinic professor.
- Exposure to the need and means to promote justice and fairness.

B. Expected Programmatic Outcomes:

• Create a specific direction in the curriculum for interested students to follow.

² In the case of a student who takes more than the minimum number of qualifying courses the student's best grades in the qualifying courses will be used to calculate his or her cumulative GPA.

- Create an atmosphere that promotes justice and fairness.
- Ultimately, to graduate lawyers who are prepared to participate effectively in the legal profession as reflective practitioners.

V. Explain how student learning outcomes will be assessed (student portfolios, graduate follow up, employer survey, standardized test, etc.) and describe the structure/process for reviewing assessment findings for the purpose of ensuring continuous improvement of the certificate.

Student learning outcomes for the Advocacy Skills Certificate courses will be assessed through a variety of techniques, including criteria-referenced assessments and multiple formative and summative assessments. The accrediting body for the law school, the American Bar Association, provides guidance in this regard in its *Interpretation 303-1: Scholastic achievement of students shall be evaluated by examinations of suitable length and complexity, papers, projects, or by assessment of performances of students in the role of lawyers.* In the live-client capstone clinic, student assessment will typically be made by faculty observation of performances with feed-back and attendance to class and representational expectations, along with the completion of rubrics relating to the specific case activity. For an example of an explicit criteria-referenced assessment for a Motion for Summary Judgment that can be used in both live-client clinics and simulated practice courses, please see Attachment 1. For an example of a level of proficiency, end-of-term assessment for a live-client clinic, please see Attachment 2. For the conventional classes in the Advocacy Skills Certificate curriculum, students will be assessed by examination, quality and timeliness of classwork, class participation, written assignments, or papers.

Evaluation of the success of the Certificate will be an on-going endeavor to examine whether the program is meeting its goal to prepare students to enter the field practice-ready. Law Clinic faculty and administration will regularly analyze student performance and feedback from placement supervisors and potential employers. Current candidates for the Certificate and recent alumni will be surveyed for input into the curriculum and to help shape future course offerings. Changes that might be made include recruiting faculty in doctrinal courses to incorporate experiential learning techniques, adopting new methods to present material, offering additional options for training or engaging students in external training in expanded field placements.

VI. Describe student population to be served.

Indiana University Robert H. McKinney School of Law is the largest law school in the state, with an average enrollment near 1000 students, between the full-time day division and the part-time evening division. Many of the law school's students intend to remain in Indiana and practice law in the state with nearly half of the state's lawyers being IU McKinney School of Law alumni. Students pursing the JD in either the day or evening division will be able to seek the Certificate and will be in a better position to participate effectively and responsibly in the legal profession upon graduation.

VII. How does this certificate complement the campus or departmental mission?

This Certificate will complement one of the primary goals of the law school's strategic plan, which is to: "Increase and strengthen opportunities for experiential learning through our clinics, externships and other programs that involve faculty and students in addressing the legal needs of our communities." This goal is furthered by efforts to enhance experiential learning opportunities through clinics, expanded practice placements, and other existing programs. The ASC curriculum also promotes experiential learning by incorporating simulations, applied learning, and problem-solving methodologies in the classroom and capstone courses. These experiences will connect the

law school to the community and enable the students to learn how law can address the legal needs of our communities and promote social justice. The Advocacy Skills Certificate provides a vehicle for the law school to implement this aspect of its strategic plan and conforms to the IUPUI's Principles of Graduate and Professional Learning.³

VIII. Describe any relationship to existing programs on the campus or within the university.

The law school clinics have formed partnerships with a number of programs across the campus and university. For example, Professor Carrie Hagan, Civil Practice Clinic Director, collaborated with Stephanie Boys, Assistant Professor of Social Work, Indiana University School of Social Work, in offering a placement opportunity for Masters of Social Work candidates in support of the clinical representation of clients in the CPC. Professor Fran Quigley has established a medical-legal partnership with Wishard whereby requests for legal assistance are screened at a medical appointment and then referred to a legal intern for investigation. Other partnerships are under consideration that will enhance law students' opportunities to participate in interdisciplinary settings.

IX. List and indicate the resources required to implement the proposed program. Indicate sources (e.g., reallocations or any new resources such as personnel, library holdings, equipment, etc.).

Primary responsibility and coordination in professional skills courses should be assigned to permanent full-time faculty who can devote the time and expertise to the endeavor. Law Clinic Directors will meet individually with each candidate for the Advocacy Skills Certificate to fashion a plan of study most appropriate to that student's area of interest and ability to satisfactorily complete the plan.

The urban setting of Inlow Hall and the Law Clinic in the seat of state government, near several major public and private law firms, and many of the state's businesses, enable it to maximize access to the resources necessary to fulfill the requirements of the Certificate.

No additional resources are required to implement the proposed Advocacy Skills Certificate, as the curriculum regularly offers a variety of courses necessary to complete the Certificate. Courses will be taught with existing faculty members as part of their current teaching responsibilities. In the future, new course offerings may be developed to strengthen the present curriculum, which could be incorporated into the Certificate program.

X. Describe any innovative features of the program (e.g., involvement with local or regional agencies, or offices, cooperative efforts with other institutions, etc.).

The Certificate in Advocacy Skills offers law students multiple options to fulfill the capstone requirement. The seven actual-client clinics permit ASC candidates to concentrate professional skills in a particular area of interest of legal practice. The areas of practice and client populations served by the clinics are diverse and allow partnerships with a variety of local legal services providers.

 $^{^{3}}$ "Principles of Graduate and Professional Learning \dots

^{*}Demonstrating mastery of the knowledge and skills expected for the degree and for professionalism and success in the field;

^{*}Thinking critically, applying good judgment in professional and personal situations;

^{*}Communicating effectively to others in the field and to the general public; and

^{*}Behaving in an ethical way both professionally and personally"

ADVOCACY SKILLS CERTIFICATE CURRICULUM 4,5

Capstone Courses

(At least one required, 2 to 4 credit hours)

Appellate Clinic (2 credits)

Civil Practice Clinic (3 – 4, S/F)

Criminal Defense Clinic (3 - 4, S/F)

Disability Clinic (2, S/F)

Health and Human Rights Clinic (3-4, S/F)

Immigration Clinic (3)

Wrongful Convictions Clinic (2, S/F)

Required Core Courses

(7 credit hours) (Must take *both* of the following)

Evidence (4)

Trial Practice (3)

Elective Courses (No fewer than 4 credit hours)

Advanced Persuasive Writing and Oral Advocacy (2)

Appellate Practice (2)

Client Counseling Board (1, S/F)

Criminal Procedure Advocacy Skills (1)

Interviewing & Counseling (2, S/F)

For-Credit Competitions (1 graded, or S/F)

Selected For-Credit Externship⁶ or Advanced Course-related Credit (1-2, S/F)

Litigation Drafting (2)

Mediation (2, S/F)

Mediation in State Government (2)

Moot Court Board (1)

Lawyering Practice (2)

Law & Forensic Science (2)

Negotiations (2)

Remedies (3)

⁴ Please see the current Bulletin for course descriptions, prerequisites, and complete ASC requirements.

⁵ Minimum 15 hours, 10 of which must be graded and maintain a minimum cumulative 3.2 GPA in graded courses counted in the ASC.

⁶ For purposes of the Certificate, externships are limited to one pass/fail placement, which must be on an approved list.

LAWYERING PRACTICE GRADING CRITERIA MOTION FOR SUMMARY JUDGMENT

		MOTION TOLD					
	TEAM BEING GRAD	ED:	SCORE:				
1.	GENERAL CONSIDERATIONS: Does the final product conform with the parameters of the assignment?						
	Is the assignment typed or legi	_	, or the assignment.				
	Is there a Memo in Support an		dence?				
	Are supporting documents atta	ched to the Motion?					
			Support, Designation of Evidence, and any Affidavits?				
	Is it single-spaced with double		ragraphs?				
	Is the final product grammatic	•	halis, in the larger sinks hand a server (on larger access?)				
	Are each of the Motion, Memo	o, Designation, and a	hibits in the lower, right-hand corner (or lower, center)? ny Affidavits in acceptable format?				
			and designation (or title) the position of the movant is				
		_	statement of relief sought and grounds				
	Request for relief par		Materials of Felici Sought and grounds				
	Attorney's Certificate						
	Place for attorney sig	nature, address, telep	hone & fax number, attorney number				
2.	SUBSTANTIVE CONSIDERA						
	Does the Motion allege only of Does the Motion contain?	ne ground for SJ?					
	Allegation of materia	l (outcome determin	ativo) facto:				
			ot just contested issues) as to those (material) facts;				
		•	nent as a matter of law				
	Does the Motion reference and	l incorporate the Me	no, etc.?				
	Does the Motion (and Memo)						
			dy sought appropriate to the cause of action?				
	Does the Memo lay out a reaso						
	delay litigation or will resolve		l advance justice, will not prejudice other party, and not unduly				
	, ,		ority (like statute, rule of procedure, case law) in proper form?				
		lemo supported by ci	tes to admissible evidence from pleadings, exhibits, or discovery?				
	Is the Memo short, focused, pr	actical, and to the po	int? Is the final product written in a clear, precise manner?				
		_	words, passive language, and inflammatory adverbs?				
	If attached, does the Affidavit		;al foundation?				
	The identity of the af						
	One or more factual a Affirmation that the a		nomladge:				
	Affirmation under pe	•					
	Signature of the affia						
3.	COMMENTS:						
4.	SCORING SCALE: V-	(Minimally Acceptable Product)				
	×		.cceptable Product)				
	√ +	(Check Plus-Ex	cceptional Quality; Practice Ready First-Year Assoc)				

Attachment 1

Intern Name	
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LIVE-CLIENT CLINICAL RUBRIC - PROFESSIONAL COMPETENCIES Legal Intern: LEVELS OF QUALITY **Exemplary - Practice Ready** Competent **Developing Description of Levels of Ouality** Excellent work for a law student – on a job, Proficient work for a law student- on a job, the Work needs additional content or skills to be this student could perform well with student would need some input from a competent – on a job, the work would not be Criteria helpful and a supervising attorney would need minimal supervision. supervising attorney before the student was ready to represent clients. to start over or fix mistakes. Score 2 for each exemplary criterion met Score 1 for each competent criterion met Score 0 for each developing criterion met PROFESSIONAL RELATIONSHIPS (8 criteria) ☐ Usually keeps clients advised of case ☐ Sometimes keeps clients advised of case ☐ Keeps clients advised of case Clients developments developments developments **Adversaries** ☐ Helps clients make well-informed ☐ Usually helps clients make well-informed ☐ Sometimes helps clients make well-Staff decisions decisions informed decisions Classmates ☐ Communicates effectively and ☐ Mostly communicates effectively and ☐ Sometimes communicates effectively and Supervisor respectfully with clients without using respectfully with clients without using respectfully with clients without using legalese legalese legalese ☐ Interacts effectively and respectfully ☐ Usually interacts effectively and respectfully ☐ Sometimes interacts effectively and with adversaries with adversaries respectfully with adversaries ☐ Interacts effectively and respectfully ☐ Usually interacts effectively and respectfully ☐ Sometimes interacts effectively and with clinic, court and other staff with clinic, court and other staff respectfully with clinic, court and other staff ☐ Interacts effectively and respectfully ☐ Usually interacts effectively and respectfully ☐ Sometimes interacts effectively and with classmates with classmates respectfully with classmates ☐ On time and prepared for all meetings ☐ Almost always on time and prepared for all ☐ Sometimes on time and prepared for all with supervisor meetings with supervisor meetings with supervisor Open and honest with supervisor; keeps ☐ Open and honest with supervisor; keeps □ Not always open and honest with supervisor informed of all pertinent case supervisor informed of all pertinent case supervisor; does not keep supervisor developments developments informed of all pertinent case developments

PROBLEM SOLVING (6 criteria)											
Issue Spotting Generating Alternatives Planning Executing		Identifies and diagnoses legal problems Generates alternative solutions and strategies Thoroughly assesses alternative strategies Develops a detailed plan of action Reliably implements a plan of action Regularly seeks out and keeps the planning process open to new information and ideas		Identifies and diagnoses legal problems Generates some alternative solutions and strategies Assesses alternative strategies Develops a coherent plan of action Implements a plan of action Keeps the planning process open to new information and ideas		Identifies and diagnoses some legal problems Generates few alternative solutions and strategies Somewhat assesses alternative strategies Somewhat develops a plan of action Somewhat implements a plan of action Somewhat keeps the planning process open to new information and ideas					
DEVELOPING PROFESSIONAL IDENTITY AND INDEPENDENT LEARNING (6 criteria)											
Taking initiative Learning from experience Contributing to others' growth Self-reflection and evaluation Developing independence		 □ Takes the initiative to be resourceful, raise issues, strategize □ Takes responsibility for actions and consequences □ Learns from feedback, critique, observations and experience □ Reflects critically and honestly about own performance □ Helps classmates improve their performance □ Experiments and tries new ways of doing things – willing to take risks 		resourceful, raise issues, strategize Usually takes responsibility for actions and consequences Usually learns from feedback, critique, observations and experience Usually reflects critically and honestly abortown performance Usually helps classmates improve their performance	ut	 □ Infrequently takes the initiative to be resourceful, raise issues, strategize □ Sometimes takes responsibility for actions and consequences □ Sometimes learns from feedback, critique, observations and experience □ Sometimes reflects critically and honestly about own performance □ Occasionally helps classmates improve their performance □ Rarely experiments and tries new ways of doing things – willing to take risks 					

ETHICAL PRACTICE (4 criteria)										
Issues Rules Communication Performance	 □ Identifies and analyzes ethical issues □ Observes client confidentiality □ Informs supervisor about ethical issues as they arise □ Follows ethical rules 	 □ Usually identifies and analyzes ethical issues □ Observes client confidentiality □ Usually informs supervisor about ethical issues as they arise □ Follows ethical rules 	 □ Sometimes identifies and analyzes ethical issues □ Usually observes client confidentiality □ Sometimes informs supervisor about ethical issues as they arise □ Sometimes follows ethical rules 							
ORGANIZING AND MANAGING LEGAL WORK (5 criteria)										
Case monitoring Files Office - Procedures Time- management	 □ Tracks case developments and meets all deadlines □ Follows office procedures □ Keeps files organized and updated □ Asks for guidance about unsettled case management issues □ Manages time effectively 	 □ Tracks case developments and meets deadlines but need reminders □ Generally follows office procedures □ Usually keeps files organized and updated □ Usually asks for guidance about unsettled case management issues □ Usually manages time effectively 	 □ Ineffectively tracks case developments and deadlines □ Does not follow office procedures □ Sometimes keeps files organized and updated □ Sometimes asks for guidance about unsettled case management issues □ Sometimes manages time effectively 							

Score: _____