

University of Wisconsin Law School  
Assessment 2000  
Summary Report

Sponsored by the  
**Benchers Society**  
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# **I. Introduction**

Law schools play a crucial role in preparing students for their early years as practicing lawyers. This is increasingly true as close supervision and training by senior, experienced lawyers in both private and public settings diminish. Societal issues, technology, increasing diversity, multi-disciplinary practices, and globalization are also affecting the practice of law, and these changes provide challenges for the law school curriculum. To be sure, as the practice of law changes, so do the needs of new graduates and the expectations of their employers and the public.

To address these challenges, Dean Kenneth B. Davis, Jr., with funding from the Benchers Society, initiated Assessment 2000 to evaluate the University of Wisconsin Law School (UWLS or Law School) curriculum as part of the Law School's larger strategic planning efforts. Dean Davis appointed Carolyn Lazar Butler (UW Law J. D. 1979) to direct the project. Dean Davis' ultimate goal is to identify a curriculum that will continue to enable UWLS graduates to competently and ethically handle the realities of their first few years of practice while building a strong foundation for their long-term careers and their responsibilities as members of the legal profession.

## **A. Objectives**

The initial objective of Assessment 2000 was to identify the skills and areas of knowledge UWLS graduates need in the early years of their legal careers and to determine how successful the UWLS's curriculum is in meeting those needs. Ms. Butler began with informal interviews of three groups: 1) employers from a variety of practice settings; 2) recent UWLS graduates; and 3) members of the Law School faculty. Based on these interviews and information from similar surveys, Ms. Butler prepared two questionnaires, one for employers and one for recent graduates. Both questionnaires were designed to:

1. Identify the skills and areas of knowledge that employers and graduates deem important to success in the early years of practice;
2. Identify the skills and substantive areas in which employers and graduates believe that the UWLS should invest more resources;
3. Determine the future trends that employers and graduates think important to consider in revising the Law School's curriculum; and
4. Compare the preparation of UWLS graduates with the graduates of other law schools.

The questionnaires also included questions specific to the group being surveyed. The employer questionnaire, for example, asked about the writing and research skills of recent graduates, particularly UWLS graduates, because writing was an issue that many employers raised in their interviews. One area of inquiry was the importance of specific criteria, such as clinical experiences, law review, moot court, etc., in employer hiring decisions. Another was the identification of courses that employers expected as part of a basic

law school education. Likewise, the graduate questionnaire included questions specific to a law student's experience, such as the usefulness of small group sections, the accessibility of the Law School faculty, the balance between theory and practice, and the graduates' satisfaction with the curriculum.

## **B. Methodology**

Carolyn Lazar Butler conducted the initial informal interviews and designed the questionnaires. The questionnaires were reviewed by Gene Kroupa, Ph.D. and UWLS representatives. The questionnaires were mailed to a cross-section of major employers and recent graduates. The UW Law School Dean's Office handled the employer mailings and graduate letters, while Gene Kroupa & Associates (GKA) handled the distribution of questionnaires to graduates. GKA did the auditing, coding, data entry, and analysis with input from Ms. Butler.

**Employer Survey.** The sample of 204 employers included private law firms, government entities, businesses, and public interest groups. The sample was selected based on hiring statistics from the UWLS Career Services Office. Law firms included a geographic mix and represented all sizes of firms that hire UWLS graduates.

Before the questionnaires were mailed, the Dean's Office called each employer to identify a contact person who would have the information required by the survey. Dean Davis then sent a personal, confirming letter to each contact. Questionnaires were mailed on March 7, 2000, and a follow-up mailing was sent to non-respondents three weeks later. The Dean's Office staff and Ms. Butler made follow-up telephone calls in April. One hundred and fifty usable questionnaires were received for a response rate of 74%.

**Graduate Survey.** The graduate questionnaire was sent to graduates (for whom the Law School could find current addresses) from the classes of 1994, 1996, and 1998, as well as to May 1999 graduates. These groups were selected to provide a broad range of experience levels while still focusing on lawyers in the early years of their careers.

Two weeks before the questionnaires were mailed, Dean Davis sent a personal letter to each graduate explaining Assessment 2000 and asking for the graduate's participation. A total of 1,028 questionnaires were mailed the week of March 27<sup>th</sup>, and a second mailing went out the third week of April to non-respondents. The Law School received eight questionnaires back as undeliverable or as duplicates. Based on the State Bar of Wisconsin's survey experience, the consultants had anticipated an overall response rate of 30-35%, which would have sufficed for statistical accuracy. The actual response (based on 1,020 questionnaires) was 587 or 58%.

Verbatim comments were coded into categories, as well as divided by employer type and year of graduation. Statistical analyses included frequency tabulations, calculating descriptive statistics, cross-tabulating responses by demographics, and use of tests of differences within and between sample groups.

## C. Profile of Respondents

**Employers.** The employer sample included private law firms, government entities, businesses, and public interest groups, selected based on hiring statistics from the UWLS Career Services Office. The respondents substantially mirror the sample, although firms of 100+ are slightly under-represented and firms of 11-25 are over-represented. The majority of the employer respondents described themselves as a recruiting partner, managing partner, or department head.

**Graduates.** The graduate respondents are in almost equal proportions from the sample classes: 1994 (25%), 1996 (24%), 1998 (29%) and 1999 (23%). There was a close split between men (53%) and women (47%) who answered the survey, which reflected proportions identical to the total distribution of men and women in the classes sampled. Eighty-four percent of the respondents are white/Caucasian and 16% are persons of color, although one-fifth of the graduating classes surveyed were students of color. Forty-four percent of the respondents said they graduated in the top one-fourth of their class, 40% said they were in the upper one-half to one-quarter, and 16% reported being in the lower half.

More than half (54%) of the graduates are in private practice, while 16% work for government, 6% work for businesses, and 3% for public interest or legal services. Sole practitioners and graduates working for firms over 100 are over-represented, while firms of 26-50 and 51-100 are somewhat under-represented. The respondents' primary areas of practice are civil litigation, transactions/securities, criminal law, general practice, and employment law.

## II. Findings

The following summary provides an overview of Assessment 2000's findings. The charts graphically display the key results. The data tables and comments on which they are based are voluminous and therefore generally are not included. Where useful, however, the comments are categorized and shown in charts.

Assessment 2000 provides specific feedback from two of the UWLS's most important groups of "customers," employers and recent law graduates. It captures their views on, and expectations about, legal education generally and the UWLS specifically. Although there may be questions about Assessment 2000's format or about the methodology of studying legal education through attitudinal data, it is noteworthy that Assessment 2000's results are by and large consistent with most findings in the empirical research on legal education.<sup>1</sup> Likewise, Assessment 2000's results mirror the themes raised by various committees that have studied and made recommendations about legal education.<sup>2</sup>

Broadly stated, Assessment 2000 finds that the most important skills for a lawyer's success are legal reasoning and written and oral communication, that employers and graduates expect law students to bring these skills from law school, and that employers and graduates believe that the Law School can teach these skills. Moreover, Assessment 2000 finds that because the basic focus of legal education is to train practicing lawyers, the Law School should try to integrate the theoretical and the practical at all levels of the curriculum.

### A. How Well Are University of Wisconsin Law Graduates Prepared for Their Legal Careers?

A goal of Assessment 2000 was to determine how well UWLS graduates are prepared for their legal careers. Employers were asked to compare UWLS graduates with graduates of other law schools in terms of skills and knowledge. The UWLS compares well. Ninety-six percent of the employers rated UWLS graduates the same or better than graduates of other law schools. More specifically, 44% rated UWLS grads better or much better than graduates from other law schools and 52% rated them about the same. [Emp Q 5.]<sup>3</sup>

Significantly, UWLS graduates *themselves* rate their law school preparation favorably and also say that their preparation compares well with that of their contemporaries from other law schools. When UWLS graduates compared their preparation to their contempo-

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<sup>1</sup> See e.g., E. Gordon Gee & Donald W. Jackson, Current Studies of Legal Education: Findings and Recommendations, 32 J. Legal Educ. 471, 484 n. 42 (1982); Garth & Martin, Law Schools and the Construction of Competence, 64 S.C.L. Rev. 1231 (1991).

<sup>2</sup> See e.g., American Bar Association Section of Legal Education and Admissions to the Bar, Legal Education and Professional Development – An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap (Chicago, 1992) (hereinafter MacCrate Report); Commission on Legal Education, State Bar of Wisconsin, Final Report and Recommendations (1996).

<sup>3</sup> Emp Q5 refers to Question #5 of the Employer Questionnaire; references to the Graduate Questionnaire are noted as Grads Q\_. Copies of both questionnaires are included in Appendix B, *infra*.

riaries who went to other law schools, 87% indicated that they were as well or better prepared. [Grads Q4.] And when asked in a separate question to rate how prepared they were for their legal career upon graduation, 46% of the graduates rated their preparation as being better than average and another 40% scored it as being average. While twelve percent felt they were somewhat unprepared, only 2% believed they were unprepared. Overall, the graduates give their preparation a 3.4 out of 5.0 rating for preparation. Those who graduated in the top 25% rated it 3.6, substantially higher than those who finished in the 26-50% range (3.3) or in the bottom one-half (3.1). [Grads Q3.]

## **B. What Skills & Knowledge Do University of Wisconsin Law School Students Need?**

There are many opinions about what a law school student should know on graduating from law school. Many who have studied this subject have identified numerous skills and areas of knowledge that lawyers need in order to practice law. For instance, the MacCrate Report<sup>4</sup> contained a list of lawyering skills that the authors, an ABA task force, felt to be essential to sound legal practice. Using the ABA list and an earlier list developed by Frances Kahn Zemans and Victor G. Rosenblum for the American Bar Foundation (ABF)<sup>5</sup>, Bryant G. Garth and Joanne Martin developed a new list of 17 items for their extensive ABF survey of law firm partners and junior practitioners.<sup>6</sup> A very different kind of list was used by the University of Montana School of Law in its study of the abilities that lawyers need to practice law effectively in Montana.<sup>7</sup> That list included 149 items and unlike the MacCrate or ABF lists, contained specific professional tasks that practitioners routinely perform as well as personal traits such as motivation, reliability, and honesty.

The list used for Assessment 2000, with 55 items<sup>8</sup>, was an amalgam of the Garth & Martin ABF list, the Montana list, and a list developed by the State Bar of Wisconsin based on the ABA's MacCrate Report.<sup>9</sup> It included all of the skills and areas of knowledge from the Garth & Martin list. It also included many of the professional tasks from the Montana list to test whether employers and graduates expected the Law School to teach specific tasks.

Employers and graduates were asked three questions about skills and knowledge. First, Assessment 2000 asked them to rate how important or unimportant it was for new lawyers to bring various skills and knowledge areas with them from law school, without regard to the respondents' specific practice. Each skill or area was rated on a 5-point scale where 1 = NOT IMPORTANT and 5 = VERY IMPORTANT. Second, like the Garth & Martin survey, Assessment 2000 asked respondents to opine whether the skill or area of knowledge could be taught in law school. Finally, Assessment 2000 asked employers and graduates to indicate which five skills and knowledge areas were most critical to new lawyers' success in the first three years of their professional careers in the respondents' *specific* firms or organizations.

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<sup>4</sup> MacCrate Report, *supra* note 2.

<sup>5</sup> F. Zemans & V. Rosenblum, *The Making of a Public Profession* (1981).

<sup>6</sup> Garth & Martin, *supra* note 1

<sup>7</sup> J. Mudd & J. LaTrielle, *Professional Competence: A Study of New Lawyers*, 49 *Montana L. Rev.* 11 (1988).

<sup>8</sup> See either Emp Q1 or Grads Q1 for the 55-item list of skills and areas of knowledge, *infra* Appendix B.

<sup>9</sup> Commission on Legal Education, *supra* note 2.

What follows is a description of the importance ratings of the skills and areas of knowledge from Assessment 2000. The top skills and areas of knowledge identified by the employers and the graduates were identical, although the order varied somewhat.

Employers and graduates ranked the following as the most important skills a new lawyer should bring from law school:

- Legal analysis & reasoning
- Effective written communication
- Effective oral communication.

These same skills are the ones that both employers and graduates identified as critical to a new lawyer's success in the question about their *specific* organizations or firms. [Emp Q1C; Grads Q 1C.] Moreover, in a later question about hiring, employers also ranked effective oral communication as a skill that is critical in the hiring decision, with 94% of the employers identifying it as very important or important in their decision to make a job offer. [Emp Q7.]

Employers and graduates are in close agreement that the following additional skills and areas of knowledge rank highest among the ones that they expect *all* new lawyers to bring from law school:

- Computer-assisted research
- Professionalism, including civility
- Ability to write legal briefs & memoranda
- Good professional judgment
- Treating staff and clients with respect
- Traditional legal research
- Statutory interpretation (tied)
- Time management, including meeting deadlines (tied).

Interestingly, more than half of these skills are not specifically legal, and employers and graduates are unsure about the Law School's ability to teach them. Employers and graduates question law school's ability to teach professionalism, including civility; good professional judgment; treating staff and clients with respect; and time management, including meeting deadlines. On the other hand, respondents believed that law school can teach two of the most important non-legal skills – effective written and oral communication. More than 85% of the graduates and 93% of the employers believe that law school can teach students to communicate effectively in writing, while more than 71% of the graduates and 75% of the employers believe that law school can teach effective oral communication. [Emp Q1; Grads Q 1.] See Figure 1, *infra*.

In contrast to the concern about law school's ability to teach non-legal skills, employers and graduates believe that law school can teach all of the specifically legal skills on the Assessment 2000 list, although the level of confidence varies. For instance, approximately 95% of the respondents said that legal analysis & reasoning, legal research, writing briefs & memoranda, and statutory interpretation can be taught. But fewer than 75% said that the law school can effectively teach identifying and planning solutions to legal problems or how to negotiate on behalf of a client.

## Emp Q1 and Grads Q1. Knowledge and Skills for New Lawyers

Importance of Skills or Areas of Knowledge					
Grad Rank & Mean	Emp Rank & Mean	Significance	Skill or Knowledge	GRADS-- Can be taught effectively in law school?	EMP--Can be taught effectively in law school?
1 (4.8)	2 (4.7)		Communicate effectively in writing	Y 85.7%	Y 93.2%
2 (4.8)	1 (4.8)		Be proficient in legal analysis and reasoning	Y 94.8%	Y 95.9%
3 (4.5)	3 (4.7)	*	Communicate effectively orally	Y 71.9%	Y 75.5%
4 (4.4)	4 (4.5)		Do computer-assisted legal research	Y 98.3%	Y 98.7%
5 (4.4)	5 (4.5)		Exhibit professionalism, including civility	Y 36.8%	Y 58.5%
6 (4.4)	9 (4.3)		Write legal briefs and memoranda	Y 97.9%	Y 98.6%
7 (4.3)	8 (4.4)		Exercise good professional judgment	Y 21.9%	Y 29.6%
8 (4.3)	7 (4.4)		Treat staff and clients with respect	Y 21.8%	Y 35.4%
9 (4.3)	6 (4.4)		Do traditional legal research	Y 99.3%	Y 99.3%
10 (4.2)	11 (4.2)		Interpret statutes using statutory construction and interpretation	Y 96.9%	Y 98.7%
11 (4.2)	10 (4.3)		Manage time, including meeting deadlines	Y 34.5%	Y 41.8%
12 (4.1)	13 (4.1)		Identify, diagnose and plan solutions to legal problems	Y 71.7%	Y 66.7%
13 (4.1)	16 (3.9)		Organize and manage legal work	Y 41.0%	Y 39.0%
14 (4.1)	14 (4.0)		Understand the organization of courts, their jurisdiction and venue	Y 98.8%	Y 100.0%
15 (4.0)	12 (4.1)	*	Recognize and understand how to resolve ethical concerns	Y 79.7%	Y 87.6%
16 (3.9)	20 (3.7)	*	Evaluate legal claims and advise clients	Y 63.0%	Y 54.9%
17 (3.9)	18 (3.7)	*	Negotiate on behalf of a client	Y 67.6%	Y 59.6%
18 (3.9)	15 (4.0)		Instill others' confidence in you	Y 15.6%	Y 13.9%
19 (3.9)	22 (3.7)	*	Write an opinion or advice letter to a client	Y 81.9%	Y 82.6%
20 (3.8)	24 (3.6)	*	Counsel clients	Y 54.9%	Y 52.1%
21 (3.8)	19 (3.7)		Understand the remedies available in a case	Y 93.2%	Y 93.8%
22 (3.7)	30 (3.4)	*	Interview clients	Y 67.5%	Y 66.7%
23 (3.7)	23 (3.6)		Know procedural law	Y 89.8%	Y 88.9%
24 (3.7)	21 (3.7)		Plan, direct, and organize the collection of facts through investigation and interviews	Y 61.0%	Y 58.6%
25 (3.7)	25 (3.6)		Understand the steps in a civil case from pleadings to trial	Y 94.7%	Y 95.2%
26 (3.7)	17 (3.8)		Know substantive law	Y 92.6%	Y 93.9%
27 (3.7)	27 (3.5)		Apply the rules of evidence in a case and make objections	Y 88.4%	Y 91.8%
28 (3.7)	28 (3.5)	*	Draft a simple contract	Y 94.3%	Y 91.2%
29 (3.6)	26 (3.6)		Understand the appellate process	Y 97.7%	Y 97.9%
30 (3.5)	38 (3.0)	*	Supervise others and delegate effectively	Y 19.9%	Y 19.2%
31 (3.5)	37 (3.2)	*	Prepare a motion	Y 93.6%	Y 87.7%
32 (3.5)	33 (3.3)	*	Prepare pleadings	Y 89.6%	Y 89.7%
33 (3.5)	32 (3.3)		Introduce evidence at trial	Y 90.3%	Y 89.7%
34 (3.5)	31 (3.3)		Argue a motion	Y 85.6%	Y 82.8%
35 (3.5)	29 (3.5)		Understand advantages/disadvantages of various forms of business organizations	Y 97.0%	Y 95.2%
36 (3.5)	34 (3.2)	*	Understand the business side of practicing law	Y 67.1%	Y 50.7%
37 (3.4)	35 (3.2)	*	Understand the administrative process--federal, state, and local	Y 95.3%	Y 91.8%

\* Asterisk indicates significant difference between employer and graduate mean-rating scores.  
Highlighted rows indicate skills or areas of knowledge that either the employers or graduates reported could not be taught effectively in law school (Y 50.0% or less).

Figure 1

## **C. What Should the Law School Consider in Reviewing the Curriculum?**

### **1. First-Year Curriculum**

It is generally assumed that the first-year law school curriculum is the most interesting and engaging and that enthusiasm wanes in the second and third years. This assumption is supported by an American Bar Foundation study<sup>10</sup> in which students at seven law schools were asked to rate their satisfaction with law school on a five-point scale. The most positive evaluations came in the first year and declined in the second and third years.<sup>11</sup>

Surprisingly, UWLS graduates were least satisfied with the first-year curriculum (3.2 on a 5.0 scale), but their satisfaction increased with the second (3.5) and third (3.6) years. [Grads Q9.] Older students and students of color gave significantly lower satisfaction ratings for the first-year curriculum than others. An open-ended question asking for suggestions about improving all aspects of the curriculum elicited numerous suggestions for changing the first-year curriculum in terms of courses offered, redistribution of credits, and legal writing. [Grads Q10]

A frequently discussed aspect of the first-year curriculum topic is the UWLS's small section program. During the first semester, students are divided into groups of 25-30. These students have one small section class together and are in the same large class sections. Graduates were asked to rate how successful their small section class was in accomplishing a variety of goals. [Grads Q5] They responded that the small section format was most successful in providing a support/social group and a comfortable learning environment. It was least successful in helping students practice their writing or in getting to know a faculty member well. Women provided significantly lower ratings for almost all goals of the small section format. And students of color gave significantly lower ratings than whites/Caucasians for the following: providing a support/social group, providing a comfortable learning experience, and helping students to form a study group. It is clear from coded survey responses that the small section experience is highly dependent on the specific faculty member's competence, commitment, and interest in the small group.

### **2. Theory v. Practice**

When asked to rate the Law School's curriculum in terms of its balance between theory and practice, 61% of the graduates indicated that there is too much emphasis on theory and not enough on the practical application of the law; 35% think a good balance exists. [Grads Q7.] It is an oft-held belief that prestigious national law schools should concentrate on theoretical aspects of the law, while giving limited attention to practical training. Assessment 2000 supports the importance of theory but calls for an integration of the theoretical and the practical at all levels of the curriculum.

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<sup>10</sup> Ronald M. Pipkin, *Legal Education: The Consumer's Perspective*, 1976 ABF Research J. 1161.

<sup>11</sup> Gee & Jackson, *supra* note 1, at 473.

**Legal Analysis & Reasoning.** According to employers, legal analysis & reasoning is the most important skill for law graduates to bring from law school, and most respondents believed that it can be taught effectively there. [Emp Q1; Grads Q1] Legal analysis & reasoning received the highest importance score (4.8 out of 5) of the fifty-five skills and areas of information listed. Ninety-eight per cent of the employers rated it “very important” or “important.” Likewise, graduates give legal analysis & reasoning a 4.8 importance score, and 97.9% rated it “very important” or “important.” Employers and graduates also placed legal analysis & reasoning at the top of the list of skills or areas of knowledge important to the success of a new lawyer in their particular organizations. [Emp Q1C; Grads Q1C]

The survey results seem to indicate that the UWLS does a good job in teaching legal analysis. When graduates were asked how they felt they were better prepared than their contemporaries from other law schools, the most common response from the UW graduates was that they were better at legal analysis and creative thinking than those who went to other law schools. Twenty percent of the employers who listed a specific strength of UW law graduates identified legal analysis as a specific strength (although it was also mentioned as a specific weakness by 11% who commented). In any event, legal analysis or “thinking like a lawyer” is at the core of the curriculum and is a skill that both employers and graduates believe deserves continuing emphasis.

**Practical Skills.** The need to incorporate practical skills and practice information into classes and the curriculum was a recurring theme throughout the survey responses. When asked in an open-ended question for specific suggestions for changing the Law School’s curriculum, 40% of the respondents suggested making the curriculum more practical, while an additional 18% suggested placing more emphasis on one specific skill – writing/legal writing. Both employers and graduates identified practical skills and experiences, and writing as the main areas into which the UWLS should devote more resources. [Emp Q6; Grads Q2] And when asked to list future trends to consider when revising the curriculum, both groups identified the need for the Law School curriculum to become more practical. [Emp Q8; Grads Q15]

The need to incorporate practice skills is consistent with findings in the empirical research over the past twenty-five years,<sup>12</sup> including the findings of a 1974 UWLS survey.<sup>13</sup> Both employers and graduates expect more of legal education than simply a theoretical education. Increasingly, they expect legal education to prepare students by giving them the practical skills involved in the practice of law. Higher salaries, financial pressures on organizations of all sizes, increasing mobility of new lawyers, and many other factors mean that graduates no longer have the luxury of learning on the job under the guidance of experienced practitioners.

Additionally, clients and society as a whole expect and have an interest in ensuring that new law graduates have a basic level of competence. As the State Bar of Wisconsin’s Commission on Legal Education said,

Our law schools are expected to graduate lawyers who can do what lawyers do....The public has a definite expectation that all lawyers, including those recently graduated, will know the law.

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<sup>12</sup> Gee & Jackson, *supra* note 1, at 484.

<sup>13</sup> Wisconsin alumni survey, classes of '54,'59,'64,'69, and '72.

Perhaps more important, students who choose law as a profession expect to graduate with a certain ability to practice law.<sup>14</sup>

The suggestion that the Law School should teach practical skills does not mean a rejection of theoretical learning, nor is it a call for the Law School to become a trade school. Rather, it is a recognition that law students should not learn the theoretical underpinnings of the law in the abstract, nor should they learn lawyering skills without understanding the theory behind what they are doing. Instead, students should learn what practicing lawyers do when called upon to use the knowledge of the subject matter the students are studying.<sup>15</sup> While skills and the integration of theory and practice are currently incorporated into the curriculum in a variety of ways, e.g., clinical programs, the pretrial practice course, trial advocacy, and the General Practice Skills Course,<sup>16</sup> Assessment 2000 calls for this to be a major consideration in revising the curriculum.

Moreover, the call for a more practical education is not a call to teach students how to fill out forms or learn discrete tasks but to teach the higher level skills. In their skill and knowledge rankings, employers and graduates for the most part identified skills (such as negotiations, interpreting statutes, counseling clients), which they ranked high in importance, and tasks (such as probating an estate, drafting a divorce settlement, preparing tax returns), which they ranked low in importance.

### 3. Communication Skills

Law is “a profession of words,”<sup>17</sup> therefore it makes sense that communication skills, both written and oral, are among the most important skills for graduates. As noted above, employers and graduates identified communication skills as among the most important skills for a lawyer to bring from law school [Emp Q 1; Grads Q1] and critical to new lawyers’ success in their specific organizations or firms. [Emp Q1C; Grads Q 1C] Employers also ranked effective oral communication as critical in the hiring decision, with 94% of them identifying it as very important or important in their decision to make a job offer. [Emp Q7] Garth and Martin in their American Bar Foundation study offer even more dramatic findings. All of the groups they surveyed selected oral communication and written communication as the most critical of 17 enumerated skills, above even legal analysis & reasoning.<sup>18</sup> And in their survey of Chicago law firm hiring partners, Garth and Martin found that more than 90% of the partners surveyed expected graduates to bring these communication skills with them from law school.<sup>19</sup> Garth and Martin in comparing their findings to earlier findings by Zemans and Rosenblum found that the expectation that graduates will bring communication skills had increased dramatically, while expected knowledge of substantive and procedural law had diminished:

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<sup>14</sup> Commission on Legal Education, *supra* note 2, at 25.

<sup>15</sup> *Id.* at 38. As the Commission noted, “One basic building block of every course might be this question: What does a client problem in this area in the law look like, and how does a lawyer address such a problem?”

<sup>16</sup> See Section C.5 of this report, *infra*.

<sup>17</sup> Garth & Martin, *supra* note 4, at 474 quoting David Mellinkoff, *The Language of the Law* at vii (Boston, 1963).

<sup>18</sup> *Id.* at 473-77.

<sup>19</sup> *Id.* at 497.

The partners today, in contrast to the mid-1970's, expect relatively less knowledge about the content of the law and much better developed personal skills. It appears that the law firms in the 1970s could afford to hire smart, knowledgeable law graduates with as yet immature communication and client skills, place them in the library, and allow them to develop. Today there is much less tolerance for a lack of client and communication skills; there is perhaps more patience with the development of substantive and procedural expertise in a world of increasing specialization.<sup>20</sup>

The Law School curriculum offers too few opportunities for law students to develop and improve their oral communication skills, except in oral advocacy settings. This is true despite the fact that lawyers in all areas of practice need oral communication skills for interviewing, working with clients, making presentations, and speaking publicly. Similarly, the curriculum offers little for students who are interested in further developing or refining their general writing skills, unless they are in need of remedial help.<sup>21</sup>

**Legal Writing.** The need to provide more opportunities for students to develop their legal writing skills was another recurring theme throughout the survey responses. Employers and graduates identified writing/legal writing as one of the main areas to which the UWLS should devote more resources [Emp Q6; Grads Q2], and graduates wish they had taken additional legal writing courses in law school. [Grads Q8]

Approximately 99% of the graduates spend some of their professional time doing legal research; over 90% spend time writing briefs or memoranda; and 80% spend time drafting non-litigation documents. When asked which skills are critical to success in their own firms and organizations, graduates ranked the ability to write legal briefs & memoranda and the ability to do computer-assisted legal research next in order of importance after legal analysis and communication skills. As a result, it is not surprising that graduates, in response to an open-ended question about changing the Law School's curriculum, suggested placing more emphasis on writing and legal writing and suggested making specific changes to the existing legal writing program. [Grads Q10] Nor is it surprising that nearly two-thirds of employers believe that legal writing should have a high priority in the curriculum and that an advanced legal writing course should be part of a law student's basic education. [Emp Q9]

In preliminary interviews, many employers expressed concern about legal writing and research skills in general. To identify specific problems, the employer questionnaire contained questions about general writing skills, legal writing skills, and research skills. These questions were not aimed specifically at UWLS grads (since employers said it would be difficult to distinguish them) but at new graduates generally.

Employers rated the *general* writing skills of new lawyers as being strongest for grammar & punctuation and basic sentence & paragraph structure (both rated 3.5 out of a

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<sup>20</sup> *Id.*

<sup>21</sup> Although the law school does not offer general writing courses, help is available through the Legal Research & Writing Program's Individualized Instruction Service.

possible 5.0), weaker for clarity & readability and for organization (both 3.2), and below average for conciseness (2.9). In regard to *legal* writing, employers expressed the greatest concern about their new lawyers' ability to recognize & write for the audience, e.g., judge, client, etc. (2.8 out of 5). Employers gave new attorneys the highest average rating for using correct legal citation form (3.8) but gave them significantly lower scores for being able to

- analyze information rather than merely quote or report the law (3.2)
- select the proper facts to include and emphasize (3.2)
- select the most powerful legal arguments (3.1)
- write persuasively as an advocate (3.1)
- explain the analytical steps leading to a conclusion (3.0)
- avoid legalese (3.0).

Finally, employers rated new lawyers highly for their ability to do electronic research (4.0 out of 5). Respondents were concerned, however, about their new lawyers' ability to keep the costs of electronic research within reasonable limits (3.1) and understand the limitations of electronic searching as compared to traditional research (2.8).

#### **4. Specific Courses**

Employers identified the following ten courses as top among those that UWLS students should take as part of a basic education regardless of practice area. [Emp Q9]

- Legal Research & Writing
- Civil Procedure I
- Evidence
- Contract Law
- Professional Responsibility
- Constitutional Law
- Torts
- Legal Writing, Advanced
- Civil Procedure II
- Business Organizations I

Throughout Assessment 2000, business law was identified as a substantive area deserving more attention. Not only was Business Organizations I listed among the top ten basic courses, but Business Organizations II was in the top 15. Moreover, when asked what additional course they wish they had taken in law school, graduates mentioned business law most often. [Grads Q8] Other areas outside of the first-year or required courses that received attention were Tax, Trial Advocacy, and the General Practice Skills Course. These courses were listed in the top third of courses needed for a basic legal education and also topped the list of additional courses that graduates in retrospect wish they had taken in law school. See Figure 2, *supra*.

## Emp Q9. Courses Needed as Part of a Basic Legal Education

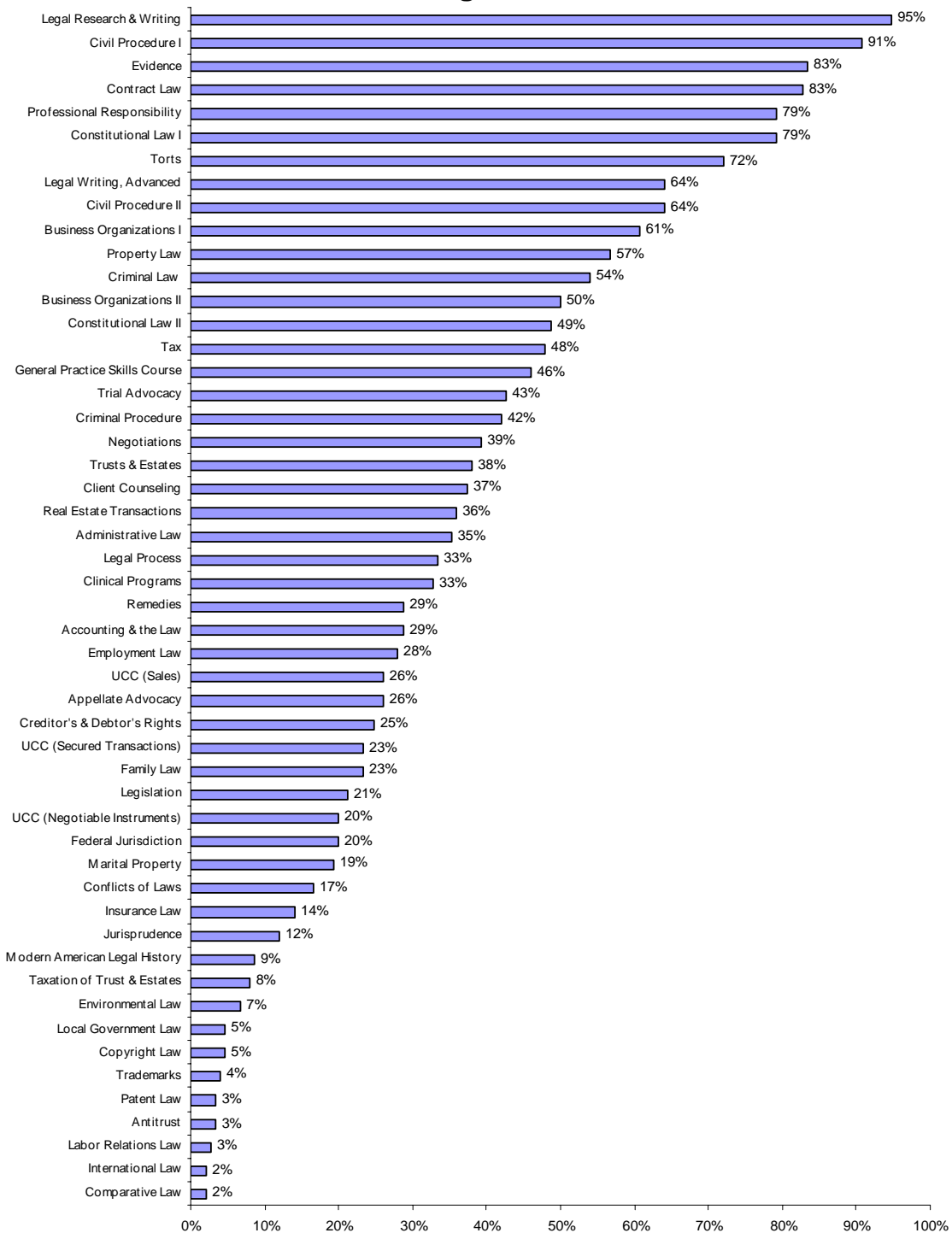


Figure 2

In order to determine if there were growing areas of practice or trends that the UWLS should take into account in revising the curriculum, Assessment 2000 asked employers and graduates to identify specific trends. [Emp Q8; Grads Q15] Employers and graduates agreed that future trends require the UWLS to consider the following in revising the curriculum:

- E-commerce and intellectual property as related to the Internet,
- Becoming more practical/providing more practical courses,
- Use of computers/technology in the practice of law,
- Business side of practicing law,
- Alternative dispute resolution (ADR), and
- Multi-disciplinary practice.

Four in ten of the employers surveyed said that they represent clients who have international operations or foreign sales. One-half of the law firms do international work, the likelihood increasing with the size of the law firm. Nevertheless, employers do not identify this area as a basic part of the curriculum nor does it come up as a significant future trend.

Similarly, one-half of the employers say their firm or organization does or expects to do legal work related to intellectual property and e-commerce. Fifty-two percent of the law firms and almost 92% of the in-house counsel responded affirmatively. For law firms, the likelihood increases with size. While intellectual property courses are not selected often as part of a basic legal education, both employers and graduates identified e-commerce and intellectual property (as related to the Internet) as a future trend that the Law School needs to consider in revising its curriculum.

## **5. Clinicals and General Practice**

Graduates who took clinicals generally found them to be valuable experiences, and four in ten mentioned that they learned practical skills through the clinical experience. [Grads Q12] The main reasons graduates did not take a clinical course were that they chose to work, the clinicals were primarily in criminal law, or they wanted to take certain substantive law courses and couldn't do both. [Grads Q13]

In open-ended comments, graduates told how clinicals gave them confidence, humanized law school, provided real world experiences, taught the practical side of law, gave them writing opportunities, and built their confidence. Several also noted that their participation helped them with career decisions.

Employers differed on the value they ascribed to the clinical experience. When asked to rate the importance of clinicals in their organizations' hiring decisions, government and public interest employers, particularly public defender offices, ranked clinical course experience as an important criterion (3.8 – 4.5 out of 5). However, law firms viewed clinicals as far less important (2.96).

Like clinicals, graduates view the General Practice Skills Course and other skill-based courses positively. The graduate respondents who took the General Practice Skills Course were enthusiastic about their experiences. Many, even those who did not go into private practice, said it was an invaluable class because it applied the theoretical law they had learned in other classes to real world situations. Numerous respondents identified this as the best class they had in law school.

Additionally, forty-six percent of the employers selected the General Practice Skills Course as part of a basic education [Emp Q9]. And graduates identified it as one of the courses they wish they had taken in law school.

#### **D. Issues Outside the Curriculum**

Although Assessment 2000's focus was on the curriculum, several questions, particularly the open-ended ones, raised issues outside of the curriculum as well. For instance, on the issue of teaching, the majority of graduates rated their UWLS professors and clinical instructors as being accessible and able to meet and interact with them as needed, while respondents found adjunct lecturers, who are often practicing attorneys, less accessible. [Grads Q6] Interestingly, ratings of accessibility increased as the respondents' graduation rank decreased. Open-ended responses emphasized the need for the Law School to continue attracting high quality faculty members with a commitment to teaching; review the grading system, including the single exam assessment method; develop a public-interest tuition forgiveness program; provide support for students taking bar exams; and increase services for transfer and part-time students. Graduates also were vocal about the importance of expanding career services and offering more academic counseling.

### **III. Conclusion**

Assessment 2000 represents the University of Wisconsin Law School's ongoing commitment to quality legal education. It provides the Law School with the collective wisdom of its alumni and the employers who hire them, and is a reminder that the predominant mission of even a prestigious law school like the University of Wisconsin is to train future practicing lawyers. Assessment 2000 represents the Law School's effort to assure future students, employers, and the public that Wisconsin graduates will continue to have the skills necessary to practice law competently and ethically.

The major empirical findings of Assessment 2000 are:

1. UWLS graduates and employers believe that UWLS graduates are as well or better prepared to practice law than graduates of other law schools.
2. Legal analysis and oral and written communication skills are the most important skills for beginning lawyers. Employers expect new lawyers to possess these skills when they come to work, and employers and graduates believe that the law school can effectively teach all three.

3. Graduates are least satisfied with the first-year curriculum, and more satisfied with the second- and third-year curricula.
4. The law school should place more emphasis on and devote more resources to practical skills and writing (both general and legal writing) and should consider these areas in revising the curriculum.
5. Business law is most often selected as the additional course graduates wish they had taken in law school.
6. In revising the curriculum, the law school needs to consider a practical orientation, e-commerce, computers in the practice of law, ADR, and multi-disciplinary practice.

Carolyn Lazar Butler  
Director, Assessment 2000  
September 2000

# Appendices

- Appendix A: Charts and Graphs
- Appendix B: Questionnaires

# Appendix A

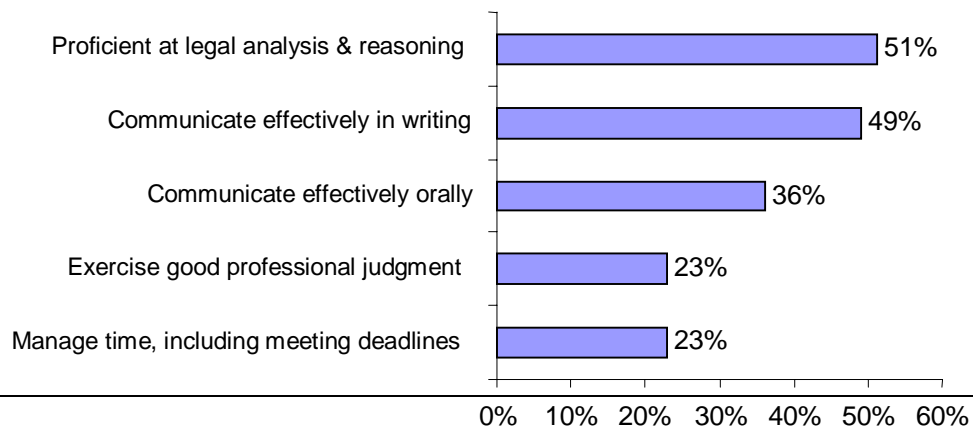
## Emp Q1 and Grads Q1. Knowledge and Skills for New Lawyers

Importance of Skills or Areas of Knowledge					
Grad Rank & Mean	Emp Rank & Mean	Significance	Skill or Knowledge	GRADS-- Can be taught effectively in law school?	EMP--Can be taught effectively in law school?
1 (4.8)	2 (4.7)		Communicate effectively in writing	Y 85.7%	Y 93.2%
2 (4.8)	1 (4.8)		Be proficient in legal analysis and reasoning	Y 94.8%	Y 95.9%
3 (4.5)	3 (4.7)	*	Communicate effectively orally	Y 71.9%	Y 75.5%
4 (4.4)	4 (4.5)		Do computer-assisted legal research	Y 98.3%	Y 98.7%
5 (4.4)	5 (4.5)		Exhibit professionalism, including civility	Y 36.8%	Y 58.5%
6 (4.4)	9 (4.3)		Write legal briefs and memoranda	Y 97.9%	Y 98.6%
7 (4.3)	8 (4.4)		Exercise good professional judgement	Y 21.9%	Y 29.6%
8 (4.3)	7 (4.4)		Treat staff and clients with respect	Y 21.8%	Y 35.4%
9 (4.3)	6 (4.4)		Do traditional legal research	Y 99.3%	Y 99.3%
10 (4.2)	11 (4.2)		Interpret statutes using statutory construction and interpretation	Y 96.9%	Y 98.7%
11 (4.2)	10 (4.3)		Manage time, including meeting deadlines	Y 34.5%	Y 41.8%
12 (4.1)	13 (4.1)		Identify, diagnose and plan solutions to legal problems	Y 71.7%	Y 66.7%
13 (4.1)	16 (3.9)		Organize and manage legal work	Y 41.0%	Y 39.0%
14 (4.1)	14 (4.0)		Understand the organization of courts, their jurisdiction and venue	Y 98.8%	Y 100.0%
15 (4.0)	12 (4.1)	*	Recognize and understand how to resolve ethical concerns	Y 79.7%	Y 87.6%
16 (3.9)	20 (3.7)	*	Evaluate legal claims and advise clients	Y 63.0%	Y 54.9%
17 (3.9)	18 (3.7)	*	Negotiate on behalf of a client	Y 67.6%	Y 59.6%
18 (3.9)	15 (4.0)		Instill others' confidence in you	Y 15.6%	Y 13.9%
19 (3.9)	22 (3.7)	*	Write an opinion or advice letter to a client	Y 81.9%	Y 82.6%
20 (3.8)	24 (3.6)	*	Counsel clients	Y 54.9%	Y 52.1%
21 (3.8)	19 (3.7)		Understand the remedies available in a case	Y 93.2%	Y 93.8%
22 (3.7)	30 (3.4)	*	Interview Clients	Y 67.5%	Y 66.7%
23 (3.7)	23 (3.6)		Know procedural law	Y 89.8%	Y 88.9%
24 (3.7)	21 (3.7)		Plan, direct, and organize the collection of facts through investigation and interviews	Y 61.0%	Y 58.6%
25 (3.7)	25 (3.6)		Understand the steps in a civil case from pleadings to trial	Y 94.7%	Y 95.2%
26 (3.7)	17 (3.8)		Know substantive law	Y 92.6%	Y 93.9%
27 (3.7)	27 (3.5)		Apply the rules of evidence in a case and make objections	Y 88.4%	Y 91.8%
28 (3.7)	28 (3.5)	*	Draft a simple contract	Y 94.3%	Y 91.2%
29 (3.6)	26 (3.6)		Understand the appellate process	Y 97.7%	Y 97.9%
30 (3.5)	38 (3.0)	*	Supervise others and delegate effectively	Y 19.9%	Y 19.2%
31 (3.5)	37 (3.2)	*	Prepare a motion	Y 93.6%	Y 87.7%
32 (3.5)	33 (3.3)	*	Prepare pleadings	Y 89.6%	Y 89.7%
33 (3.5)	32 (3.3)		Introduce evidence at trial	Y 90.3%	Y 89.7%
34 (3.5)	31 (3.3)		Argue a motion	Y 85.6%	Y 82.8%
35 (3.5)	29 (3.5)		Understand advantages/disadvantages of various forms of business organizations	Y 97.0%	Y 95.2%
36 (3.5)	34 (3.2)	*	Understand the business side of practicing law	Y 67.1%	Y 50.7%
37 (3.4)	35 (3.2)	*	Understand the administrative process--federal, state, and local	Y 95.3%	Y 91.8%

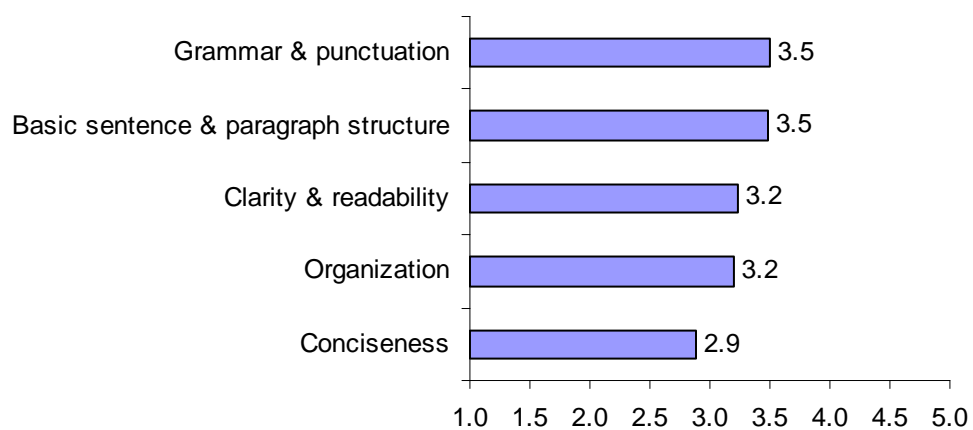
\* Asterisk indicates significance difference between employer and graduate mean rating scores.  
Highlighted rows indicate skills or areas of knowledge in which either the employers or graduates reported could not be taught effectively in law school (Y 50.0% or less).

## EMPLOYERS

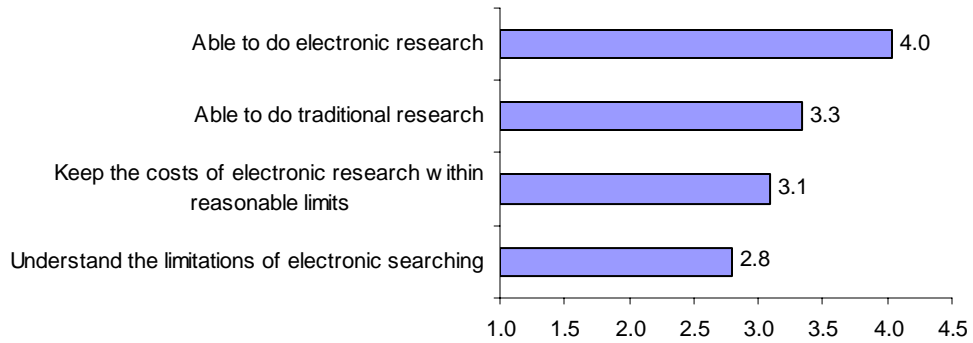
### Emp Q1C. Top 5 Legal Skills or Areas of Knowledge That Are Most Critical to a New Lawyer's Success



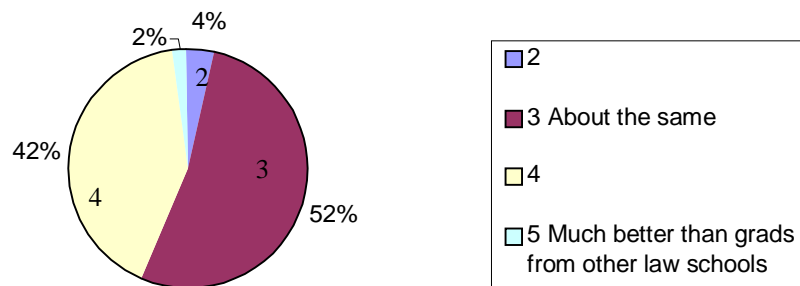
### Emp Q2. Rate the General Writing Skills of Your New Attorneys (1=Poor and 5=Excellent)



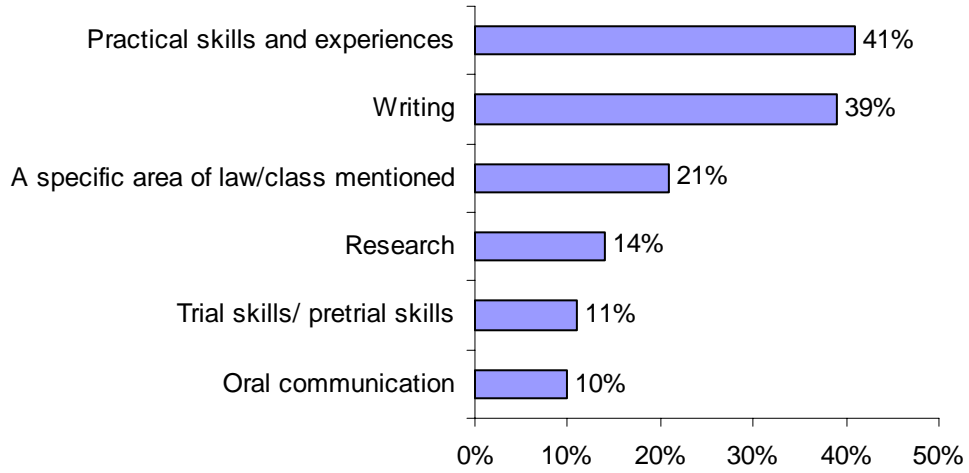
**Emp Q4. Rate the Legal Research Skills of Your New Attorneys**  
 (1=Poor and 5=Excellent)



**Emp Q5. Comparison of UW Law Grads with Grads of Other Law Schools**  
 (1=Much Worse Than Grads From Other Law Schools and 5=Much Better Than Grads From Other Law Schools)

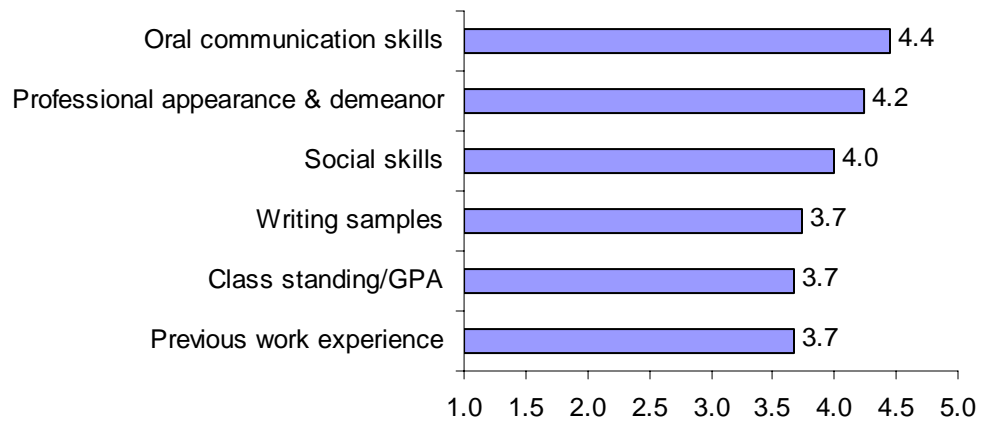


### Emp Q6. Put More Resources Into These Areas

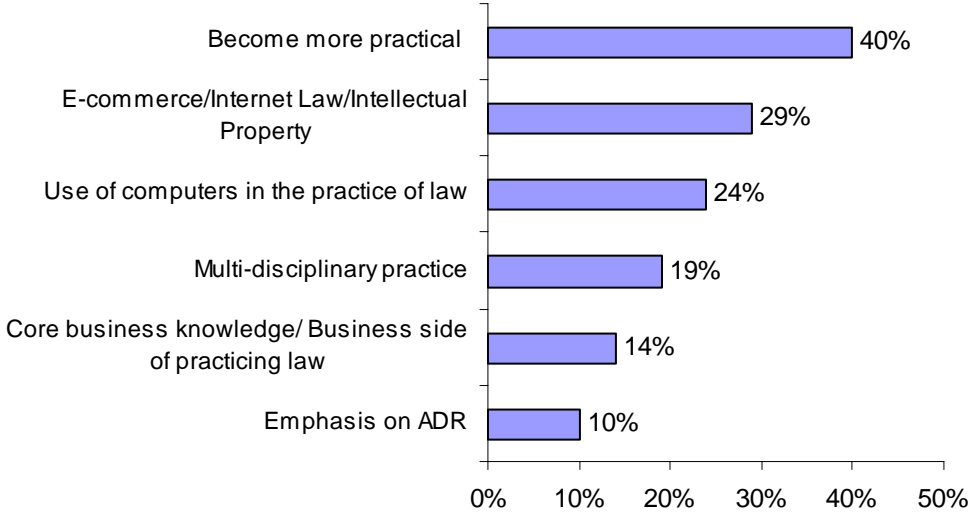


### Emp Q7. Top Criteria in the Hiring Decision

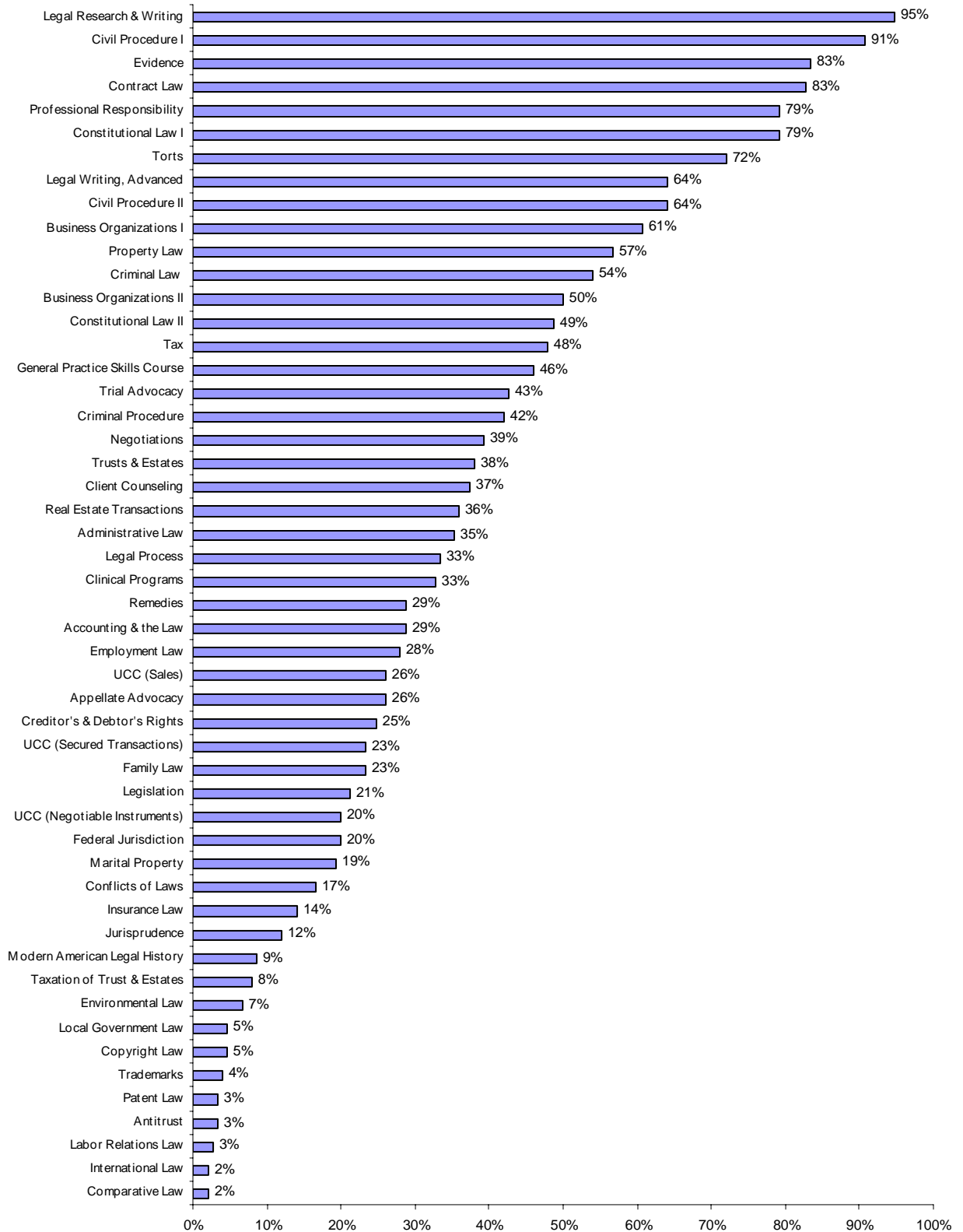
(1=Not at all important and 5=Very important)



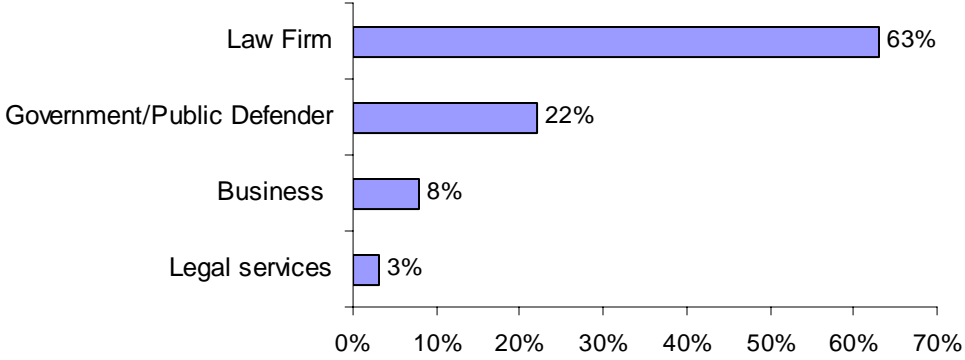
### Emp Q8. Future Trends the UW Law School Needs to Consider



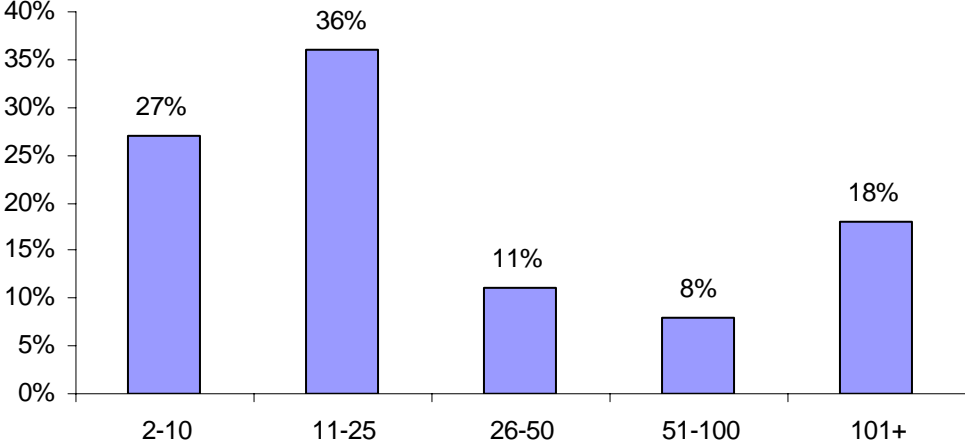
## Emp Q9. Courses Needed as Part of a Basic Legal Education



### Emp Q13. Best Description of Organization

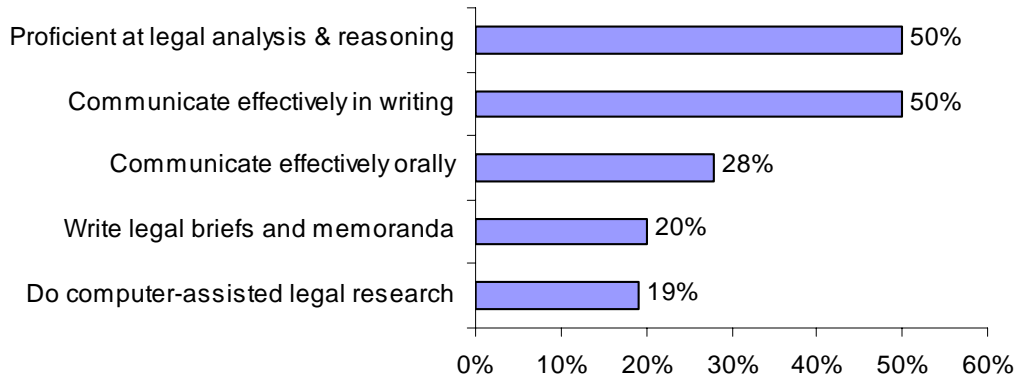


### Emp Q13FIRM. Number of Lawyers in Employer Law Firms

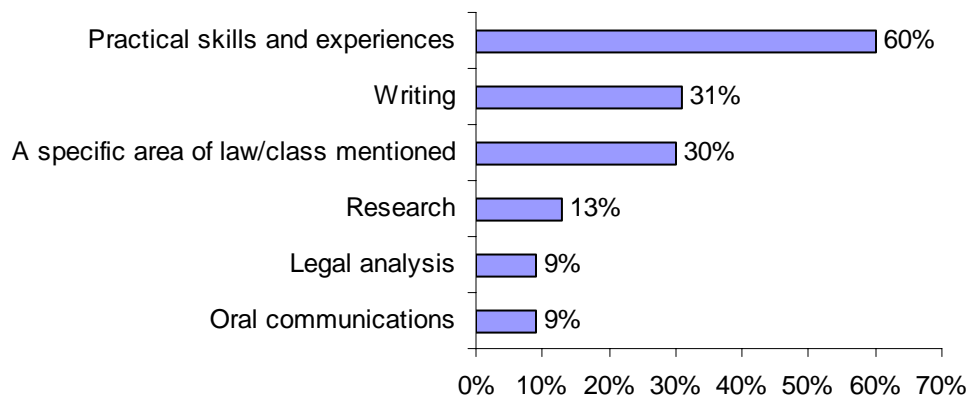


## GRADUATES

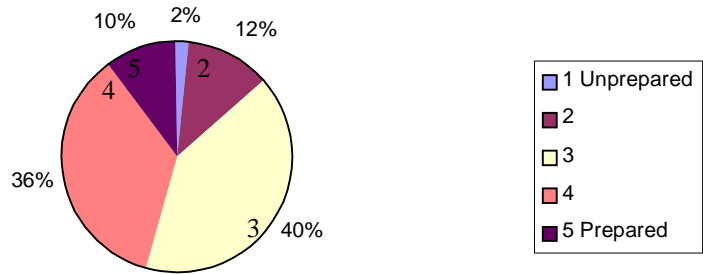
### Grads Q1C. Top 5 Legal Skills or Areas of Knowledge That Are Most Critical to a New Lawyer's Success



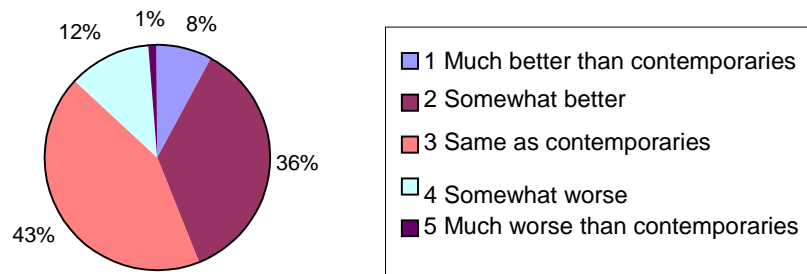
### Grads Q2. Put More Resources Into These Areas



### Grads Q3. Preparedness for Legal Career Upon Graduation

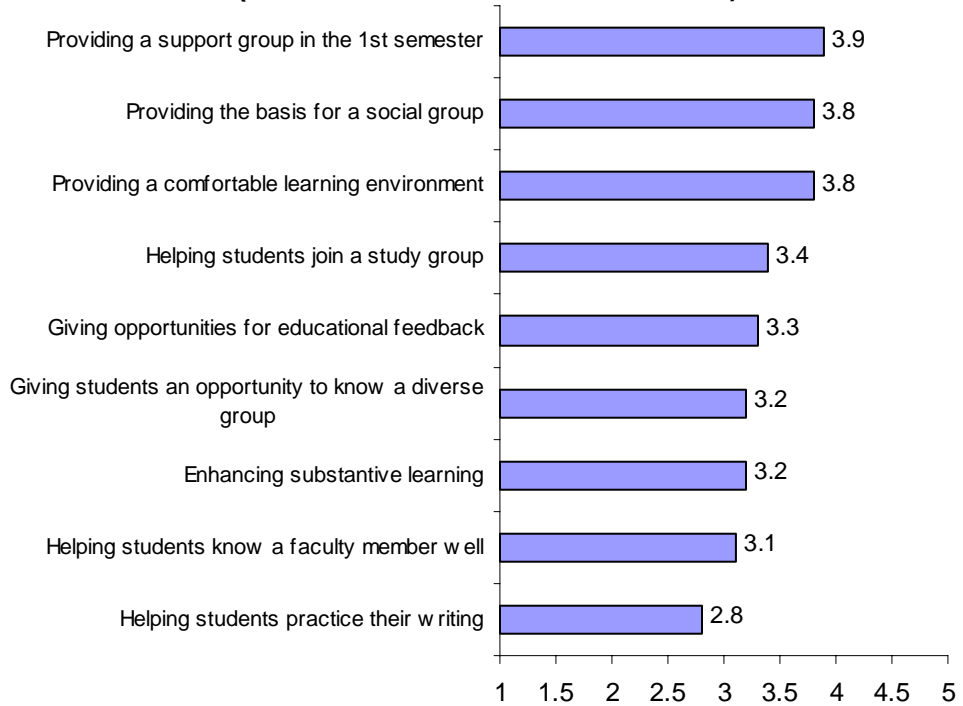


### Grads Q4. Comparison of U.W. Law Preparation with Other Schools



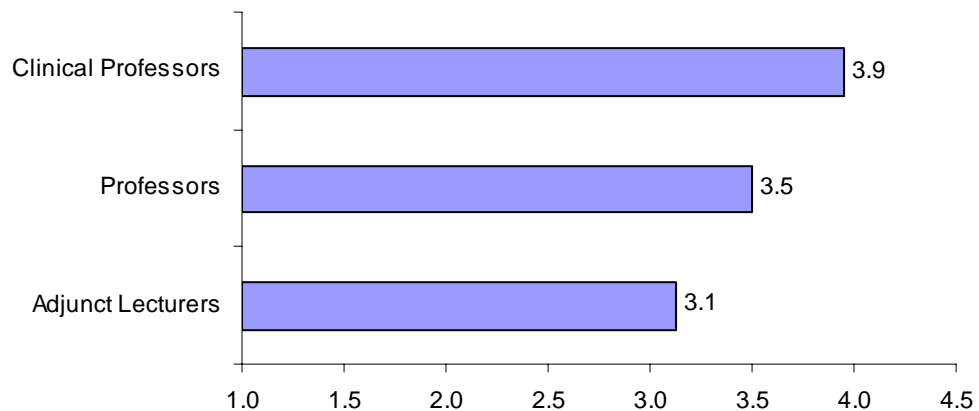
### Grads Q5. Rate the Success of the Small Section Format

(1=Unsuccessful and 5=Successful)

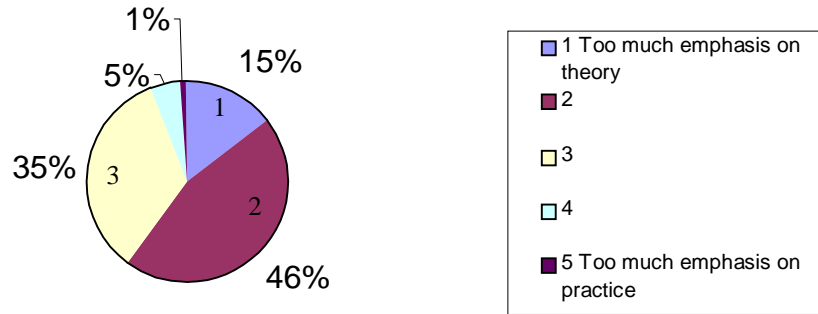


### Grads Q6. Rate the Accessibility of Your Law School Teachers

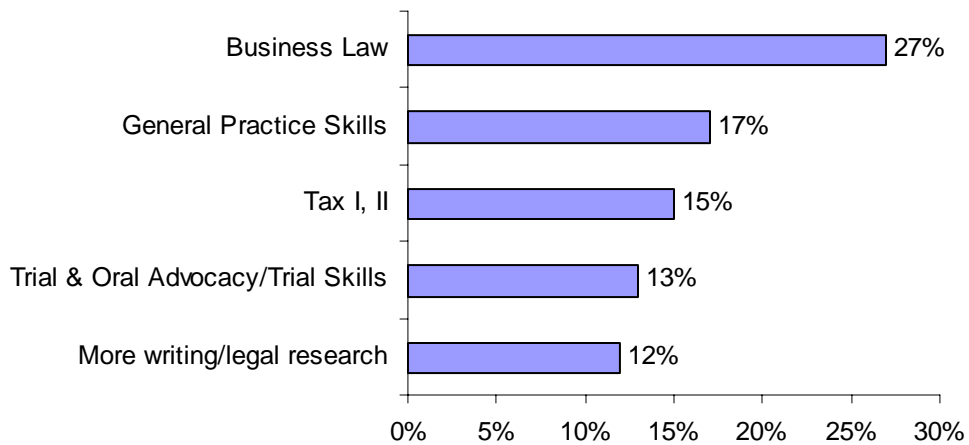
(1=Almost Never Accessible & 5=Almost Always Accessible)



### Grads Q7. Rating of Balance Between Theory and Practice

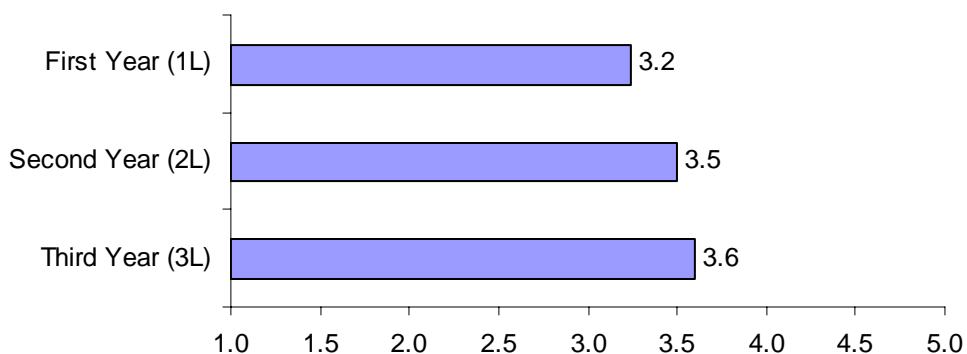


### Grads Q8. Additional Courses Graduates Wish They Would Have Taken

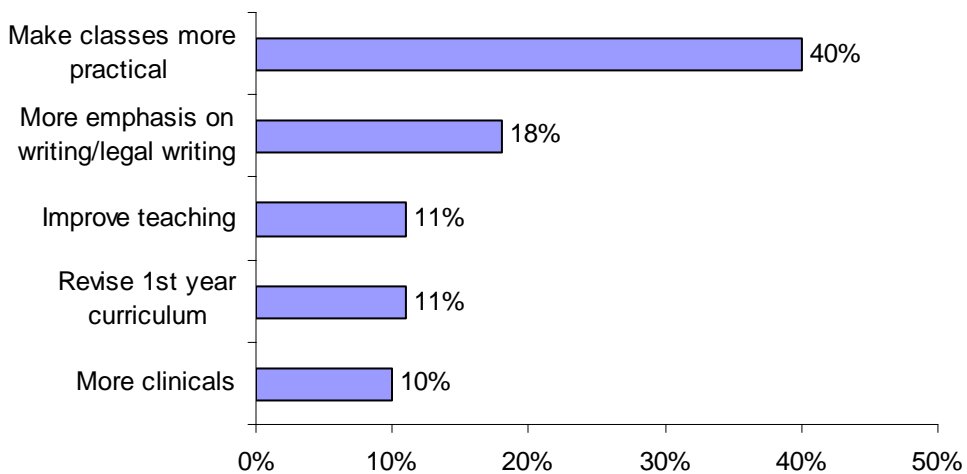


### Grads Q9. Overall Satisfaction With the Law School Curriculum

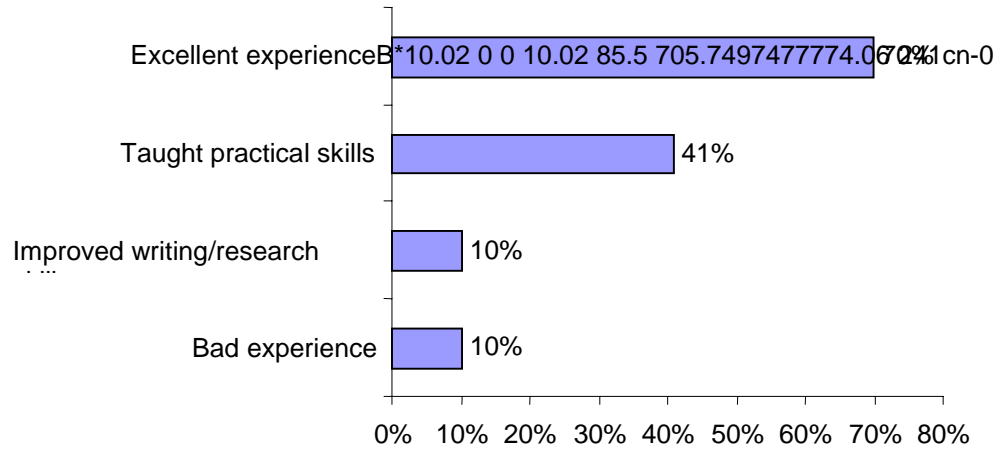
(1=Extremely Dissatisfied and 5=Extremely Satisfied)



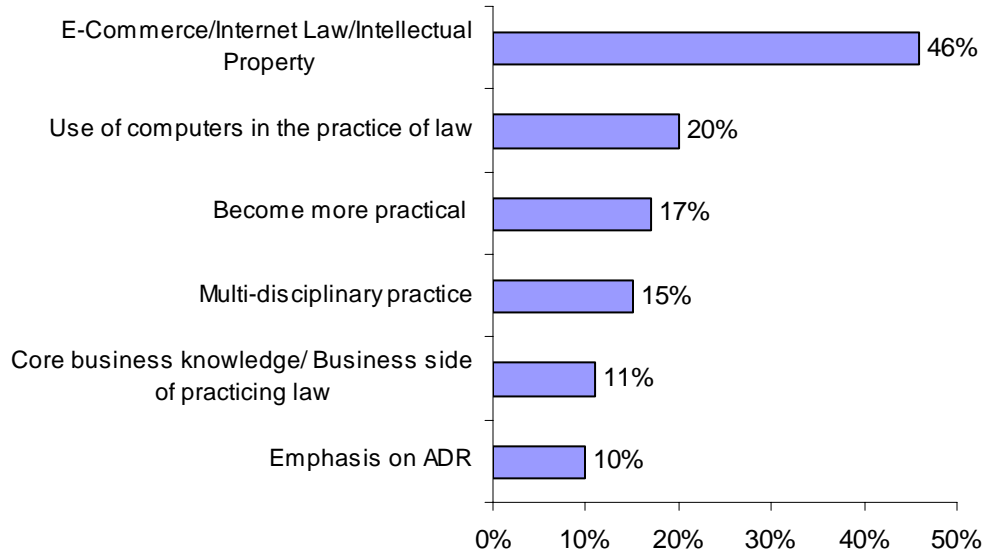
### Grads Q10. Specific Suggestions for Changing the UW Law School Curriculum



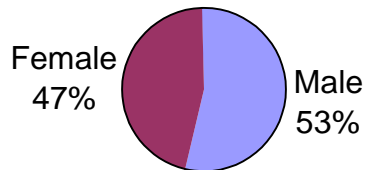
## Grads Q12. Comments on Clinical Experiences



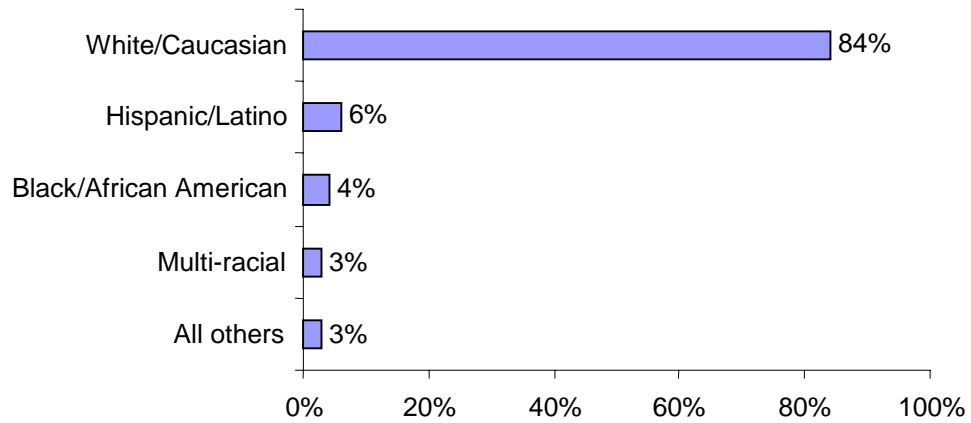
## Grads Q15. Future Trends the UW Law School Needs to Consider



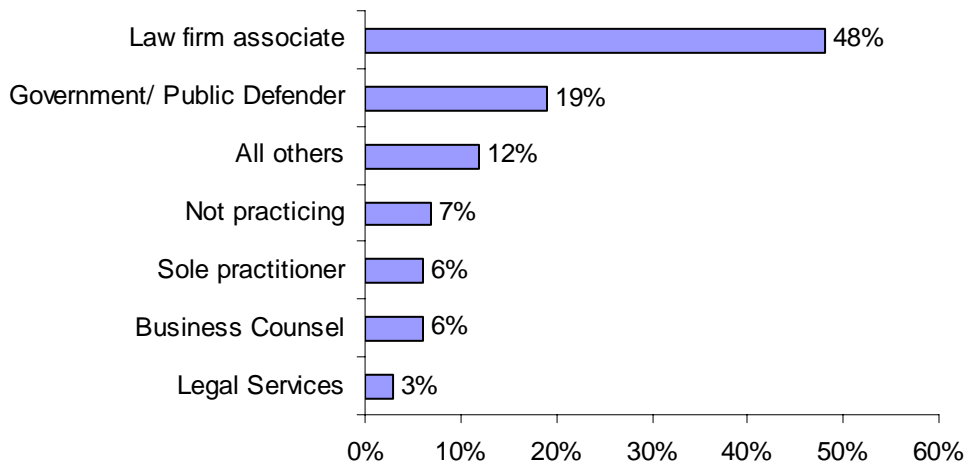
## Grads Q16. Respondents' Gender



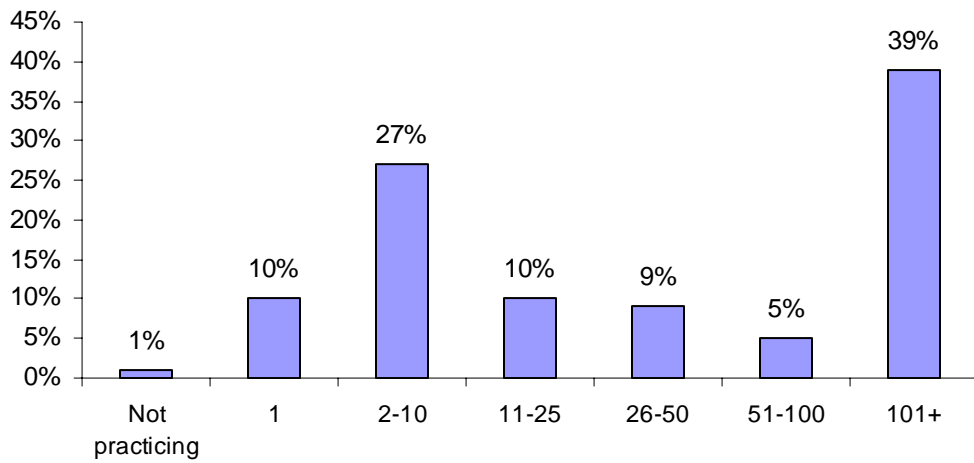
### Grads Q18. Respondents' Race or Ethnic Background



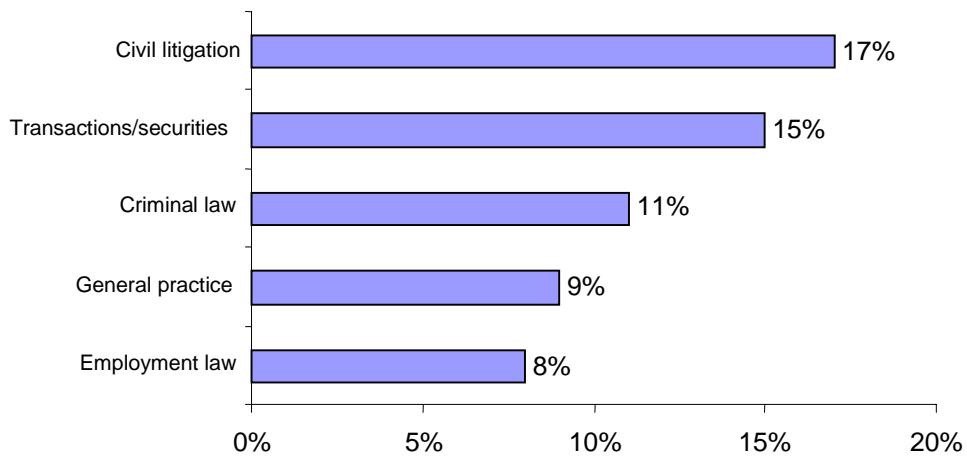
### Grads Q19. Best Description of Work Setting



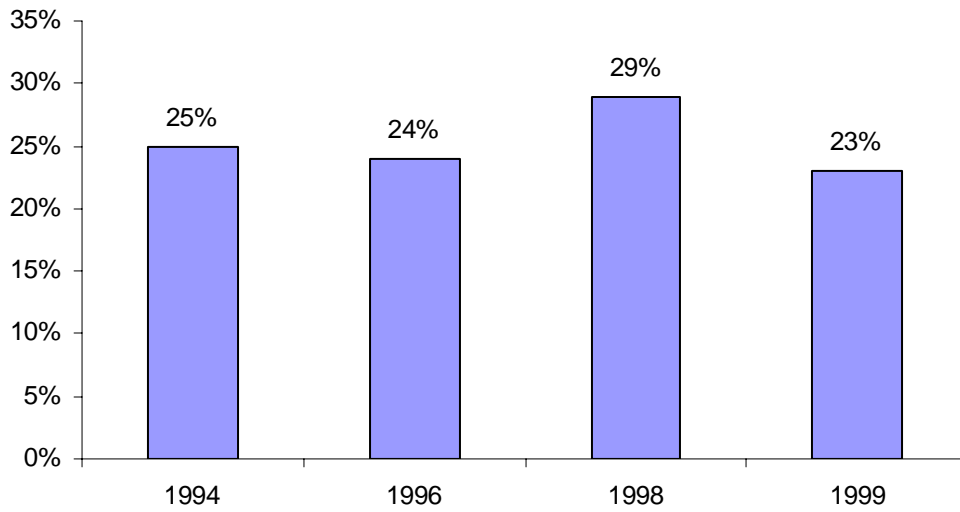
### Grads Q19FIRM. Number of Lawyers in Graduate Law Firms



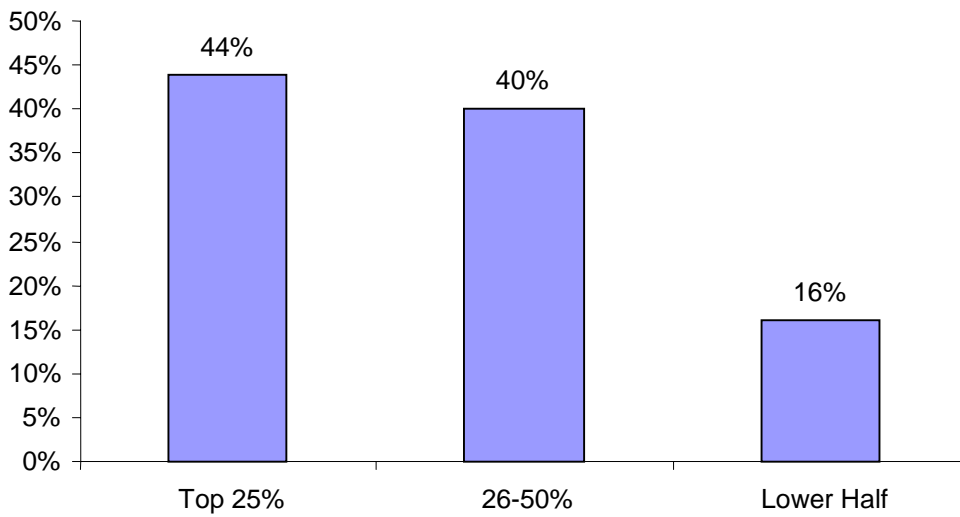
### Grads Q22. Primary Area of Practice



### Grads Q23. Year of Graduation



### Grads Q24. Law School Class Standing





# Appendix B

The Assessment 2000 Summary Report is available  
in a pdf format on the Internet at:

<http://www.law.wisc.edu/alumni/assessment2000/report.pdf>