

Each One, Teach One

Engaging Students in Professional Identity Formation Across the Law School Curriculum with Fully Anonymous Peer Review

Tracy Norton¹

¹Louisiana State University (tracynorton@lsu.edu)

Abstract

Fully anonymous peer review enhances students' writing and feedback abilities, encourages professionalism and kindness, and transforms the teaching dynamic. This essay describes the use of the Peerceptiv platform for fully anonymous peer review assignments in law school courses. This platform is uniquely helpful in fostering professional identity formation while helping students improve their analytical writing skills. However, implementing this peer review platform comes with challenges such as student reluctance and discomfort. With strategic communication and investment of time, these challenges can be overcome to realize the potential of this innovative approach and provide formative assessment, regardless of class size. Ultimately, scalable peer review helps students strengthen skills while developing collaborative professional identities throughout the law school curriculum.

Introduction

“Each one, teach one” is attributed as an African proverb describing the responsibility of an enslaved person who had learned to read to teach another enslaved person to read. It is a powerful statement about the responsibility to pursue excellence not just for yourself but for those in your community.

Law professors—particularly those who teach skills—are perpetually concerned about whether the law school curriculum does enough to ensure that students have practice-ready analysis and writing skills by the time they graduate. We continually restructure curriculum, try to close the divide between skills and doctrine, reconsider class size, and wait for the changes to make an impact. However, the simplest answer to the question of how to improve students' writing and “hard” legal skills across the entire curriculum may be “each one, teach one.”

This reflective essay first describes the educational context in which fully anonymous peer review assignments are offered, then briefly discusses professional identity formation as a goal in legal education, and describes the impetus for developing peer review assignments using the Peerceptiv platform and how it can promote professional identity formation. Finally, it reflects on the benefits this peer review process had for not only students' skills improvement but also for their professional identity formation. The basic legal analysis assignment for the Peerceptiv peer-review platform appears after this essay.

Course Context

Law school courses are generally broken down informally into two types: skills and doctrine. Skills courses are further broken down into instruction, simulation, and clinics. Doctrinal courses are broken down into required courses, elective courses, and seminars. Skills courses are labor-intensive courses to teach because they require one-on-one and small-group feedback

prompt
a journal of academic
writing assignments

Volume 8, Issue 2 (2024),
pages 73–84.

DOI: 10.31719/pjaw.v8i2.184
Submitted August 10, 2023; accepted
May 30, 2024; published July 15, 2024.

© 2024 The Author(s). This work is
licensed under a Creative Commons
Attribution- NonCommercial 4.0
International License.

as students attempt to learn and master skills necessary for law practice. Doctrinal courses, particularly required courses, tend to be large-section courses. The size of required doctrinal courses varies, depending primarily on the size of law school's first-year (1L) cohort. It's not unusual for a first-year law school required course to have 75 or more students. The large class size assumes that the professor will not be giving regular formative assessments requiring individual evaluation of practice skills like written analysis or oral advocacy.

At the behest of law schools' primary accreditor, the American Bar Association (ABA), American law schools have introduced increasingly more skills education over the past forty years, much of it siloed in courses dedicated to legal analysis, legal communication, advocacy, and clinical skills. Professors who teach casebook courses know all too well that students have difficulty on exams communicating a clear, thorough analysis of legal issues. Yet skills education remains largely siloed in skills courses and clinics. The primary reason lies in the enrollment sizes of various courses.

With the ABA's new standards requiring that law schools explicitly help students form their professional identity, skills professors can be seen as the natural educators for these soft skills, too. However, there again, professional identity formation across the curriculum would benefit students more than having it siloed in skills courses.

The assignments I'll describe in this essay can be used in courses that focus primarily on legal doctrine (also referred to as "casebook" courses because of the widespread use of the casebook in the Socratic method), legal skills including oral advocacy, and even bar exam preparation. These assignments can be deployed in courses with enrollment below 20 and large sections with enrollment over 75. Once each assignment is drafted, the rubric created, and the Peerceptiv framework completed, a peer review assignment can be assigned to 5 students, 50, or 500, and it can be completed within the same time frame, regardless of class size, with very little difference in time spent on administration or feedback.

Professional Identity Formation

The ABA began requiring law schools to provide instruction in professional identity formation in 2022 when it added "professional identity" to Standard 303(b):

(b) A law school shall provide substantial opportunities to students for: [emphasis added]

- (1) law clinics or field placement(s);
- (2) student participation in pro bono legal services, including law-related public service activities; and
- (3) **the development of a professional identity.** [emphasis added] (American Bar Association Section of Legal Education and Admissions to the Bar, 2022)

The ABA elaborates in Interpretation 303-5 of the new standard:

Professional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society. The development of professional identity should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice. Because developing a professional identity requires reflection and growth over time, students should have frequent opportunities for such development during each year of law school and in a variety of courses and co-curricular and professional development activities.

The National Association of Law Placement has synthesized the ABA’s standards and interpretations with the legal scholarship around professional identity formation to suggest that professional identity has four components:

1. a deep responsibility and care orientation to others, especially the client,
2. ***ownership of continuous professional development toward excellence at the major competencies that clients, employers, and the legal system need***, [emphasis added]
3. well-being practices, and
4. client-centered relational skills, problem-solving, and good judgment that ground each student’s responsibility to and care for the client. (Hamilton & Billionis, 2022)

The client-centered aspects of professional identity are often modeled and discussed directly in skills, simulation, and clinical courses in which students first simulate live-client representation and then take on live clients. Well-being practices are also being handled directly, often through the offices of student services and academic support programs. While students would benefit from having client-centered and well-being aspects of professional identity woven throughout the law school curriculum, those skills do at least receive some attention.

The less concrete second skill—“ownership of continuing professional development toward excellence at the major competencies that clients, employers, and the legal system need”—does not have a natural silo within a law school. Students are often left to their own devices in forming their professional identity as lawyers who strive for excellence in ways that serve clients, employers, and the legal system. Some students arrive at law school already oriented toward personal responsibility for their learning and a desire to excel at the skills and doctrines they learn in law school. However, others do not. And even the students who do have the inner drive to excel and take responsibility for their learning may have used that drive for only their own benefit. They may not yet know how to help a colleague excel, thereby more fully serving their co-workers and employers. Indeed, too many students experience grading curves as a disincentive to help classmates excel.

Peer review can encourage students to pursue excellence in three ways. First, peer review gives students an opportunity to see the quality of work their peers are producing, helping them gauge their performance. This is particularly helpful for students of a generation that has been led to believe they are all excellent. Second, peer review gives students an opportunity to move their understanding of doctrine and skills into long-term memory through repeated storage and retrieval of the material they’ve begun to learn through reading and class participation. Third, giving feedback to another requires students to deeply consider what a thorough legal analysis entails so they can give feedback to peers on whether a submission does or does not meet the standard articulated by the assignment.

Using Peerceptiv for Peer Review

According to its website, Peerceptiv is a “research-validated, data-driven peer learning tool, actively engages learners and improves instructional efficiency... that supports a wide range of assignment types including writing, presentations, video uploads, computer code, and more. Students receive more formative feedback while generating grades that correlate highly with how an expert would assess those same artifacts” (Li, 2023). Peerceptiv was designed by a team at University of Pittsburgh to attempt to solve the problem that engineering students often graduated without adequate writing skills as a result of having taken many of their courses in large sections of hundreds of students with a single instructor, who did not have the capacity to

provide writing feedback on multiple written assignments. Therefore, most students graduated without ever having communicated their complex knowledge in formal writing. Since its inception, Peerceptiv has been used by high school, undergraduate, graduate, and professional students across a wide range of subject areas.

I was introduced to Peerceptiv by a colleague teaching Contracts who had learned of it through a Contracts professor at another school who was experiencing the very problem that Peerceptiv was designed to remedy: law students needed more practice with communicating analysis but professors with large-enrollment courses—particularly in the first year—were unable to give writing assignments with individualized feedback. My colleague assembled a small group of seven law professors to learn about Peerceptiv, most of whom taught large sections, and we tested it over the summer to determine whether it might work in law schools. We taught different types of courses at different law schools, yet we had all observed that students had difficulty thoroughly analyzing a legal issue and communicating the analysis clearly in writing. We believed that their writing would be better if their analysis were better, and conversely that their analysis would be better if their writing were better. In short, we knew the problems with writing and analysis were related.

Another concern we all shared was students' transactional relationship to the work they submitted. They would produce writing or take exams as assigned, expect individualized feedback, receive a grade, and then move on to the next thing, never quite putting together that the assignments and feedback were scaffolded to move the student toward a progressively deeper understanding of the subject matter. Given that students seemed to move on without incorporating feedback, the professors with large sections were reluctant to invest the time required to give individualized feedback. Although I teach skills and, therefore, have smaller sections (usually fewer than 20 students in each class), I also struggled with how valuable the individualized feedback was if students did not seem to learn from it. My experience over nearly three decades as a law professor was that maybe 20% of students made the effort to learn from feedback before attempting the next assignment. More often, I observed that students saw feedback as a justification for the grade rather than part of the education itself. Of course, some students do strive for excellence naturally. They seemed to come to law school wired that way. While those students were eager to incorporate what they learned from feedback, even they saw excellence as a largely individual pursuit, an attitude that would not serve them in the highly collaborative profession of law. With Peerceptiv, we were hoping to offer students a way to deepen and strengthen their own skills through learning to give feedback to their peers and to do it all without exhausting ourselves.

Peerceptiv was intriguing because its platform purports to deliver assignments that are scalable. They would work for my sections of 17–18 students, of course, but the assignments would work equally well for my colleagues' sections of 75 students or more. This seemed to be a solution to students engaging with an assignment only for the purpose of a grade since they would have to engage well enough to review another's work, and it would also help students improve their writing and analysis without requiring individualized feedback from the professor. Even better, it would help students understand that excellence in legal work requires the ability to help others excel.

Of course, peer review is not new, and many peer-review platforms are available. The difference between Peerceptiv and other online peer-review systems is its algorithm, which has been validated with more than a decade of peer-reviewed research (Peerceptiv, n.d.-b). The algorithm determines the reliability of each reviewer within an assignment and weighs that reviewer's feedback accordingly. The result is feedback for students that is even more reliable than that of a single expert instructor. Peerceptiv also provides analytics that help professors

determine the efficacy of the rubrics they use (Peerceptiv, n.d.-a).

Peerceptiv deploys assignments in three phases: (1) submission, (2) review, and (3) feedback. Professors determine the timeline for the assignment, how much each step will be valued in the final assessment, and whether or not the professor provides feedback in the assignment. While the platform assigns a score for the quality of the submission, the quality of the review, and the timely completion of all phases, professors can override that score and, of course, choose not to use it at all for grading purposes. The professor assigns the weight for each component of the score (writing, review, completion).

While each assignment has three phases and three components to the score, the phases do not line up exactly with the score components. To understand the phases and the scores, it helps to have some basic vocabulary established as we walk through the assignment phases. Let's assume Submissions A, B, and C, and Students 1, 2, and 3.

In the submission phase, Students 1, 2, and 3 submit submissions A, B, and C, respectively, based on instructions from the professor. Next, the assignment enters the review phase. During the review phase, each student author turns into a student reviewer.

In the review phase, the professor pre-assigns the number of reviews to complete for each reviewer, usually three to five. The professor can allow students to complete additional reviews for extra credit. The student reviews each submission with a rubric provided by the professor. Students may also be required to provide comments that explain the rating on each rubric criterion.

Next, the assignment enters the feedback phase, in which the authors give their reviewers feedback on how helpful their reviews were. Students usually need "helpfulness" defined. It is not whether the author agrees with or likes the feedback but whether, if the author were going to take action based on the review, the reviewer provided detailed enough feedback for the author to take action.

At the end of the feedback phase, Peerceptiv calculates and assigns the three different scores. The writing score is based on the ratings given to a particular submission by the reviewers. Here, Submission A was reviewed by Students 2 and 3. Those ratings will be weighted to arrive at Student 1's writing score. The weight of each reviewer's ratings is determined by their reviewing score.

The reviewing score is based on based on (1) the reliability of the reviews completed and (2) the helpfulness of the reviews. The reliability of the reviews of a particular reviewer, let's say Student 2, is determined by Peerceptiv's algorithm, which determines whether the reviews Student 2 completed are in line with the others or outliers. The algorithm discourages students from uncritically reviewing a submission because unwarranted high or low ratings will lower the reviewer's own reviewing score. The helpfulness of the review is calculated from a combination of the feedback ratings given to the reviewer by the authors whose work was reviewed. In our example, Student 1 would give feedback to Students 2 and 3 on how helpful their feedback was. Thus, Student 2's reviewing score would be determined by how consistent Student 2's ratings were with other ratings on the submission Student 2 reviewed and by how helpful Students 1 and 3 found Student 2's feedback.

The completion score is not related to a particular phase but instead gives credit to students simply for completing the three phases—submission, review, feedback—by the deadlines.

Students benefit most from Peerceptiv when they are trained how to use it before it is required for an assignment. Students also need training in how to use the rubric for peer review, particularly if they have never participated in peer review before (Cote, 2018). The training for the platform can be accomplished by assigning the videos available on Peerceptiv's website or by staging an in-class run-through of the phases of an assignment so students can experience how

the platform works. To train students to use the rubric, the professor should provide students with a sample submission and the rubric that will be used for the assignment. Walk students through reviewing the submission with the rubric so they can understand what they are looking for in the submission and how to use the rubric. Students will be particularly interested in how to differentiate between different numbers on the assessment scale (“What’s the difference between a 3 and a 4 for this criterion?”) and what they should write as comments. Comments should be specific, constructive, and actionable. Students appreciate the rubric training even beyond the Peerceptiv assignment because it provides more insight from the professor into how to successfully complete an assignment or exam question.

While this training does take some class time, it lays the foundation for assignments that will strengthen students’ skills and knowledge while also introducing them to some of the aspects of professional identity that are most difficult to teach: collegiality, diligence, and mentorship. These “soft” skills are an integral part of professional school education. Because Peerceptiv is scalable, the advantages are not confined to skills courses with small enrollment; once a professor designs and begins the assignment, the professor makes individualized writing feedback available to students, whether they are in a class of 15 or 115. Further, when Peerceptiv is used across many courses, the student training at the beginning of a semester benefits them and their professors across all courses.

Peer Review and Professional Identity Formation

Peer review adds a dimension to legal education that few students experience in undergraduate education. Having reached law school primarily through strength in individual academic performance, the collaborative nature of law practice can be surprising. Students may initially be unaware that developing as a team leader and team player is necessary for their success in law practice. They could certainly be forgiven for believing that law school success is going to be like all their other academic success: wholly dependent on their performance in their own work, judged only by an expert in the subject.

While individual excellence is a component of success for a lawyer, very few lawyers work exclusively alone. They rely on one another for feedback on ideas, from the early stages of a project through to the final document or oral argument. Indeed, one of the ways in which lawyers improve their skills is to become adept at assessing others’ work. Many lawyers—and certainly legal skills professors—have honed their own craft through assessing and giving feedback on student work. My experience as a young lawyer was that I was a perfectly serviceable writer. Any recognition I received for my writing as a lawyer seemed to be more a function of comparison to other lawyers rather than of meeting some ideal of good legal writing. Only when I was required as a professor to give feedback on student writing did I begin to understand why I had been considered a good writer and what to tell students to help them progress.

When students are placed in the position of assessing another’s work and determining how to clearly communicate suggestions for improvement, students consider writing and analysis more deeply than when they are only responsible for producing a submission of their own. Peer review, done well, can require that a student elevate their understanding of the difference between successful and unsuccessful demonstrations of skill.

Reflections & Observations

I have used Peerceptiv for approximately six years. I began using it in the 1L required Legal Research & Writing course and have used it continuously in that course. I have also used it once for 1L Criminal Law and an upper-level skills course called Advanced Persuasion. I’ve also

used it on occasion to help students struggling with Multistate Essay Exam questions in bar exam preparation.¹ While Peerceptiv provides a valuable experience for students, I have found that it makes the most sense to use it for a course that is part of my regular rotation. Using it for a rarely taught course, particularly when the students are not familiar with it, is labor intensive. Nevertheless, for courses I teach regularly, I have found it to be an excellent way to help students improve their analysis and writing while fostering a collaborative professional identity. Participating in the exercises enhances students' writing and reviewing skills and fosters professionalism and respect.

Enhanced Writing and Reviewing Skills

The primary goal of using Peerceptiv was to give students an opportunity to enhance their writing and analytical skills. Along the way, we observed some unexpected challenges and benefits. Among the challenges observed, gifted writers, despite their high undergraduate GPAs and LSAT scores, encountered difficulties when tasked with providing constructive feedback to their peers. These students, while naturally adept at writing and analysis, often struggled to articulate specific reasons behind the ineffectiveness of another's writing or to suggest concrete improvements. The use of Peerceptiv presented an invaluable opportunity for these individuals to deepen their understanding of their own skills, pushing beyond innate talent towards a more refined grasp of the mechanics behind their abilities and pathways for further enhancement.

The platform also served as a significant motivator for students who, despite their hard work, found themselves lagging behind their peers academically. The visibility into the work of others spurred these students to elevate their own performance, embodying the adage of 'raising their game.' This dynamic underscored the value of peer exposure in driving personal academic growth.

A revelation from the early implementation of Peerceptiv was the discovery that students in the bottom 20% of the class, in terms of performance, did not uniformly struggle with both writing and analytical skills. Interestingly, some students who appeared to face significant learning challenges based on their work products were adept at providing insightful feedback to their peers. This proficiency in feedback delivery allowed these students to demonstrate a solid understanding of the material, helping to distinguish between their writing and analytical capabilities and enabling them to receive more targeted support.

The initiative further highlighted the critical role of explanatory skills in the feedback process. Students learned that merely pointing out issues in their peers' work was not enough; the ability to articulate their observations and suggestions clearly was crucial for the feedback to be truly constructive.

Lastly, the engagement with Peerceptiv had a tangible positive impact on student outcomes. By necessitating a deeper interaction with the course material, the platform facilitated improvements in students' analytical writing capabilities. This engagement translated into notable advancements in writing proficiency and, subsequently, a significant uplift in course grades. Previously common grades of C and the occasional F were replaced with a minimum achievement of at least a B- for every student who fully engaged with the platform, marking a substantial improvement in academic performance.

Fostering Professionalism and Kindness

In addition to the tangible benefits with students' writing and reviewing skills, students also benefited from practicing professional peer-to-peer communication. As students navigated the peer review assignments, they began to realize the dual nature of legal education: providing an education in skills and doctrine needed to practice a profession while also developing a

professional identity. The process of reviewing a peer's work, they discovered, was often as challenging and demanding as producing their own submissions. This insight fostered a deep appreciation for the importance of collegiality and respect, underscoring the necessity of approaching the review process with the same level of serious consideration and diligence they would expect for their work.

Moreover, the practice of exchanging feedback within a framework of respect and understanding had a particularly profound impact on students from diverse backgrounds, including first-generation law students and first-generation Americans. For these students, engaging in a peer review process that was characterized by a respectful tone was more than an academic exercise; it was a vital step toward feeling a sense of belonging within the law school community. This inclusive approach not only validated their contributions but also bolstered their self-confidence, demonstrating that their perspectives were valued and respected. Through this nuanced understanding of collegiality and the empowering potential of peer feedback, students learned that respect and consideration for one another were indispensable components of their professional and personal development in the legal field.

Positive Changes to the Dynamic of Teaching

The transformation within the educational landscape, particularly in the context of legal education, ushered in a significant paradigm shift regarding the role of the educator. This evolution saw instructors transitioning from being the focal point of assignments—shepherding each process from inception to conclusion—to adopting a more architectural stance. By delegating the feedback responsibilities to students, the dynamic of the classroom shifted. The mantle of providing feedback and addressing queries was no longer borne solely by the professor but became a shared responsibility amongst the students themselves. This change not only democratized the learning process but also fostered a more collaborative and engaged educational environment.

Parallel to this shift in the educator's role was a notable increase in student engagement. The process of receiving feedback, while always valued, was somewhat expected. However, the opportunity to give feedback emerged as an unexpectedly engaging experience for the students. This aspect of peer review—consistent with research on the impact of peer review—resonated particularly with those who might otherwise display a lack of motivation (Eskreis-Winkler et al., 2018). The act of providing feedback significantly elevated a student's engagement levels. This engagement through peer-to-peer interaction not only enhanced the learning experience but also cultivated a more participatory and invested classroom culture, demonstrating the multifaceted benefits of shifting traditional educational roles and responsibilities.

Challenges and Reservations

While Peerceptiv's peer review platform promises a collaborative and innovative approach to formative assessment, it also presents certain challenges and reservations among students and educators. Following are the issues I encountered and some suggestions for ameliorating or avoiding them.

First, students may be hesitant to be assessed by their peers, fearing a lack of expertise or objectivity. Addressing this concern requires emphasizing that the assignment is expertly designed and monitored, allowing peer feedback only on aspects students are qualified to comment on. Making the assignment ungraded or optional may further alleviate these concerns.

In addition, some students prefer the familiarity of the traditional process of receiving assignments and grades without further engagement. They might be uneasy with Peerceptiv's approach, which requires them to actively participate in giving feedback after submission.

Educating students about professional identity formation and the legal profession's pursuit of excellence can help them recognize the value of the assignment, emphasizing that the experience of giving feedback benefits each student even more than receiving it.

Another challenge came from students unaccustomed to receiving and processing constructive criticism, particularly from peers, may react poorly during the feedback phase of the Peerceptiv cycle. The platform's reporting feature allows inappropriate or unprofessional comments to be flagged. This feature empowers the professor to address the issue individually, often leading to significant teachable moments. It may also highlight underlying distress in a student that may not have been apparent otherwise.

Implementing Peerceptiv challenges instructors as well. Creating initial assignments and rubrics is labor-intensive. Though Peerceptiv provides data to help refine rubrics, the initial investment can be demanding. The time and effort spent in the design phase are generally worthwhile, as once effective Peerceptiv assignments are crafted, they can be reused, optimizing the time investment in the long run.

Peerceptiv provides feedback to instructors as to how reliable their rubrics are in differentiating between different levels of student performance. Many instructors develop and evaluate their rubrics in isolation, so this feedback can be uncomfortable. Generally, an unreliable rubric can be attributed to either (1) not adequately training students on how to complete the assignment and/or use the rubric or (2) not articulating clear standards students should use to review submissions. Although it seems counterintuitive, a less specific rubric yields more reliable results.

The use of Peerceptiv in legal education introduces novel and unconventional methods that may elicit resistance and apprehension from students and even instructors using it for the first time at someone else's suggestion or insistence. However, with strategic communication, careful monitoring, and a willingness to invest time initially, these challenges can be overcome. Emphasizing the collaborative ethos of the legal profession and providing ongoing support can help students and educators alike maximize the potential benefits of this innovative platform, while mitigating its drawbacks.

Peerceptiv's website provides a robust catalogue of how-to resources. The site also provides a catalogue of white papers describing ways of using Peerceptiv and results of studies conducted on the efficacy of Peerceptiv in improving students' skills (Peerceptiv, n.d.-c).

ASSIGNMENT

A Simple Analytical Peerceptiv Assignment

The assignment below calls for students to draft and review a simple IRAC (issue, rule, application, conclusion) legal analysis. I have also used Peerceptiv for assignments calling for students to draft an evaluative rule explanation paragraph, an evaluative rule application section, and a statement of facts, either evaluative or persuasive. This assignment can be adjusted for any of those purposes and for many, many more.

Instructions

Draft a simple IRAC analysis of the legal issue presented by the following hypothetical (Dressler & Garvey, 2022). A good answer will start with a clear statement of the issue followed by a statement of all applicable legal rules. Next, the essay will apply the rules to the facts, pointing out where the facts do AND DO NOT meet the legal standard. A good answer will end with a

clear answer to the question posed by the assignment.

Your submission should be submitted no later than 11:59 p.m. on Day 0. All reviews must be completed no later than 11:59 p.m. on Day 4. All feedback on reviews must be completed no later than 11:59 p.m. on Day 6. The writing score will constitute 30% of the assignment score. The reviewing score will constitute 50% of the assignment score. The feedback score will constitute 20% of the assignment score. This is an ungraded assignment. Scores are solely for your information.

Hypothetical

Howard and Wilma, husband and wife, were sitting at their kitchen table late one evening, arguing angrily with one another about their family finances. Wilma had recently lost her job and she was still looking for a new one. As a result, she wanted to economize dramatically in all family spending, at least until she was back at work again and bringing home a regular paycheck. Howard, on the other hand, thought that Wilma would get another job soon and he argued that, until she did, their family's continuing quality of life was more important than keeping their savings account intact. More specifically, Howard wanted to dip into their savings to pay for a trip for them to take their two kids to Disney World for a few days.

Wilma thought that it was absolutely ridiculous to take a vacation like that when it would so heavily deplete their savings at a time when she was unemployed. Their argument raged on and on. Each of them got really carried away arguing with one another. And each of them got progressively angrier and angrier. As their arguments got more heated, they each began screaming at one another as well. Eventually, still screaming, Howard bolted upright and walked over to the kitchen counter, picked up the toaster oven, and heaved it in Wilma's direction. It missed her by two feet, sailing over head, and smashing against the back wall.

Wilma then jumped up and picked up a dinner plate that had been sitting on the counter and threw it at Howard, missing him by a good foot and smashing it against the wall. After another five minutes of exchanging heated epithets back and forth, Wilma simply stomped out the kitchen door and went into the backyard, fuming about what was happening and muttering loudly about Howard. After another five minutes had passed, Wilma stomped back into the kitchen, slamming the kitchen door behind her. She began yelling once again at Howard, who was still sitting at the kitchen table at that point, his head in his hands.

Wilma headed toward the knife rack on the kitchen wall. "Look," Howard began to say to Wilma, head still in hands, not looking up, "I'm sorry I overreacted just a little bit there. I shouldn't have thrown anything at you, I know, but you're being so irrational that—..." Before Howard could finish this sentence, however, Wilma screamed at him, "I'm irrational? I'm irrational? You son of a bitch! Is this irrational?" And saying that, she quickly grabbed a long, serrated kitchen knife from the rack and lunged right at him, stabbing him in his back three times.

The family did not go to Disney World. Howard subsequently died as a result of these stab wounds. Wilma has now been charged with first degree murder in the killing of Howard. Is she likely to be found guilty of this offense? Why or why not?

Rubric & Comments

For each criterion listed, please rate the submission on a scale of 1 to 5:

- 1 This submission meets this criterion as well as any of the samples we reviewed in class.
- 2 This submission falls between a 1 and a 3.
- 3 This submission meets this criterion pretty well but leaves some room for improvement.
- 4 This submission falls between a 3 and a 5.
- 5 This submission does not clearly meet this criterion.

Criteria

Rate each criterion on the above scale from 1 to 5. Unless you use a 1 rating, please explain specifically why you gave the rating you did and constructively how the submission could be improved to warrant a higher rating.

- Does the answer begin with a clear issue statement that includes the legal standard and the most critical legally relevant facts?
- Does answer accurately state the portions of any rules and exceptions needed to analyze and decide the issue?
- Does answer fully and accurately apply the stated rule to relevant facts, identifying any nuanced distinctions, counterarguments and uncertainties?
- Does answer accurately state the portions of any rules and exceptions needed to analyze and decide the issue?
- Does answer state and justify correct conclusion or, if debatable, provide a principled basis for the conclusion chosen?
- Is submission written and organized so that it is easy to understand?

Feedback

For each review you receive, please rate the feedback for helpfulness on a scale of 1 to 5, with 1 being the most helpful and 5 being the least helpful. If you choose any rating but 1, please explain how the feedback could have been more helpful to you. Remember that you are not evaluating whether you liked or agreed with the feedback but rather, if you were going to take the reviewer's suggestion, you would have enough information to do so.

Notes

¹Each state's licensing exam for lawyers—except for Louisiana—includes “multistate” questions meant to test general legal concepts applicable in most jurisdictions. The multistate questions are in three forms: multiple choice, essay, and performance (in which takers draft a legal document under timed conditions).

Supplementary Material

For supplementary material accompanying this paper, including a PDF facsimile of the assignment description formatted as the author(s) presented it to students, please visit <https://doi.org/10.31719/pjaw.v8i2.184>.

References

- American Bar Association Section of Legal Education and Admissions to the Bar. (2022). *Standards and rules of procedure for approval of law schools 2022-2023*. American Bar Association. https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2022-2023/2022-2023-standards-and-rules-of-procedure.pdf
- Cote, R. A. (2018). Teaching writing students how to become competent peer reviewers. *English Teaching Forum*, 56(4), 16–23.

- Dressler, J., & Garvey, S. (2022). *Criminal law: Cases and materials* (9th ed.). West Academic Publishing.
- Eskreis-Winkler, L., Fishbach, A., & Duckworth, A. (2018). Dear Abby: Should I give advice or receive it? *Psychological Science*, 29(11), 1797–1806. <https://doi.org/10.1177/0956797618795472>
- Hamilton, N., & Bilonis, L. (2022). Revised ABA standards 303(b) and (c) and the formation of a lawyer's professional identity, part 1: Understanding the new requirements. *NALP Bulletin*.
- Li, A. W. (2023). Using Peerceptiv to support AI-based online writing assessment across the disciplines. *Assessing Writing*, 57, 100746. <https://doi.org/10.1016/j.asw.2023.100746>
- Peerceptiv. (n.d.-a). *How it works*. Retrieved January 27, 2024, from <https://peerceptiv.com/how-it-works/>
- Peerceptiv. (n.d.-b). *Publications*. Retrieved January 27, 2024, from <https://peerceptiv.com/why-peerceptiv-overview/research/publications-list/>
- Peerceptiv. (n.d.-c). *White papers*. Retrieved January 27, 2024, from <https://peerceptiv.com/resource-category/white-papers/>