

## More "Teaching Tidbits" from the NYLS Initiative for Excellence in Law Teaching (IELT)



### **Assessment and Cognitive Development**

We here at IELT think it's a good idea to make the things that are implicit about teaching and learning explicit. As exam season approaches, we thought we'd try to map some learning theory onto the practice of legal exam writing and the cognitive processes we're trying to develop and assess in our students.

One framework many educators find helpful is Bloom's Revised Taxonomy, based on the work of educational psychologist Benjamin Bloom. After much study, Bloom and his students developed a list of six levels of intellectual behavior that are essential to learning: Remembering, Understanding, Analyzing, Applying, Evaluating, and Creating. As legal educators, one of our major objectives is to move students from the intellectual work of levels 1 and 2 (remembering and understanding) into higher levels of intellectual engagement (applying, analyzing, evaluating, and creating.) The taxonomy can be helpful as you think about the cognitive skills you're testing on exams, and designing questions that ask students to apply, analyze, and evaluate.

### **Bloom's Revised Taxonomy**



**Level 1: Remembering.** Can the student recall information they have learned? Most closed-book law school exams assess Level 1 by asking students to remember and recall legal rules or holdings from cases.

**Level 2: Understanding.** Can the student explain core ideas and concepts? Most law school essay exams assess Level 2 by asking students to go beyond rule recitation by asking students to summarize and explain with some detail how a particular legal rule works and/or the policy interests advanced by the rule.

**Level 3: Applying.** Can the student use the information in a new way? Most law school exams assess Level 3 by asking students to apply the relevant legal rules or underlying policy considerations to novel factual scenarios. This requires students to demonstrate deep knowledge of the rule by using it in an unfamiliar context, and to show an ability to transfer abstract knowledge and understanding into situations that lawyers typically confront.

**Level 4: Analyzing.** Can the student break down material into its component parts and understand how those parts relate? Most law school exams assess Level 4 by asking students to identify the relevant legal rules, break down those rules into legal categories, identify facts that are material for determining whether the requirements of a legal category are met, assessing how multiple legal rules interact with one another, synthesizing multiple legal rules or holdings into a single rule, and/or identifying additional factual inquiries that would improve the analysis. We also ask students to organize their exam answers in ways that subdivide complex problems into issues and sub-issues. (NOTE: For the purposes of legal reasoning, there is significant overlap between Levels 3 and 4.)

**Level 5: Evaluating.** Can the student critique the strength of legal arguments and exercise judgment? Most law school exams assess Level 5 by asking students to assess the relative strengths and weaknesses of legal arguments. Students demonstrate aptitude by presenting and prioritizing arguments for both sides, making a determination about which side has a stronger argument, responding to potential counter-arguments, and/or assessing the relative weight of legal authority.

**Level 6: Creating.** Can the student use the knowledge to generate something new? Standard law school exams rarely assess Level 6. Essay questions that ask students to draft a legal document, develop a business plan, generate alternative strategies for solving a legal problem, or design a legal rule or legal institution all assess Level 6.

## **What Can I Actually Do With this Framework?**

1. **Feel good.** From the perspective of Bloom's taxonomy, a well-written issue-spotting essay question is capable of assessing most or all of the higher level cognitive behaviors.

2. **Revise your exam.** Consider which intellectual behaviors your exam questions assess, and whether there are ways to redesign the question to make the assessment more comprehensive and directed. Which levels of Bloom's taxonomy does your "call of the question" ask students to respond to?

**3. Reflect on your grading practice.** Consider how you might incorporate Bloom's revised taxonomy into your grading practices or rubric (if you use one.) Do your grading practices reward students for the levels of thinking you emphasize in your course?

**4. Create new assessment mechanisms.** Consider whether there are other assessment techniques you might incorporate into your exam or class that develop these skills. For example, how might we give students more opportunities to use existing knowledge to create new ways of solving legal problems?

**5. Reflect on your classroom practice.** How does what you're doing advance learning at particular cognitive levels? How can you generate activities that help students develop higher level cognitive skills? How can you develop learning objectives that align with specific cognitive tasks, and develop formative assessments that help students determine where they can improve their learning?

**6. Make the learning process more transparent to your students.** Helping students understand their learning trajectory can help them improve performance.

Happy learning!

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