



Using ePortfolios to Prepare Law Students for Practice

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SCHOOL OF LAW

Using E-Portfolios to Prepare Law Students 10/17/2016

Overview

1. **Challenges Facing Legal Educators**
2. **Developing Learning Objectives**
3. **Challenges of Teaching Cybercrime Online**
4. **Setting up ePortfolios**
5. **Assignments & Rubrics**
6. **Impact**

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KEN'S CYBERCRIME PORTFOLIO

- HOME
- RESUME
- CLIENT LETTER
- SEARCH WARRANT
- CLIENT MEMO
- CORPORATE POLICY
- DISCOVERY MOTION
- AMENDMENT

Ken's Cybercrime Portfolio



Image credit: <http://digitalnewsasia.com/sites/default/files/images/digital%20economy/cybercrime%20logo.jpg>

Challenges Facing Law Schools

Challenges

- **Declining Admissions Standards**
- **Financial Instability**
- **Changes in Legal Employment Market**
- **Structure of the Legal Academy**

Impact of Challenges on Teaching

Challenge	Impact
Declining Admissions Standards	Diversify teaching methods & add Academic Success Programs
Challenging Employment Market	Increase experiential learning opps.
Financial Challenges	Faculty hiring is flat
Structure of Legal Academy	Research v. Teaching Expertise

Law School Classroom



Challenges Increase Need for Assessment

- Placement on Curve \neq Competency to Practice
- Successful practice of law requires a range of competencies
- What does “think link a lawyer mean”?
- Addition of academic success programs

Program Learning Objectives & Class Objectives

American Bar Association Std. 302

A law school shall establish learning outcomes that shall, at minimum, include competency in the following:

- (a) **Knowledge and understanding** of substantive and procedural law.
- (b) **Legal analysis** and reasoning, legal research, problem-solving, and written and oral **communication** in the legal context.
- (c) Exercise of proper professional and **ethical** responsibilities to clients and the legal system
- (d) Other **professional skills** needed for competent and ethical participation as a member of the legal profession.

Knowledge and understanding of substantive and procedural law

- Compare and identify three ways in which the manner of the commission of a cybercrime differs from a traditional crime.
- Understand the purpose of Sect. 1030 and identify two statutory interpretation techniques that Federal Courts have used to interpret the meaning of that statute.

Legal Analysis & Reasoning

- **Draft a Computer Use Policy** for a fictitious company that would expose employees to criminal sanctions for exceeding the authorized use of the employer's computers.
- **Discussion:** Identify the elements of the major federal statutes that prohibit child pornography and list the type of facts that prosecutors use to show "intent" in child pornography prosecution.

Exercise proper professional and ethical responsibilities to clients and the legal system

- Understand and acknowledge the **client's perspective** in a criminal case.
- Evaluate the role that legal scholars, defense attorneys, and privacy rights organizations have played in restricting the enforcement of the statute and lobbying against efforts to expand the scope of the statute.

Professional Skills

- Interviewing
- Fact development & analysis
- Document drafting
- Collaboration
- Providing competent legal advice
- Research legal issues

Challenges in the Online Environment

Nature of Subject Matter

- Legal system's response to technology
- Complex Federal Statutes
- Widespread differences in statutory interpretation in different judicial districts

Technical Ineptitude

- Be prepared

- Unexpected problems with technology

Feedback & Accessibility

1. Time commitment to grading
2. Do comments matter?
3. Handling student frustration

E PORTFOLIO SETUP

Keeping Content Simple

- Introduction
- Resume

- Client Letter #1
- Computer Use Policy
- Investigation Plan
- Defendant's Motion in Limine

Create a Job Aid for Each Key Task

How to Publish in Taskstream

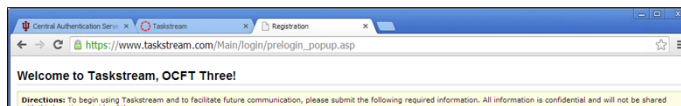
Locate the Publish/Share Button on the Right Side of the Taskstream Canvas Window

Keep Instructions Simple & Short

Create your Taskstream ePortfolio Account:

Create and login to your Taskstream account:

1. Launch Taskstream by clicking on "[Taskstream ePortfolio](#)" in the Canvas navigation bar.
2. You'll see a message stating that Taskstream needs to be loaded in a new window. Click "[Load Taskstream ePortfolio in a new window](#)".
3. If you already have a Taskstream account, you will be logged in automatically. If not, you will be prompted to accept the user agreement. Click "I Accept Agreement".
4. You will be taken to the account information page (New Users).



Use a Template

The screenshot shows a portfolio page titled "KEN'S CYBERCRIME PORTFOLIO". On the left is a table of contents with items like "HOME", "ABOUT ME", "CLIENT LETTER", "SEARCH WARRANT", "CLIENT MEMO", "CORPORATE POLICY", "DISCOVERY MOTION", and "AMENDMENT". The main content area is titled "Ken's Cybercrime Portfolio" and features a word cloud with terms such as "CYBER", "CRIME", "INTERNET", "ATTACKS", "NETWORKS", "DATA", "INFORMATION", "MAIL", "COMPUTER", "TERRORISM", "SERVICE", "CHILD", "UNAUTHORIZED", "COMMUNICATIONS", "ACTIVITIES", "PORNOGRAPHY", "MALWARE", "PHISHING", "SCAM", "SPAM", "VIRUS", "WORM", "TROJAN", "KEYLOGGER", "KEYSTROKE", "KEYDROPPER", "KEYSTROKE", "KEYDROPPER", "KEYSTROKE", "KEYDROPPER".

Image credit: <http://digitalnewsasia.com/sites/default/files/images/digital%20economy/cybercrime%20logo.jpg>

Mistake #1: Assuming my job has nothing to do with IT

Technical support

24/7 support of desktops, email, accounts, network services, and applications via phone, chat, email, and walk-in locations.



Chat
<http://ithelp.iu.edu>



Phone
Bloomington: [812-855-6789](tel:812-855-6789)
Indianapolis: [317-274-4357](tel:317-274-4357)

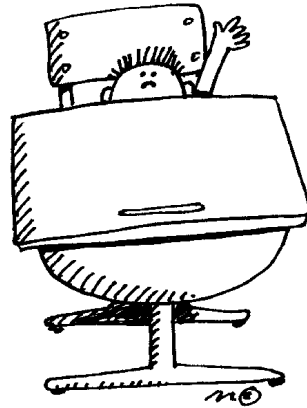


Email
ithelp@iu.edu



Online
<https://kb.iu.edu>

The Helpdesk is too Far Away




ASSIGNMENTS

Types of Assignments

Type	Learning Objective
Group online discussions	Understand substantive law
Client Letters	Determine legal issue, research case law, and recommend course of action. -Improve understanding of statutory interpretation techniques
Motion for Discovery of Online Dating Site Client Information	Research and apply Indiana Rules of Trial Procedure
Draft Search Warrant	Identify facts sufficient to establish Probable Cause.
Analyze Corporate Response to Identity Theft	Compare, contrast, and evaluate the strategies employed by both organizations to inform the impacted parties of the breach.

Listen, Research, & Advise

- After listening to a mock statement from an everyday victim of cybercrime, research and identify what Indiana crime (s) may have been committed by the alleged criminal. Determine what additional questions you would like to ask the victim to confirm your decision and further investigate the case.
- Draft a letter to the victim in which you identify the additional information that you are seeking as well as informing them what the criminal process going forward will entail as well as the potential penalties in the event of a conviction.

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Determine a Response to a Breach	
<p>Research and Identify two different organizations or corporations that suffered breaches of consumer or employee data within the past three years. Be able to compare, contrast, and evaluate the strategies employed by both organizations to inform the impacted parties of the breach.</p>	
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RUBRICS

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Client Letter Rubric 				
Criteria	Ratings			Pts
Letter Format Mechanics <small>view longer description</small>	Full Marks 3.0 pts	Rating Description 2.0 pts	No Marks 0.0 pts	3.0 pts
Appropriate Tone <small>view longer description</small>	Full Marks 3.0 pts	Rating Description 2.0 pts	No Marks 0.0 pts	3.0 pts
Introductory Content <small>view longer description</small>	Full Marks 5.0 pts	Rating Description 3.0 pts	No Marks 0.0 pts	5.0 pts
Quality of Opinion <small>view longer description</small>	Full Marks 5.0 pts	Rating Description 3.0 pts	No Marks 0.0 pts	5.0 pts
Letter Closing <small>view longer description</small>	Full Marks 2.0 pts	Rating Description 1.0 pts	No Marks 0.0 pts	2.0 pts
Organization of Writing <small>view longer description</small>	Full Marks 5.0 pts	Rating Description 3.0 pts	No Marks 0.0 pts	5.0 pts

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Corporate Policy ✎ 🔍 🗑

You've already rated students with this rubric. Any major changes could affect their assessment results.

Criteria	Ratings				Pts
Included Material Issues Raised in the Reading Assignments <small>view longer description</small>	Outstanding 5.0 pts	Proficient 4.0 pts	Average 3.0 pts	Below Average 2.0 pts	5.0 pts
Policy Defines Unauthorized Use <small>view longer description</small>	Outstanding 5.0 pts	Proficient 4.0 pts	Average 3.0 pts	Below Average 2.0 pts	5.0 pts
Clear & Professional Appearance <small>view longer description</small>	Outstanding 5.0 pts	Proficient 4.0 pts	Average 3.0 pts	Below Average 2.0 pts	5.0 pts
Total Points: 15.0					

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Other Feedback

CORPORATE COMPUTER POLICY

Company employees hereby enter into this policy regarding any and all computer usage in regard to the Company. The purpose of this policy is to ensure company, employee, and client safety in the ever growing cyber community. Any breach to this policy made by an employee will result in federal criminal charges pursuant to the Computer Fraud and Abuse Act (CFAA), 18 U.S. Code § 1030. All Company employees agree to the following terms. Said terms shall be interpreted broadly. Any violation(s) of the following terms by any employee or person shall be deemed as having "intent" to conduct such violation(s).

I. **Computer Usage:** Any and all computers provided by the company to employees shall be deemed as a "protected computer" as well as any Company information contained on any personal computers. All employees shall login into any and all work computers provided by the company using his or her own credentials for the sole purpose of completing his or her job functions. Logging into any Company computers or files with another employee's credentials will be deemed "unauthorized access" pursuant to the CFAA. Any employee or person logging into any Company computers, files, or software for another employee with his or her credentials will also be deemed as "unauthorized access." Should an employee be unable to login to Company property with his or credentials shall contact Company management immediately. Under no circumstances shall an employee login into Company property on behalf of another employee or send any Company property to another employee unless acting in accordance with his or her job function(s).

Shawn Boyne: I would try and use non-legalese to the extent possible. It makes it easier to read and understand and it will make it difficult for an employee to later contend that they did not understand the policy.

Shawn Boyne: Good job here referencing use of credentials. I have a question about using the computer for personal use. While I understand the reason for that prohibition, does it go too far? For example, if I'm a manager who doesn't clock in or out, is it really detrimental for me to check the web for the latest score of the Packers sunday game?

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IMPACT

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Course Evaluations

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Sample Folios

- <https://www.taskstream.com/ts/jacuk/DaveJacuk>
- <https://www.taskstream.com/ts/fowler111/HaleysCybercrimeEPortfolio>