Using ePortfolios to Prepare Law Students for Practice

Professor Shawn Marie Bovne

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
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

<table>
<thead>
<tr>
<th>Challenge</th>
<th>Impact</th>
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<tbody>
<tr>
<td>Declining Admissions Standards</td>
<td>Diversify teaching methods &amp; add</td>
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<tr>
<td></td>
<td>Academic Success Programs</td>
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<tr>
<td>Challenging Employment Market</td>
<td>Increase experiential learning opps.</td>
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<tr>
<td>Financial Challenges</td>
<td>Faculty hiring is flat</td>
</tr>
<tr>
<td>Structure of Legal Academy</td>
<td>Research v. Teaching Expertise</td>
</tr>
</tbody>
</table>
Law School Classroom

Challenges Increase Need for Assessment

- Placement on Curve ≠ 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

Ken's Cybercrime Portfolio

Image credit: http://digitalcommons.indiana.edu/eportfolios/1/figures/cybercrime-canvas.png

IUPUI INDIANA UNIVERSITY-PURDUE UNIVERSITY INDIANAPOLIS

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
Indianapolis: 317-274-4367

Email
i.the1p@iu.edu

Online
https://kb.iu.edu

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The Helpdesk is too Far Away

ASSIGNMENTS
### Types of Assignments

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

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.
# RUBRICS

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Ratings</th>
<th>Pts</th>
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<tbody>
<tr>
<td>Letter Formal Mechanics</td>
<td>Full Marks 3.9 pts</td>
<td>3.0 pts</td>
</tr>
<tr>
<td>Appropriate Tone</td>
<td>Full Marks 3.9 pts</td>
<td>3.0 pts</td>
</tr>
<tr>
<td>Introductory Content</td>
<td>Full Marks 5.9 pts</td>
<td>5.0 pts</td>
</tr>
<tr>
<td>Quality of Opinion</td>
<td>Full Marks 5.9 pts</td>
<td>5.0 pts</td>
</tr>
<tr>
<td>Letter Closing</td>
<td>Full Marks 2.9 pts</td>
<td>2.0 pts</td>
</tr>
<tr>
<td>Organization of Writing</td>
<td>Full Marks 5.9 pts</td>
<td>5.0 pts</td>
</tr>
</tbody>
</table>
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 “amend” to conduct such violation(s).

1. **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 log in to 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 function. 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 computer, files, or software for another employee with his or her credentials will also be deemed “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).

Steven Boyer: I would try and see 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.

Steven Boyer: 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 check in or out, is it really detrimental for me to check the web for the latest score of the Packers Sunday game?
IMPACT

Course Evaluations
  •
Sample Folios