

August 2026
Alternate Path Exam - Scoring Information

General Rubric

This does not include the point breakdown used by the graders

1: PROBLEM SOLVING

Demonstrate ability to identify, analyze, and resolve legal problems through information gathering, issue development, and proactive consideration of potential barriers.

2: FACTUAL ANALYSIS

Demonstrate ability to collect, organize, evaluate, and synthesize factual information.

3: LEGAL ANALYSIS

Demonstrate ability to apply legal knowledge and reasoning to interpret and apply law to specific factual situations.

4: REASONING

Demonstrate ability to use deductive, inductive, and analogical reasoning to think logically and draw valid conclusions.

5: WRITTEN COMMUNICATION

Demonstrate ability to communicate legal concepts through clear, concise, well-organized, and persuasive written documents.

The Exam Question

This performance task required examinees to respond to a motion for summary judgment based on a statute of limitations issue. Examinees were expected to correctly identify and apply the correct summary judgment standard and evaluate a statute of limitations issue, including identifying through the provided statutes a relevant DOPL tolling issue. Examinees who failed to address one or more of these issues would not pass the exam. Examinees who did not engage in factual or legal reasoning by applying the provided law to the facts provided did not pass the exam. Examinees were expected to spend time editing and polishing their submission with use of proper citations, grammar, and spelling.

General Feedback

This section addresses the most common mistakes graders found in unsuccessful responses

Not identifying issues.

Examinees did not pass the exam if they missed one of the key issues: the summary judgment standard or both statute of limitations issues. Most examinees who did not pass missed one of these issues.

Lack of analysis and reasoning

Graders found in most unsuccessful responses a lack of reasoning and analysis. Examinees may have cited rules or facts but did not apply the law to the facts of the case nor did they thoroughly develop the facts, including specifically citing facts from the provided record, and incorporating them into the analysis of caselaw. Some unsuccessful responses did not derive specific conclusions about the cases provided to accurately apply them to the facts.

Poor Written Communication

Graders saw a trend of poor grammar and spelling in unsuccessful responses. This was especially concerning because examinees were given ample time to complete the response and spend time polishing their written product. Examinees had access to Microsoft Word, including spell check, to help in their editing.

Graders also saw a trend of plainly improper citation in unsuccessful responses.