ASSESSMENT METHODS
IN CLINICAL LEGAL EDUCATION

by

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"[A]ssessment has always been an important part of academia – it is, after all, a fundamental part of our accreditation function. We do not only teach, we certify, and in so doing we act as gatekeepers to certain occupations, professions and statuses". ¹

¹ Watson 2003 : 30
ASSESSMENT METHODS
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ABSTRACT

Clinical Legal Education ("CLE") forms part of the LLB curriculum at most South African universities, as well as in many of the LLB curricula in other jurisdictions. CLE courses are mostly presented at the university law clinics. The challenge in CLE is with the assessment of the students’ performances. Four CLE programmes at South African universities are reviewed and their assessment regimes are measured against assessment methods applied in foreign jurisdictions to identify appropriate methods of assessment for CLE programmes in South Africa. To determine whether the assessment regime applied is effective, an efficient assessment programme and an assessable curriculum must be designed and implemented. Chapter 2 focuses on factors to be taken into account in the design of an assessable curriculum. These include the mission and focus of the law clinic, whether the course is mandatory, the role of the clinicians, operations in specialised clinics, skills, values and outcomes. The pedagogy employed with CLE training is discussed in three categories: the clinic experience, the classroom component and the tutorial component. Different curricula across a number of jurisdictions are reviewed whereafter an assessable curriculum is be suggested. In chapter 3 the different forms of assessment, both summative and formative, that can be applied successfully in CLE are discussed. Challenges which influence assessments and factors contributing thereto are identified. These challenges are discussed and solutions are proposed. Chapter 4 delves into the necessity of assessment, grading and grade descriptors. Factors that may influence assessments are explored and solutions to challenges that they pose are suggested. In chapter 5 the curriculum suggested in chapter 2 is tested against assessment methods identified in this study.
DECLARATION

I declare that this thesis is my own unaided work.

It is submitted for the degree of Doctor of Philosophy in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other university.

M A DU PLESSIS

09 September 2014
DEDICATION

To my daughters, Rita du Plessis and Maren Mia du Plessis.

Thank you for your patience, understanding, support and encouragement.

You never fail to inspire me.
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