

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

i

¹ Watson 2003 : 30

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PhD Thesis: M A du Plessis

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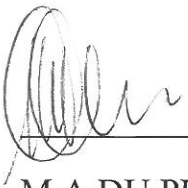
ABSTRACT

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 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.

A handwritten signature in dark ink, consisting of a large, stylized 'M' followed by 'A DU PLESSIS' in a cursive script.

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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TABLE OF CONTENTS

	PAGE
TITLE	i
ABSTRACT	ii
DECLARATION	iii
DEDICATION	iv
ACKNOWLEDGEMENTS	v
COPYRIGHT DECLARATION	vi
TABLE OF CONTENTS	vii
CHAPTER ONE	
INTRODUCTION	
1. Introduction, structure and background	1
1.1 Introduction	1
1.2 The structure of this study	4
1.2.1 Research methods	6
1.2.1.1 Doctrinal research: Literature Review	6
1.2.1.2 Qualitative research: Interviews and Questionnaires	6
1.2.1.3 Comparative review	7
1.2.2 The scope and limitations of the study	8
1.2.3 Conclusion: Contributing to the scholarship of clinical legal education	8
1.3 Background	9
2. Chapter outline	15
2.1 Chapter Two. Clinical Legal Education: The Design of a Curriculum with Assessable Content	15
2.2 Chapter Three. Forms of Assessment, the Setting of Parameters for Assessment and Mark Allocation	18
2.3 Chapter Four. Factors that Influence and Challenge Assessment in CLE, with proposed Solutions	18
2.4 Chapter Five. Measuring the Curriculum against the Identified Assessment Criteria	22
2.5 Chapter Six. Conclusion	23
CHAPTER TWO	
CLINICAL LEGAL EDUCATION: THE DESIGN OF A CURRICULUM WITH ASSESSABLE CONTENT	
1. Introduction	24
2. Determining the mission of the clinic	26
	vii

3.	Should CLE be a mandatory/core course in the LLB curriculum?	28
4.	The focus of the clinic, clinical legal education and the role of the clinician	31
5.	Pedagogy: the clinical experience and inclusion of classroom and tutorial components	37
5.1	The clinic experience	37
5.2	The classroom component	38
5.3	The tutorial component	39
6.	Specialisation	42
7.	Outcomes, skills and values	43
7.1	Outcomes	43
7.2	Skills	45
7.3	Values	52
8.	Curriculum	53
9.	Review of the CLE Curricula of the Universities of the Witwatersrand, Pretoria, Johannesburg and Free State	62
9.1	University of the Witwatersrand (WLC)	63
9.2	University of Pretoria (UPLC)	71
9.3	University of Johannesburg (UJLC)	74
9.4	University of the Free State (UFSLC)	80
10.	Curriculum Summary	81

CHAPTER THREE

FORMS OF ASSESSMENT, THE SETTING OF PARAMETERS FOR ASSESSMENT AND MARK ALLOCATION

1.	Introduction	97
2.	Formative and summative assessments	99
3.	Setting the parameters for assessments and mark allocation	101
4.	Forms of assessment	113
4.1	Written tests	114
4.2	Spot tests, Minute papers and Short essay quizzes	115
4.3	Multiple-Choice quizzes	119
4.4	In-Class Short-Answer tests	120
4.5	Written assignments	121
4.6	Essay examination	127
4.7	Oral examination	128
4.8	Rotation and interim assessments	130
4.9	Reflective journals	132
4.9.1	South African student feedback	134

4.9.2	Probing the essence behind the use of a reflective journal	136
4.9.3	Designing a workable and progressive structure for a student reflection and progress journal in CLE	137
4.9.4	Feedback on reflection	143
4.9.5	Should reflection be assessed?	143
4.10	Self evaluation, peer evaluation, feedback and peer editing	144
4.10.1	Self evaluation, peer evaluation and feedback	144
4.10.2	Peer editing / peer review	152
4.11	Client evaluation	155
4.12	Case file work assessment / case file work portfolio	157
4.13	Trial advocacy skills	172
4.14	Computerised assessment tools	182
5.	Assessment rubrics	182
5.1	Introduction	182
5.2	Advantages to Using Rubrics	183
5.3	Why should clinicians use rubrics?	184
5.4	The process of developing rubrics	185
5.5	Types of rubrics	186
5.6	Group work rubrics	190
6.	Moderation systems	198

CHAPTER FOUR

FACTORS THAT INFLUENCE AND CHALLENGE ASSESSMENTS IN CLE, WITH PROPOSED SOLUTIONS

1.	Introduction	202
2.	Background	202
3.	The Necessity of Assessment	205
3.1	We need to assess, but do we need to grade?	206
3.2	Grade descriptors?	207
4.	Assessment challenges	208
5.	Large student numbers	212
5.1	Wits Law Clinic	212
5.2	University of Pretoria Law Clinic	214
5.3	University of the Free State Law Clinic	214
5.4	University of Johannesburg Law Clinic	215
6.	Proposed solution to: Large student numbers	215
6.1	Advantages	216
6.2	Firm size	218
6.3	Firm set-up	219

6.4	Firm operation	220
6.5	Disadvantages	221
6.6	Social loafing	222
6.7	Recommendation	224
6.8	Firm and group work assessment	225
7.	Clinicians' workloads and time constraints	236
8.	Proposed solutions to clinicians' workloads and time constraints	238
9.	Assessing interviewing skills	240
9.1	The challenge of assessing interviewing skills of students	240
9.2	Student challenges during interviews	243
9.2.1	Student challenges during interviews: clinician interference (or not?)	243
9.2.2	Proposed solution to: Student challenges during interviews: clinician interference (or not?)	243
9.2.3	Student challenges during interviews: Challenges with identifying problems	244
9.2.4	Proposed solution to: Student challenges during interviews: Challenges with identifying problems	244
9.2.5	Student challenges during interviews: Language barriers	245
9.2.6	Proposed solution to: Student challenges during interviews: Language barriers	245
9.2.7	Student challenges during interviews: Racial, cultural and religious differences	245
9.2.8	Proposed solution to: Student challenges during interviews: Racial, cultural and religious differences	248
9.2.9	Student challenges during interviews: Fear	251
9.2.10	Proposed solution to: Student challenges during interviews: Fear	252
10.	Proposed solutions to the challenge of assessing interviewing skills	252
10.1	Observing and formative peer assessment	254
10.2	Tutorial intervention	256
10.3	One-way mirrors	256
10.4	Debriefing conferencing	256
10.5	Reflective journals	257
10.6	"Standardized Client"	258
10.7	Video material	258
11.	Language barriers	258
12.	Proposed solution to the challenge of language barriers	263
12.1	Journal feedback	263

12.2	Interpreters	263
13.	The nature of the client pool (undocumented and unassessed assistance to clients)	265
14.	Proposed solutions to the challenge of the client pool (undocumented and unassessed assistance to clients)	266
15.	Working in student pairs: Student pairs with uneven strengths	266
16.	Proposed solutions to the challenge of working in student pairs: Student pairs with uneven strengths	272
17.	Group work and group work assessment	276
18.	Proposed solutions to the challenge of: Group work and group work assessment	276
19.	Students allocated to different specialisation units	276
20.	Proposed solutions to the challenge of students allocated to different specialisation units	277
21.	Education and experience variances amongst students	278
22.	Proposed solutions to the challenge of education and experience variances amongst students	286
23.	Differing levels in students' knowledge of substantive and procedural law	290
24.	Proposed solutions to the challenge of student weaknesses in their knowledge of substantive and procedural law	290
25.	The challenge of variances in clinicians' experience in supervision and assessment	291
26.	Proposed solutions to the challenge of variances in clinicians' experience in supervision and assessment	292
27.	Student expectations	293
28.	The South African Qualifications Authority	294

CHAPTER FIVE

MEASURING THE CURRICULUM AGAINST THE IDENTIFIED ASSESSMENT CRITERIA

296

CHAPTER SIX

CONCLUSION

305

RECOMMENDATIONS FOR SOUTH AFRICAN UNIVERSITY LAW CLINICS

315

Bibliography

317