

### **The assessment of clinical legal education: an illustration**

L Lundy

*29 Law Teacher 3, 1995, pp 311-321*

[See Clinical Legal Education]

## **CAREER PATHS**

[no material in this edition]

## **CLINICAL LEGAL EDUCATION**

### **The assessment of clinical legal education: an illustration**

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Clinical programs involving live case work continue to be rare in the UK. One difficulty is that law teachers are still wary of the method, dissuaded by the practical obstacles which they anticipate, particularly the assessment of live case work. The most persuasive argument for assessing case work is that the assessment process itself is a means for maximising the educational value of the experience. The difficulties in assessing case work are that case work contains a different set of skills to those normally examined in the law degree, much of the work occurs outside the traditional classroom and the work is subject to the client's wishes and the vagaries of the legal process, being thereby outside the institution's control.

The article gives an account of the clinical course offered at Queen's University, Belfast. Students are placed at either the Citizens' Advice Bureaux, Belfast Centre for the Unemployed or the Consumer Advice Centre. The students attend one of the advice centres each week

and undertake live case work including interviewing, writing letters, making telephone calls on clients' behalf, completing application forms, applying for legal aid for clients and liaising with statutory bodies on behalf of clients. The students are supervised by a designated member of the particular advice centre and the whole class meets weekly.

The clinic's objectives are to increase the students' knowledge of social welfare law, enhance their legal skills by identifying and analysing relevant facts, identifying legal issues, undertaking research, applying the law to the facts, developing a critical awareness of the law and drawing lessons from experience.

The students' performance is measured by the submission of a case report and learning journals. The students are asked to submit two case reports which they feel are representative of the work they have been doing on the placement. Students are advised that they should include a statement of facts, a legal analysis, an evaluation of the courses of action available to the client, the action taken and the outcome and a critical analysis of the case and the law. The assessment is therefore based on five factors: the investigation of the facts; the legal analysis; the case handling; the critical analysis; and the presentation. The application of the assessment criteria used in each of these areas is then described.

The learning journal is designed to focus on the learning process rather than the outcomes. It consists of one A4 sheet in which the students describe and evaluate their learning experiences on a placement in a particular week. At the end of the course journal sheets are returned

to students who are then asked to submit a two page summary of their learning experience. The criteria used to assess the journals have been developed in consultation with the students and include the amount and breadth of the work, how well the student used the placement time, the extent of the student's reflection on the learning experience and the quality of the presentation of the work records and summary. The journals serve a threefold function: they give students an opportunity to display the breadth of the work they performed; they are a simple record of the work undertaken which allows the tutor to keep abreast of the students' work load and progress; and they require the student to reflect on the learning process.

### **Teaching commercial law in third year: a short report on a business organisations and commercial law clinic**

J F Dolan & R A McNair Jr

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Wayne State University recently established a business organisations and commercial law clinic for third year law students. The objectives of the course were to build on students' existing knowledge and to get them to use it in sophisticated circumstances, as well as to put students in contact with practising lawyers. Part of the impetus for the course was the final year student's lament that third year adds little to second year. Due to budgetary constraints Wayne was unable to offer capstone courses and few staff are qualified to teach such advanced commercial courses. The assistance of the practising bar was enlisted and practising lawyers were used to teach students whilst on the firm's premises.