

ASSESSMENT METHODS

Managing assessment and learning in legal education: a tale of two cities

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The Self Assessment in Professional and Higher Education (SAPHE) project is funded by the Higher Education Funding Council for England as part of its Fund for the Development of Teaching and Learning (FDTL) initiative. The stated aims of the project are to: develop, pilot and evaluate a variety of self and peer assessment tools; explore the relationship between self assessment techniques and course content and develop staff and student skills of self reflection and self monitoring. From 1996 to 1999 three law schools have participated in the project in collaboration with three social work departments.

The use of self and peer assessment is not a novel development in legal education. What is novel about the SAPHE program is that the FDTL funding has permitted the piloting of a variety of techniques over three radically different law schools and requires the marketing of 'deliverables' to the rest of the academic community. It is intended that the results will be a variety of tools which may be adapted for use by the wider Law academic community. Experience, however, has shown that the particular objectives of the course determine what kinds of assessment are appropriate and relevant.

At the University of the West of England (UWE) the aim was to study collaborative working and peer evaluation as tools for developing self evaluation techniques. It was decided to opt for a voluntary program and to invite tutors who were sympathetic to the project's aims to participate. Students, once recruited, were offered the opportunity to work in study groups of

seven or eight students, each with a staff facilitator. The groups, in order to promote autonomy in learning, were modelled on the *Action Learning Set*, the dynamic of which is not the exchange of what is known and understood, but the discovery of areas of common ignorance. The function of the learning set is to help individual member articulate their problems and decide what to do about them. The learning sets at UWE enabled facilitators to gain insight into first year students' perspectives on their studies and brought home to them how crucial it is for students to understand what is expected of them.

It was found, however, that it is difficult to convince participants that their learning will be more effective when they gain a measure of control over it, particularly if the ethos of the institution relies heavily on passive, dependent learning. The SAPHE program at UWE was bolted on to what is largely a lecture-dominated course. In 1999 the program has been integrated into the first year course. In addition to using the seminar groups as developmental opportunities, the new integrated scheme also requires students to submit a reflection-based piece of work as part of their formal assessment.

At Southampton Institute, analysis of the failure of a portfolio format self-evaluation program highlighted the fact that the initial approach had been a reflection of lecturer rather than student concerns. To support students in setting and monitoring their learning objectives, the system of personal tutoring in the faculty underwent a change. New students were now assigned a tutor with whom they would keep contact throughout the degree and who was to act as academic mentor as well as personal tutor. Students met with their tutors in small groups, both to encourage the idea of peer support and to facilitate effective use of staff time.

As the students responded badly to the idea of self evaluation as a 'bolt on' for the course, there was a need to consider ways of making the reflective process more widely integrated into studies. A number of new initiatives arose out of consultation with lecturers, including using seminar time to discuss the objectives of a piece of course work and producing a co-operative self help approach within seminar groups. A number of exit interviews held with third year students raised questions about the degree of understanding between staff and students on the desired outcomes of assessment tasks. Increasingly it was evident that a supportive environment is needed to introduce self evaluation.

There are two new aims for the project in 1999: to create a teaching and learning group within the faculty, with clearly agreed aims and reporting structure, which will survive beyond the end of the project and its funding; and to attempt to create a common ownership and understanding of the way assessment and marking criteria are specified and utilised in order to make progress in clarifying staff/student communications and creating a far more favourable climate in which the process of self evaluation can be developed.

In its current form the aims of the University of Bristol self assessment program concern the development of undergraduate learning skills ranging from the most basic, such as note taking and obtaining value from tutorials, to more sophisticated critical skills, such as evaluating written work and understanding the criteria used for assessment.

Like Southampton, the University of Bristol experienced failure with a portfolio program, which had been built into the personal tutor system. In 1997/8 Bristol opted to follow UWE's example by reorganising its SAPHE program on a group basis. The link with the personal tutor scheme was thus broken and both students and staff participat-

ed on a voluntary basis. Students were organised into groups of eight and a guide was produced which attempted to outline an agenda for the year's program by concentrating on particular issues which were likely to be of concern to students at particular stages of their first year program. Despite a high drop out rate the scheme was rated a success by staff and students.

No decision has been made to integrate self assessment into the curriculum at Bristol and, as yet, there are no plans as to how to proceed when the project ends at the end of this academic year. However, there is considerable evidence that staff involved in the project have been active in incorporating exercises originally designed under the program into their teaching, and these developments, as a result of centrally produced tutorial programs, are influencing the teaching of staff who are not directly involved in the program. Although it is difficult to quantify improvement of students' abilities to reflect on their learning experiences, there is considerable evidence that the scheme has made first year students more confident when facing up to the difficulties of undergraduate law study.

In attempting to implement innovation in assessment, staff at the three institutions had to address some problematic practical and design issues, such as student numbers, existing assessment systems and scepticism from staff and students. The funding and conditions of the project however, meant that staff were formally committed to developing and piloting tools and providing the wider academic community with models of better practice. Much of the success of the project is owed to this commitment and to the provision of staff training.

Based on the experiences detailed in the paper, of SAPHE implementation at the three institutions, the authors make some tentative recommendations for the implementation of self and peer assessment: First, for self and peer as-

essment activities to improve learning they have to be clearly related to the aims and objectives of the course. Second, the power differential between staff and students' dependency for feedback needs to be acknowledged. Students need to have opportunities to develop and practise skills of evaluation. Staff are crucial in providing a sensitive environment in which students can begin to identify what they need to know. Third, time should be prioritised for staff development to discuss what constitutes quality work. Self and peer assessment is as much about staff developing reflective skills as students. Fourth, expectations about the extent to which students can and will become independent learners should be realistic. Self and peer assessment is a skill and requires practice and time and many students entering a law degree have highly dependent learning styles as a result of previous exposure to traditional teaching and assessment methods. The SAPHE experience has shown that, when given appropriate time, resources, management and commitment, self and peer assessment can help to improve learner confidence and motivation.

Beyond the multiple-choice v essay questions controversy: combining the best of both worlds

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Achievement tests play an important role in legal education. Through tests teachers check whether students have mastered the objectives of the educational program. In addition, qualifying tests have a very strong influence on the study behaviour of students. In legal education there seems to be substantial support for essay questions and a distrust of objective question forms such as the multiple-choice question format. But is it possible to develop a test with both open and closed questions which can assess knowledge of

the law, insight and skills at a higher ability level? Is such a test more efficient than an all-essay test? How does it affect the study behaviour of students? And will students and faculty accept an assessment form containing both open-ended and closed questions?

At the University of Maastricht in the Netherlands a number of criticisms of the law faculty's all-essay assessment system led to experimentation in 1995 with 'combination' testing. The positive results of the initial experiment and its further implementation in the following year has prompted the faculty board to implement the 'combination test' for all first-year courses throughout the law curriculum.

The main points of criticism of an all-essay test format had been that it allows only a limited number of questions and the content coverage is therefore limited, with students consequently studying only part of the subject matter. For faculty members, high student numbers made the marking of the essay tests a heavy burden and, in addition, the large number of teachers involved in marking, and their very different backgrounds, resulted in substantial marking variation.

In 1995 an achievement test consisting of 44-option multiple-choice questions and one extensive essay question was used to evaluate a first year course. In 1996 two first year courses were evaluated by a similar method. The test questions were drafted by 12 faculty members, following a course in question drafting. Before a question was included in the test, it was screened by a test review committee made up of experienced teachers from the different legal domains, and an educationalist. The most important screening criteria were relevance, specificity and objectivity, and degree of difficulty.

Using cross-marking statistics, the authors were able to establish a strong relation between the scores on essay questions and the scores on the multiple-choice questions, with the implica-