

Foreword

Welcome to the Summer edition of the Journal for 2006.

This edition of the Journal

It is curious how little academic attention has been focussed on issues of assessment and grading in clinical programmes. It is almost as if the struggle to establish clinical learning and teaching as a valid part of the law curriculum - even in jurisdictions such as the United States where clinical teaching is arguably most embedded in legal education - has meant that clinicians have tended to focus their energies on defending learning outcomes and student engagement rather than on the vexed issue of whether we should be seeking to assess clinical learning.

A clinician once made the point to me that perhaps one reason that our students seem reluctant to challenge the potential lack of transparency in our clinical assessments is because the closeness of the supervisor/student relationship in clinics often means that our students trust us in a way which is uncommon in other learning contexts. If this is right, then it arguably makes it even more imperative that we ensure that our assessment practices meet the gold standard of being transparent, rigorous and fair - since if we do not do this, it seems that our students may be reluctant to challenge us.

Clinic clearly has the potential to pose enormously difficult assessment issues. Do we assess the core practical skills that we observe - or, as Georgina Ledvinka addresses in her article, are we also looking for the element of self-analysis by way of reflective skills, which will satisfy us that students know what it is that they are doing well, and are able to take the habit of reflection into practice with them, so that they are able to become life long learners? Where does the balance lie between the assessment of reflection and the assessment of practice? Do we need to shift the assessment away from the live client context - with all its unpredictability and lack of comparability - and towards high level simulation, such as the standardised client model described by Larry Grosberg in his article?

Roy Stuckey in his article addresses most broadly the key issues around assessment, asking what it is that we seek to achieve with assessment and with clinic, and how this fits with the general expectations of higher education in the different jurisdictions of the United States and the United Kingdom. Not only does he remind us that when we talk about assessment it is a term that may encompass a huge variety of different functions, but he also addresses the distinctions between formative and summative assessment which may often become so blurred in the clinical context where supervision and mentoring blur into an assessment function.

Georgina Ledvinka's article starts with an analysis of what we are looking for when we require our students to reflect on their clinical practice, and how the practice of reflection fits with educational theories of learning generally. From this Ledvinka moves into a detailed analysis of the strengths and weaknesses of the assessment of reflection in the context of her own clinical programme at Northumbria, and analyses whether there is the sort of level of consistency across markers that meets the requirements for assessment processes to be rigorous and fair.

Finally, Larry Grosberg focuses on assessment in the context of interviewing and counselling, looking at the skill both within its clinical and non-clinical teaching contexts, and asking the critical question of how we can avoid subjectivity in our assessment of lawyering skills. Starting with an analysis of why the teaching of core interviewing and counselling skills is so important given the relative lack of practical experience prior to qualification for many lawyers in jurisdictions in the United States, he then valuably draws on the clinical assessment experiences of the medical educators, and outlines different assessment strategies which might be brought to bear within the assessment of legal skills.

While the three articles in this issue of the Journal each take a different route towards the issue of assessment, the issue of whether our clinical assessment practices stand up to close scrutiny is at the heart of each of the papers. It is a theme that I hope we will continue to address in later editions of the Journal. The development of robust assessment methodologies is surely a necessary precondition for the promotion of clinical learning to the heart of learning and teaching in Law. Or, at the risk of extreme heresy, should we be challenging the entire assessment emphasis of the Academy, and celebrating the fact that within the clinical field we have the potential to achieve much more than a traditional grading-based assessment, with the ability to describe our students, their strengths and weaknesses, so much more fully than a mere grade would normally capture.

The Summer 2006 conference - and plans for 2007.

The Summer 2006 IJCLE conference took place in London, and was extremely well-attended, with delegates from almost all the major jurisdictions. (The Journal still has relatively little reach with the important clinical developments in the countries of South America - something which I am keen to redress.) Papers ranged across a huge range of topics, clustering around the theme of emancipation through clinical learning. As at previous conferences, delegates commented not just on the quality of the papers, but also the supportiveness of the conference environment. I have to say that I have always taken it for granted that clinicians are a uniquely generous group of educators - always willing to share experience, and eager to learn from one another's different experiences - but it is an aspect of the conference that I think deserves to be celebrated. Delegates arrive from an ever-widening group of different jurisdictions - and from clinical programmes of all kinds, and in all different stages of development. It is a huge strength of the conference that it is able to provide a welcoming environment for all different models of clinical activity.

Plans for 2007?

I can take this opportunity to confirm that the 2007 conference will take place in Johannesburg, South Africa. The conference is scheduled for 9th and 10th July 2007, although it is likely that there will be a range of activities taking place both before and after the formal conference. I am delighted that the conference will take place alongside the South African clinical conference - a model that worked extremely well when we joined with the Australian clinical conference in Melbourne in 2005.

This model of joint conferences will ensure we have a continuing focus on international clinical activities within the Journal conference streams, but will also offer delegates the opportunity to learn more about the hugely important South African clinical context, with its range of clinical teaching methodologies and community legal projects. The theme of the conference will be: Unity

in diversity. It is a theme which not only has clear relevance for our hosts, but also enables us to celebrate the huge range of different clinical programmes and activities which I hope are addressed by this Journal.

Details about the conference will soon be available on our new website: www.ijcle.com - a development which has been needed for some time now and which I hope will be up and running in the near future.

In the meantime, I am more than happy to field any questions about the conference - and any early proposals for papers - and indeed any suggestions for articles for this Journal. I can as ever be contacted at philip.plowden@unn.ac.uk

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Editor

