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](mailto:philip.plowden@unn.ac.uk)

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