

## Book Review

# Rethinking assessment in legal education: global perspectives on innovation, inclusion and integrity, Edited by Daniel Bansal, Maribel Canto-Lopez and Jessica Guth (Routledge), 2026

**Richard Grimes**

*Lincoln Law School, UK, Charles University, Czechia and New Vision University, Georgia*

The second recently published book on assessment in a Law study context is *Rethinking assessment in legal education*. This takes a somewhat different approach from *How to embed authenticity in legal assessment* (Veronica Ni Driscoll, Jo Wilson and Jeanette Ashton, (Edward Elgar), 2026) and a comparison is instructive for those of us grappling with why and how we assess, especially in the age of generative AI.

Here the editors take a set of six papers presented and discussed at a prior conference, reproducing them in the book and then adding commentaries by a range of educators from the global north and south. In doing so, a number of innovative and at times radical ideas, models and proposals are examined and then commented upon. The end result is a constructive debate with the commentators largely agreeing with the thrust of argument in the selected papers but valuably adding their own slants.

In the introductory section the book's editors provide helpful context by identifying the various and compelling reasons for reviewing assessment in Law, especially at the present time. These include the advance of AI, the importance of employability, the wide-spread recognition of the value of experiential learning methods and the changes in regulation (in parts of the UK at least) of legal education – not to mention the ever-present 'well-being debate'.

Significantly the book stresses the importance of harnessing the benefits of e-technology and innovation whilst retaining what they say is 'academic rigour, equity and scholarly integrity'.

What follows are the six conference papers coupled with critiques of those by a range of international legal education colleagues who not only examine what is said by the papers' authors but how their own view is informed, often by the specific jurisdiction in which the commentators work.

Paper 1 looks at how assessment in Law is and is fast becoming further shaped by AI. An argument is commendably made for ensuring students are enabled to engage with AI appropriately and critically. The potential for oral assessment along with its perceived benefits and challenges are examined, together with a range of assessment methods to compliment individual learning styles. The sense of

this is endorsed by the commentator who adds however that moving in these directions may bring problems of institutional buy-in and raises issues of equivalence and consistency.

The second paper provides an interesting and helpful example of how one law school has designed its assessment in a specific module (Land Law) to attain a greater degree of utility and realism. Using problem-based multiple-choice testing and a role-play using a mock village setting, students are required to apply doctrinal principles in an 'authentic' context. The critique is generally supportive though does suggest that using such realistic scenarios may involve issues beyond both disciplinary and student competence boundaries.

The next contribution addresses the spectre of AI concluding, rightly, that we must, for a variety of reasons, embrace the technology as must our students and that there is a great deal to be gained in doing so providing practical, ethical and critical dimensions are respected. Again, the commentator in this case endorses much of what the paper's author says with the huge caveat that the role of AI is likely to pose fundamental, if not existential, questions and threats for law schools and their holding universities, in terms of both their purpose and form.

Paper number 4 examines a type of assessment known as *ipsative* – assessment tailored for and measuring students' personal learning progression, rather than where they stand in terms of performances evaluated by reference to normative standards and criteria. The subtitle of the paper states it is the 'legal journey, not the destination' that might be assessed. The commentary raises the vital matter of jurisdictional regulation and how certain countries dictate the means of assessment and such a radical shift in assessment focus would simply not be possible, although elements of, say, continuous assessment may be. I would add my own reservation about an ipsative approach to assessment – it may not be appropriate where measurement in question is of competencies – the legal study equivalent of the driving test. In addition, focusing on the individual may give unrealistic expectations when considering how the 'real' world operates (for better or worse!).

The penultimate paper looks at the virtue of essay writing in the context of assessment in Law and how this can be used in ways that AI cannot 'see' – through utilising specific materials and combinations of that – that generative AI is unlikely to have in its resource bank. The commentator, whilst broadly agreeing with the author's position on the use of essays, does raise the interesting point that (legal) education often involves a learning relationship between instructor and student and that meaningful assessment can usefully take this into account even where assessment is in the form of essays or other formal examination.

The final paper is perhaps the most controversial for several reasons. First, it sets out what it describes as 'an argument against summative assessment'. It then goes on to assert that the purpose of assessment more generally appears to 'serve the needs of neoliberal social structures....(and) not the needs of our students'. As such, assessment is seen as reflecting social bias adversely impacting on particular groups and sectors of society including, in particular, those defined by culture and race, amongst other things. The paper goes on to question what counts as knowledge and how we need to rethink the nature of what we need to teach and learn in terms of its empowering potential. The all-important issue of assessment as learning (or not) is then examined. The conclusion of the paper is that learning needs to be community-based where all can share and benefit rather than students being pitched against each other in some ranking 'war'.

The critique of this paper agrees with much of what is said but questions the main tenet – at least as expressed in the paper's title – and more needed to be said about formative assessment. Whatever the failings of any assessment system might be and whatever the needs of individual students are, an

important component of learning is surely feedback? The constructive alignment between well-crafted learning outcomes and assessment methods should provide a reliable framework for both assessing student progress and giving detailed feedback, so the student can follow what has been done well and what might be done better in future.

Overall this is a helpful addition to existing material on assessment in the discipline of Law. As with many things in life much more could have been included. A starting point could have been why we need to assess (let alone rank) and if we do, what should be assessed, especially given its demands at both ends of the assessment spectrum. Further omissions in my view were of a detailed discussion of crafting learning outcomes and aligning these with any assessment used, the value in using group settings for assessment, how oral examinations can be used to develop learning and feedback and even the use of AI to assess. One other suggestion is that more could have been included on cross subject learning, teaching and assessment – we tend to teach Law in boxes with little or no interaction between them.

And a final comment – for those of us who are already involved with experiential learning in Law, particularly in law clinics and related initiatives, we already use a variety of assessment methods designed to encourage student engagement and reflective practice. Any rethink of assessment in legal education surely needs to take on board the active learning dimension, including how and why we assess?

All that said I would commend this book, at least for a consultative browse, as it provides much food for thought and it is a diet we are going to have to consume and digest at some point.