

practice in higher education and its intended purpose.

To a great extent, the purposes are subsumed by the theories of summative and formative assessment. If the assessment is formative, its prime purpose is to help the students improve. Formative assessment frequently involves oral or written feedback with a view to improving student learning. If the assessment is summative, it is measuring the achievement of students. Assessment is often both summative and formative. Thus an end-of-year examination would appear to be primarily summative, but a grade does give some feedback, however imprecise, on student performance. An assignment set early in the course may well be providing both summative and formative assessment. Thus it has the potential for useful feedback, but also contributes to the overall marks for the course.

From a lecturer point of view the increased marking load is one of the ill effects of the diminishing resources available to each student. Yet the increase in student numbers is not alone in causing the increase, because a law degree typically now has many more formal assessments. The increase in the number of formal assessments has been observed in legal education and higher education generally, but it is important to appreciate this shows an increase in summative assessment. This increase in the measurement of student performance is not accompanied by an increase in formative assessment. In fact, the feedback that students say they seek and which is vital for the learning process is diminishing.

A significant change in higher education since the 1960s is the development of coursework. This arose from concerns about the reliability of examination assessments. Initially coursework was only used to moderate examination marks, but in time has become part of formal assessment. It is now realised that continual assessment has widened the skills that can be assessed which can include vocational skills. Thus a case study can demand not only research and problem-solving

skills, but also group and presentational skills. Although providing the potential for formative assessment, this development has increased significantly the number of summative assessments.

An assessment system dominated by the needs of summative assessment can encourage mere surface learning. Those taking a deep approach to learning have been shown to be more successful in formal assessments. The favoured semester system, by concentrating a learning workload into a few weeks and placing on students the constant pressure of formal assessment, does not encourage the reflection needed for deep learning.

The student who is both a strategic and surface learner may well successfully complete his degree. The fact that his time as a student produced little learning is perhaps less important than the fact that his experience is that assessments are a mere chore. Thus negative attitudes to learning are encouraged at a time when it is becoming universally recognised that undergraduate studies soon become out of date and the goal should be to create independent learners.

To complete this rather depressing picture, one must comment on the effect the current system has on lecturers. Given the lecturer has constantly to assess his student to produce marks, the student perception of the lecturer is likely to be that of an assessor rather than a teacher. This changing emphasis may in fact discourage the student from admitting difficulty with study and generally alienate the teacher from the student. The system also creates major workload problems on lecturers, who might spend their time better on preparing for classes and on research into their discipline.

Given the tendency of students to gear their performance to gain maximum marks, higher education could increase formative assessments to motivate students into further learning. The preferred strategy would be to reduce drastically the amount of formal assessment. If students did not have to meet the constant demands of formal assessment, they

would have the opportunity to adopt a deeper approach to learning and time would be available for informal formative assessment.

The need for assessment reform is vital in order to encourage deep learning and life-long learners. It will only come about when institutions fully understand the power of assessment and take steps to encourage the desired student outcomes. Formative assessment promotes learning, whereas the constant burden of summative assessment will not encourage the appropriate behaviour and will impede independent learning. Students need to reflect on their studies, to make mistakes and ask questions. They need feedback to improve their performance.

Students' self-assessment in law: report of a pilot project

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Student assessment enables the teacher to know if he or she has run a successful course; it enables students to know how they are doing, motivates them, helps them to learn and directs their attention to issues that matter. Assessment in general may be formative (relating to assessment tasks generating qualitative feedback and contributing to the formation and development of the student or learner) or summative (i.e. used mainly as a type of measurement to provide evidence of learning outcomes, eg, an examination). Although it is beneficial to students in that it encourages and improves the quality of learning and allows the accreditation of knowledge, it is, however, relatively time-consuming and can cause high levels of stress in students, which can be counter-productive.

Self-assessment may be said to be an umbrella term describing a process whereby some responsibility to make judgments about the quality of their own work or that of others is given to students. Thus, it is basically assessment by students of their own work, although that is usually not final. By involving students in the

processes of determining what is good work in any given situation, it enables them to become effective and responsible learners.

However, self-assessment is not without technical problems and is under-represented in higher education, despite its importance as a technique. It has also been deemed a misnomer because it is supported by some sort of checking or second-marking by the lecturer. However, the literature on self-assessment is voluminous and supports a correlation between students' marks and those awarded by their tutors.

The study had three main aims: (1) to test how closely the assessment by the students of their own work matched that of their tutor; (2) to give students an insight into the marking process (which research has shown improves learning); and (3) to see how far staff time could be saved.

The target group of students consisted of 17 students studying Tort. The following materials were prepared: the problem question itself; the marking scheme; and a set of instructions. The students were given a copy of the marking scheme and were asked to mark their own work under instructions given by their tutor. They were also given instructions on the meaning of logical presentation, critical approach, evidence of wide reading and absence of petty errors. Their tutor did checking and second marking.

The results showed a high level of agreement between the students' own assessment and their tutor's. At first it was thought the exercise might just be a sort of academic roulette, as this was the first time it had been tried with a full-blown problem question, in contrast with an objective test. But the results were really rather encouraging: more than 50% of the students who participated in the exercise gave themselves marks not more or less than 3 away from the tutor's marks. The results, therefore, seem to validate the findings of previous research that in general students were fairly accurate in their assessment and that there is a very high

level of agreement between the average marks of students and their teacher's. The study was perceived by the students to result in an improvement of their subsequent examination performance and also saved staff time.

There is no doubt from the author's point of view that the students benefited from the exercise. The feedback received from them was generally encouraging. They felt contented about the whole exercise, especially the opportunity of actually looking at a marking scheme (for the first time) and, therefore, knowing the kind of things expected of them in their assignments and examinations. The students were motivated by the self-assessment exercise, which revealed to them the kind of things required, and the opportunity given to them to know what was involved in marking scripts. This is interesting because involving students in the assessment process, especially, via self-assessment, can help motivate them and does let them see the value in what they are doing, thereby making them more responsible for their own learning.

The study also enabled the tutor to save some time. Because the students had a copy of the marking scheme, they had been given adequate time to note issues they had left out or not handled properly or as extensively as required. There was no need for their tutor to make detailed comments exceeding more than a few lines on each script, as had usually been the case. Their tutor was, therefore, able to save considerable time (about 2 hours in all). The actual marking was also speeded up by the fact that the Assignment Guidelines required the students to underline all cases and statutes and to word-process their assignments or write legibly. There are, therefore, potential benefits to both teaching staff and their institutions. The resource implications are enormous. If nearly 2 hours of staff time can be saved in the case of 14 students, one can imagine the time that could be saved in the case of a hundred or more students.

The study was limited because the sample was small. However, it must be stressed that this was only a pilot study from which the following important lesson has been learnt: before an exercise like the present one is carried out, the students have to be prepared psychologically by their tutor. What to expect during the exercise and the benefits to be obtained must all be explained to them and reassurance given them.

LEGAL EDUCATION GENERALLY

Seven principles of good practice in legal education: history and overview

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Editor's note: This particular edition of the Journal of Legal Education is largely devoted to a series of eight articles, exploring 'seven principles of good practice in legal education' and how they can be applied. For this issue of the Digest, the introductory article and the articles on the first four principles are digested. The remaining three will appear in our next issue.

The seven principles of good practice in legal education are modelled on seven principles of good practice in undergraduate education. The undergraduate principles were derived from decades of research on teaching and learning in college. This issue of the *Journal of Legal Education* applies the principles in legal education, explores their implications, and describes practical methods of implementing them in the law school classroom. The principles assert that good practice in legal education: encourages student-faculty contact; encourages cooperation among students; encourages active learning; gives prompt feedback; emphasises time on tasks; communicates high expectations; and respects diverse talents and ways of learning.

If the seven principles were developed in the context of undergraduate education, why should legal educators apply the sev-