



ASSESSMENT IN THE LAW SCHOOL IN THE TIME OF COVID-19

Professor Katy Barnett - Teaching and Learning Summit 2020

What do we assess in law?

- **Basic knowledge:** do students know the facts of the case, the terms of the legislation, the legal principles etc?
- **Communication skills:** clearly and logically communicating legal principles and arguments.
- **Application of the law to the facts** via means of 'hypothetical' scenarios.
- **Research skills:** students research complex legal questions and make arguments.
- **Normative assessment:** Underlying reasons about why the norms of law operates as they do, and whether they could operate better.

The 'Priestley 11'

- For students who want to become lawyers it is vital that we ensure that our courses include the 'Priestley 11', a range of 11 compulsory subjects because students cannot be admitted as an Australian lawyer without being taught these subjects.
- (The nickname is after a former judge from the New South Wales Court of Appeal called Lancelot (Bill) Priestley who came up with the list of essential subjects).
- Some people simply want to learn legal method and work in other areas.
- There is therefore a mix of practical and theoretical reasons why students do law which affects the assessment

Typical means of assessment in law

- **Open book examination** (generally with a mix of hypothetical and essay questions)
- **Longer ‘take-home’ exams** (again typically with a mix of hypothetical and essay questions, but colleagues have been creative)
- **Research essays**
- **‘Moots’** (legal debates)
- **Class participation** (including presentations)
- **Research memoranda** (mimicking what students will do in practice)

How has assessment changed with COVID-19?

- Moots are not possible and class presentations are more difficult
- The time for sit-down open book exams has been extended and there has been concern about invigilation and collusion
- Some lecturers have made increased uses of quizzes (however, multiple-choice questions must be carefully constructed because often there's more than one right answer)
- Rather than using class participation, we have used discussion boards on Canvas (with varying success, on balance successfully).
- Online marking.

Tips

- Because of the online format it's sometimes difficult to tell how engaged students are.
- Communicate information about assessment clearly, including expectations and how assessment will work, in announcements → the balance is hard → not so many announcements they get overwhelmed but enough so that they know what's happening.
- Discussion boards *can* work well, but you have to find the right incentives to get people to use them.

What will I keep in assessment after COVID-19?

- *Definitely* the discussion boards (need to find the sweet spot for how to get people to participate but not get overwhelmed by posts!).
- May put some thought into ungraded quizzes (although note point about difficulties of multiple-choice questions in law)
- Maybe more creative use of videos etc to explain assessment or to frame hypothetical scenarios?