

THE NLS LEGAL EDUCATION GROUP

Newsletter 8 (February 2011)

A group of 13 filled the meeting on 21st February with a stimulating discussion on oral skills (mooting, interviewing, advocacy, conference, negotiation, mediation, presentations). So much so that we didn't get as far as discussion of assessment of such skills. The latter has now acquired a short slot at the teaching and learning event and JC is collating a selection of assessment criteria from different programmes to inform the debate: quite a lot of people seem to have questions about assessment in this context that we need to spend further time on it.

Please note that we are now audio-recording these sessions for those unable to attend – contact RHB for details. A register is taken and passed on to those responsible for collating staff development records.

We found oral skills going on almost everywhere:

Level 4	LLB contract with mootings
Level 5	LLB crime with mootings
Level 6	BPTC: advocacy, conference skills, RDOC (negotiation, ADR) formative and summative Clinic: non-assessed interviewing and advocacy GDL FT: mootings society and formative presentations ITMA Professional Certificate: interviewing, advocacy (formative and summative) LLB mootings; PIL; Critical Legal Thinking/projects/pro bono (as presentations), some formative, some summative (% of marks for the module) LPC stand alone skills in advocacy and interviewing, formative and summative SRA PSC: advocacy, presentations (formative) SRA WBL: advocacy, interviewing (formative and summative))
Level M	Academic LLMs: formative presentations in seminars LPC: some additional advocacy and negotiation in electives Practitioner LLMs: interviewing, negotiation, advocacy, mediation SRA Rights of audience in the Higher Courts: advocacy
Level D	PhD FT student formative presentations

Issues

Anxiety seen at all levels
Students spend a disproportionate amount of time preparing
Is there a distinction between interactive (mooting, interviewing, some advocacy) and presentation (which includes some unopposed advocacy)?
Can students transfer skills from presentations?
Fear of humiliation – student may be more comfortable with a tutor alone than in front of peers
No correlation between quality of performance and level of anxiety. Some level of anxiety is natural and useful.

Strengths

Public speaking skills
Political drivers (e.g. SRA's need to cling to its rights of audience)
Uncovering transferable skills
Finding out if you're any good at it
Students on modules with a moot and an exam perform much better in the moot than the exam
Learning to be persuasive on a topic you don't necessarily believe in
If students are spending "too much time" preparing for the oral exercise, we have by definition engaged them (see also clinic)
Confidence
We focus on transferable skills at LLB level because they market wants them
Sense of achievement
Transfer into presentations and meeting skills

Would you like to join us? The LEG is open to *all* academics in the Law School, and you do not have to be interested in publishing in legal education to participate. If you are interested in what we teach, why we teach it and how, you are more than welcome to join us, either for a single session or at every meeting. The next meeting is scheduled for 8th June and work is ongoing to find dates that are accessible to *everyone*.

Assessment/design challenges

Achieving consistency across cohorts
Is the ideal to have students (esp at LLB) start with a comfortable subject to concentrate on oral presentation alone, and then move to a subject where the content aspect is more difficult?
Do we spend too much time trying to convince students it's easy/manageable (which might persuade those who aren't finding it easy or manageable more anxious because they think they're failing). Could we manage expectations differently (it's tough but you've got to) or pragmatically (moot instructions handed out only the day before)?
Do students really understand what's expected of them – are the assessment criteria as transparent as we think they are? Ask students to continue to recognise what is good in others' performances (so they can apply to their own)
Which is better preparation at LLB level for advocacy at LPC/BPTC/level? Mooting involves rules and etiquette but in terms of interaction, may be more challenging than LPC core advocacy.
Should we be assessing the client/witness as well as the advocate/interviewer? Can the client convey what the problem is? Good for students to see things through the client's eyes (empathy, leads to cause lawyering)
What is an appropriate split between assessment criteria based on presentation skills and those based on content?
Are there some things that will lead a student to fail automatically?

Dates for your diaries.

1. NTU Teaching and Learning Event – 30 March
2. ALT conference – 18th – 20th April (Cardiff)
3. NLS Teaching and Learning Event – 8th June in Belgrave (includes next LEG meeting)