

How do we assess in Clinical Legal Education? A “reflection” about reflective learning

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Abstract

I suggest these hypothesis and premises from the point of view of my experience in Clinical Legal Education and the use of experiential learning methods in other “traditional” courses.

It must be distinguished the institutional assessment from assessment for learning. Traditionally, assessment is reduced to institutional assessment: that is, to give a mark depending on the achievement of knowledge instead of focusing in the student’s learning.

However, I propose (to remember) that: 1) (Formative) assessment is part of learning; 2) Reflective learning (and reflective skills) is/are a part of assessment. This implies continuous evaluation instead of summative evaluation, for example, through an exam or some similar procedure.

I agree with the idea that assessment “is not a measurement problem but an instructional design problem.” (Van der Vleuten & Schuwirth).

To clarify what is assessment we have to discuss about several interlinked aspects (validity, reliability and fairness) connected to questions that must be answered: where is the assessment considered valid...? How do we assess...? What do we assess...?

Some ideas to answer these questions are the following:

It is needed to provide space(s) and time(s) to reflect about learning (as a way of learning and as a skill to be got).

This implies multiplicity of assessments or reflections about learning.

It should be included several perspectives of assessment: self-assessment, peer-assessment, team-assessment, and (external) assessment.

The last, but not the least: as it is said, reflection should be considered not only a skill but as a part of learning. Reflection about learning is an exercise that promotes long-life learning (including the future lawyers). A reflection about context and experience is the first step for future professional action.

Benefits of experience autonomy and reflection are the same in a real or in realistic environments. But the experience of responsibility requires a real environment.

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Aspect			Problem/dilemma	Proposal
Scope of assessment	to know what students are learning	Why assess?	Institutional assessment/student's learning assessment	No reduce to institutional assessment
Validity	Authenticity and realism. <i>It must be capable of assessing that which is sets out to assess</i>	Where is the assessment considered valid...?)	<i>Real environment/ realistic environment (real world, simulations...)</i> <i>Direct assessment ?</i>	Provide scenes for responsibility/autonomy Link learning outcomes with what the learner should be able to do at higher and complex stages of learning.
Reliability	<i>It must produce consistent and replicable results</i>	How do we assess...?	<i>Objectivity/subjectivity standards</i> <i>Reproducibility of scores?</i>	Use methods of assessment focused on the student's learning and give the possibility of reflection about learning.
			<i>(lack of) consistency</i>	Variation in assessment methods and practices. Sampling: quantitative and qualitative information.
Fairness	it must assess against the syllabus and learning outcomes that have been set out	What do we assess...?	<i>+(lack of) transparency</i>	Rubrics with clear learning outcomes and performances to be achieved provide trust