

subject among others. Skills cannot be mastered in one hour each week. One of the aims of the workshop was therefore to raise awareness of the fact that skills, such as analysis, synthesis, problem-solving and communication are used by students across every subject. (2) Teaching a specialist discipline to non-specialists: a survey of students asked whether they thought law was relevant to their studies. There was an overwhelmingly affirmative response to this question. Practitioners were used to give students a first hand account of the relevance of law to the accountant. (3) The expanding syllabus: law is seen as a marginal subject by accountancy educational bodies. The teaching resources generally used in professional non-law courses perceive law as a body of rules to be learnt by rote and no real understanding of legal concepts is fostered. Furthermore accountancy accreditation bodies only require a small amount of time to be dedicated to the study of law. Such time constraints militate against a real understanding of the law by non-law students. (4) Rigour versus relevance: anxiety about the gap between the knowledge taught by universities and the competences required by the practitioner also affect the design of the course.

The legal skills workshop gave students the confidence to use the library through an assessed library familiarisation exercise. Students were responsible for their own learning. The skills that the workshop sought to develop were basic legal skills which have been observed to involve generic human skills, especially the skill of clear thinking. The workshop focused on basic research skills, the

intellectual skills of analysis, reasoning, problem-solving and evaluating, and communication skills, which were all regarded as transferable skills and are central to the work of the lawyer.

One of the problems is that professional accounting bodies have their own educational and training requirements to be met after university education is complete and are suspicious of innovations in assessment methods which might be seen to be leading to a lowering of entry standards. How should skills be assessed when there is a heavy bias toward assessment through the traditional medium of examination and submission of assignments?

REVIEW ARTICLE:

Competences, learning outcomes and legal education

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This paper is based on the findings from a project carried out in the United Kingdom, entitled Competences, Education and Assessment in Undergraduate Law Courses (CASEL). It is concerned with the identification of competences suitable for learning and for assessment programs in undergraduate law courses and the development of valid methods of assessing those competences to prescribed award standards. The project was grounded in the belief that competence based approaches, incorporating performance, knowledge and skills, could provide an integration of 'theory' and 'practice' in professional education,

specifically in applying the knowledge gained in the law degree and in subsequent practical training to legal practice.

Chapter 2 provides a handy overview of the developments and innovations in competence based education in the United Kingdom. It suggests that the term 'capability' provides a better way of defining competence in the context of professional education. Moreover, 'learning outcomes' is a more appropriate term than competence within higher education. The specification of learning outcomes provides a more precise means of describing the objects of learning. Learning outcomes might specify core outcomes, subject specific outcomes and general or specific vocational outcomes.

The author contends in chapter 3 that contemporary legal education is marked by a proliferation of statements of competency, learning outcome statements and skills 'guides', designed to provide a specification of the standard against which a skills performance might be judged. He then examines two of them critically, the ABA Statement of Skills and Values and the UK Law Society standards, both of which endeavour to provide an articulated model of the competences which define what lawyers should be able to do at different levels of their education and training. The ABA Statement identifies the values and skills that underpin competent practice at appropriate points on the continuum of the legal education process, but it is not designed as an instrument for assessment because it is expressed too generally. On the other hand, the Law Society standards are concise and measured but leave questions open which

course providers need to resolve. They are grounded in statements which specify the key tasks and processes involved in conducting a series of typical transactions. However, they neglect the lawyering skills which underpin the transactions and the professional practice skills which provide the groundwork for the management of the legal practice within which transactions are conducted. By focusing on transactions they are also tied to a particular model of legal practice fixed in time. The author recommends the use of skills assessment guides, rather than competency statements, because they are more specific and designed as assessment tools.

The purpose of chapter 4 is to examine some of the competences, capabilities or learning outcomes that might be appropriate for education and assessment in undergraduate legal education. For this reviewer this is the most valuable chapter in the paper. It deals with the argument that competences should be taught in the vocational stage, not during the undergraduate years which are concerned with the acquisition of knowledge and understanding, not direct preparation for practice as a lawyer. The author concedes that the argument is well-founded because of the need in the initial or academic stage to provide a broad base, rather than a set of narrow vocational competences. However, he notes that the Marre Committee and the Law Society have managed to produce a rudimentary list of the skills that should properly be developed at the academic stage.

After providing a preview of the case studies conducted as part of the CASEL project, the chapter identifies certain limits on the use

of the outcomes based approach and inherent problems with assessment. Some interesting observations are also made on the issue of core or transferable skills, such as problem solving, and what needs to be done in order to foster their development.

The second part of the paper is devoted to the description of five highly focussed case studies incorporated in the project. The first describes an attempt to identify the legal analysis and reasoning skills that could be taught in a legal method course within the context of first year substantive law subjects. The second deals with an attempt to teach core communication and interpersonal skills. Based on the success of the experiment, it is reported that personal competences are seen as a valid goal for law degrees. The third illustrates the difficulty of developing written specifications of assessment criteria when they are so context specific and impressionistic and recommends the use in lieu of videotaped exemplars to capture the specific dimensions of each skills performance. The final two case studies are concerned with imparting lawyering skills within a legal clinic. The fourth sought to identify a means of evaluating student performance that did not undermine the educational aims of the clinic. The fifth was concerned with investigating the relationship between the cognitive and practical dimensions of legal skills with a view to advancing current understanding of undergraduate skills teaching.

Clearly, despite some dissenting voices (such as Chay in this issue of the Digest), there is a growing trend for law schools to embed skills teaching in substantive law

subjects or to teach them in a clinical context, rather than acknowledge skills teaching as the entire province of practical legal training courses. This research project, along with the case studies it has spawned, has made a significant contribution to our understanding of the proper dimensions of undergraduate skills teaching and the legitimate role for law schools to adopt.

Editor

LPC skills assessment: a year's experience

H Brayne

[See **Practical Training**]

Skills, 'quality' and the ideologies of managerialism

S Todington

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Practical legal research the Cardiff way

P Clinch

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Using structures to teach legal reasoning

D Bentley

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STATISTICS

[no material in this edition]

STUDENTS

[no material in this edition]