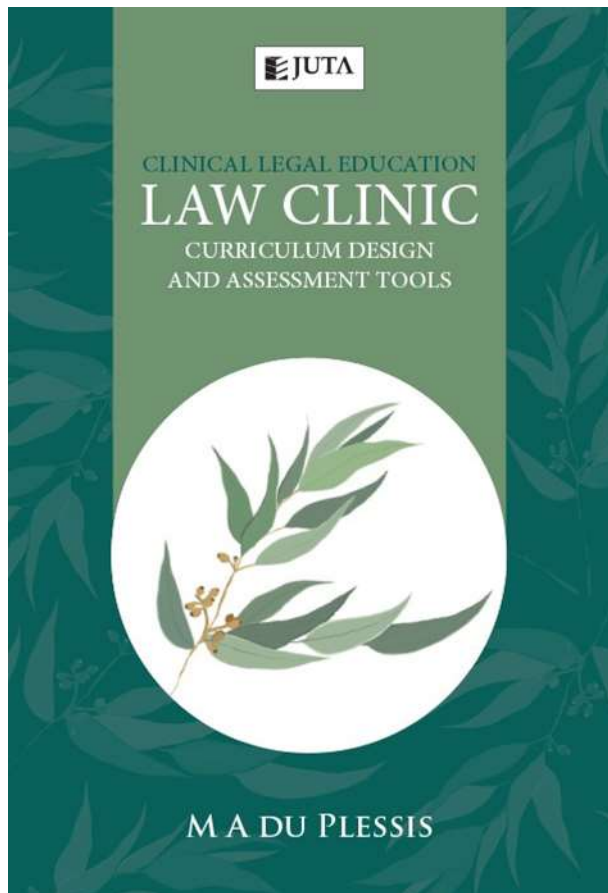


Book Review



CLINICAL LEGAL EDUCATION LAW CLINIC Curriculum Design and Assessment Tools

By M.A. Du Plessis

(248 pages)

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"Read not to contradict and confute, nor to believe and take for granted, nor to find talk and discourse, but to weigh and consider."

– Francis Bacon (1561-1626)

Practical training has always formed an essential portion of legal education. This recognises that there is a considerable divide between theoretical academic learning, and the often harsh and demanding requirements of actual legal practice. The apprenticeship of candidate attorneys serving a period of articles under a principal attorney at a law firm, and the pupillage of aspirant advocates at the Bar are some of the ways in which the profession itself has traditionally sought to bridge this gap.

But a few years of real-life interaction with clients and in the courts is not sufficient to equip practitioners with the knowledge and skills to navigate and master the choppy waters a lawyer faces on a daily basis. New legislation, fresh judgments from the courts, changing jurisprudence, the impact of technology, and socio-economic factors influencing the practice of law, are just some of the dynamics that compel a career in the law to embrace a lifetime of learning.

The requirement for even seasoned lawyers and judicial officers to regularly refresh their understanding of issues they have to confront, and familiarise themselves with developments affecting the practice of law, has become compulsory in many jurisdictions.

Yet even a sound theoretical grounding and practical experience is not enough. Essential further ingredients for a successful professional are strategic and commercial skills, inter-personal and communication abilities, impeccable ethical standards, and a dedicated commitment to service excellence. The Legal Education and Development (LEAD) programme of the Law Society of South Africa is an example of ongoing practical training for practitioners not only with regard to substantive law, but also management, planning, leadership and other business skills essential to the sustainability of law firms.

At university law schools, clinical legal education is a primary mode of instruction in various courses, where students assume roles in hypothetical simulation-based situations, attend in-house clinics where the students represent clients or perform other professional roles under supervision of a member of the faculty who is an attorney, or participate in externships where the students represent clients or perform other professional roles under supervision of an outside attorney who is not a member of the faculty.

Such clinical legal education fulfils the need for preparation before entry into legal practice, equipping students for the professional demands they will face after completing their studies and embarking on their legal careers.

This book fills a gap which previously existed in assessing students in clinical legal education programmes in accordance with an ascertainable curriculum. The author, who has conducted extensive research on the subject over eight years, identifies curriculum requirements across a number of jurisdictions, and proposes a menu of assessment methods which may be adopted and measured against an assessment curriculum.

Discussed in detail are the setting of parameters for assessment, grading, grade descriptors and moderation systems. Different tests, assignments and examinations are considered, as well as self-and peer-evaluation, case portfolios and trial advocacy skills.

Author M.A. (Riette) du Plessis, BA LLB LLM PhD, Associate Professor at the University of the Witwatersrand School of Law, has provided a novel and comprehensive guide that will be welcomed not only by students and academic teachers, but also by university law faculties and all branches of the legal profession. She deals expertly with numerous aspects of clinical legal education, and provides practical, sensible and workable suggestions. These include an analysis of the mission of the clinic, its components and outcomes, computerised assessment tools, quizzes, spot tests, evaluation by the client, language barriers, tutorial intervention, group work, and potential conflicts between the needs of students and those of the local community being served by the law clinic. Deftly unpacking all these components enables the reader to adopt a building block approach that is both coherent and constructive.

The text is enhanced by 32 annexures which provide a ready-made toolkit of guidelines, evaluations, questionnaires and analytic rubrics for assessment. Important clinical aspects covered include interview techniques, online discussions, a collaborative project survey, and oral presentations.

Publisher Juta and the author are to be commended for publication of this well-structured reference book which straddles with aplomb the chasm between theory and practice. Disciplines other than the law would be well served by absorbing and applying the thoughtful lessons and guidelines this work offers.

Review by Louis Rood BA LLB (UCT), Consultant at Fairbridges Wertheim Becker Attorneys.