



CASE STUDY 22 - SUMMARY

NAME

Yellavarne Moodley

LEVEL

Final year undergraduate law (LLB) elective course

COURSE

DOL4500 F/S - Legal Practice

CATEGORY

Holding pattern/Difficulties

FACULTY

Law

One sentence summary

Students were not able to fully practice working in the real world context by using online simulations. With real client cases being replaced with simulations and in-person mock trials being replaced with video recordings, students lost out on opportunities to develop a number of key skills and insights.



Context

The Legal Practice course aims to develop multicultural and ethical legal professionals. Students have the opportunity of consulting with real clients. They provide legal advice and work in tandem with a supervising attorney. Students are instructed all the way by a supervising attorney that they are assigned from the beginning of the course. Ultimately, this is a skills-based course where students are prepared for work.

The final assessment is an assessment of a file, an actual client's file, that the students worked on over the term. Upon receiving supervision from their supervising attorney, students would draft pleadings, communicate to clients, gathered information, communicate with various role players such as opposing attorneys and sheriffs. The file provides a document of this process. The objective of the assessment is to assess 1) quality of consultation notes, 2) file presentation (case analysis; planning and problem solving; organization), 3) drafting, and 4) professional responsibility, effort and time management.



Purpose:

The assignments include a client write up, a mock trial, and a file assessment.

The primary purpose of the write up of a consultation with a client assignment is to develop the students' reflective skills and analytical/problem solving skills. The assignment is summative in function, but it is designed in such a way that students would have gone through a consultation process, and received feedback from their supervising attorneys, before working independently to write up the consultation.

The mock trial is a simulation of what exactly happens in court. The purpose of this assessment is to teach students court etiquettes and how to prepare an unopposed case for trial. Students draft the pleadings and with those pleadings they appear before a 'presiding officer' requesting for a court order. The mock trial encompasses multiple skills which are drafting, applying the facts to the applicable law, knowing what evidence to adduce, and finally following court trial procedure.



Process

During emergency remote teaching (ERT), students were not able to meet actual clients. Hence, for the client write up assignment, students were provided with a simulated case instead. Before ERT, the mock trial would have been done in person with the assessor acting as the presiding officer. In ERT, the mock trial was recorded and uploaded online. The assessments took longer to assess as it was difficult to mark something that is simulated.

CASE STUDY 22 - SUMMARY (Continued)



Outcomes/ Lessons learned

This course aims to develop multicultural lawyers who are able to work with diversity. The online interface has limitations in this regard. For instance, in working with a simulated case, the interpersonal skills that are essential in working with a client are not developed. Students lose out on the skill of figuring out nuances in responses and details that clients may be withholding. Importantly, students lose out on the opportunity to engage and reflect upon their own prejudices or biases as they work with people from backgrounds very different to their own. Due to these limitations of working with a simulated case, the simulations were replaced with telephonic calls with real clients in 2021.

For the mock trial, by enacting it through a video recording rather than in-person with the assessor as the 'magistrate', students miss out on the opportunity to engage with a figure of authority and be asked questions on the cases. Students also lose out on practicing some bodily actions that are required of courtroom behaviour as the process was simplified.

It is worthwhile highlighting that during the ERT period, we found that students were not listening to the lecturers that were uploaded online. Hence, in 2021, a minute paper was introduced to encourage students to engage with the lectures.

Overall, the marks were a little higher than in previous years as we had to give students the benefit of the doubt and gave additional marks for effort.



Recommendation

Simulating engagement with clients and legal professionals is less than ideal. For a practical course - where we are training students to be lawyers who can work with diversity - nothing beats the in-person engagement.