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AUTHENTIC ASSESSMENT – THE RIGHT CHOICE FOR STUDENTS STUDYING LAW?

TONI COLLINS*

I RATIONALE

Authentic assessment is a concept that is well established in learning and teaching institutions.¹ It has been defined as “forms of assessment in which students are asked to perform real-world tasks that demonstrate meaningful application of essential knowledge and skills”.² In 2022 authentic assessment has many benefits.³ As tertiary education providers focus on graduate attributes, including “job-ready” graduates and employability, authentic assessment is a way of embedding both of these into course content across any curriculum.⁴ Moreover, authentic assessment may be useful in covid-impacted times when teachers have stepped back from more intensive assessment to assessment online and may also be of value in helping to reduce academic misconduct.⁵ It has also been shown that students’ wellbeing is enhanced by a student-focussed assessment strategy where students

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¹ Grant P Wiggins, *Assessing Student Performance: Exploring the Purpose and Limits of Testing* (Jossey-Bass Publishers, 1993).

² Jon Mueller, *Authentic Assessment Toolbox* (Web Page) <<http://jfmuellerr.faculty.noctrl.edu/toolbox/whatisit.htm>>.

³ Jon Mueller, ‘The Authentic Assessment Toolbox: Enhancing Student Learning through online Faculty Development (2005) 1(1)’ *Journal of Online Learning and Teaching* (accessed at https://jolt.merlot.org/documents/vol1_no1_mueller_001.pdf) ;Sokhanvar Z et al, ‘Advantages of authentic assessment for improving the learning experience and employability skills of higher education students: A systematic literature review’ (2021) 70 *Studies in Educational Evaluation*; Allen E, ‘Not a Moot Point! Mooting as an Authentic Assessment Practice in Law?’ (2021) 13 *Journal of Academic Development and Education* 50; Noeleen McNamara ‘Authentic assessment in contract law: legal drafting’ (2017) 51(4) *The Law Teacher* 486; James Fox et al, ‘ “Keeping it Real”: A Review of the Benefits, Challenges and Steps Towards Implementing Authentic Assessment’ (2017) 9(3) *All Ireland Journal of Teaching and Learning in Higher Education* 3231.

⁴ Dan Berger and Charles Wild, ‘Enhancing student performance and employability through the use of authentic assessment techniques in extra and co-curricular activities (ECCAs)’ (2017) 51(4) *The Law Teacher* 428.

⁵ Sotiriadou P et al, ‘The role of authentic assessment to preserve academic integrity and promote skill development and employability’ (2020) 45(11) *Studies in Higher Education* 2132.

perceive their aspirations and best interests are taken into account.⁶ Dr Kelley Burton says that students value authentic assessment because it represents what they need to achieve in their place of work.⁷ Thurab-Nkhosi, Williams and Mason-Roberts suggest that authentic assessment which engages students in activities where they can show they 'have constructed their own knowledge and synthesized information can better demonstrate higher levels of learning and the ability to apply competencies in an authentic context'.⁸

'Assessments should not only be used to evaluate learning but also to facilitate learning'.⁹ When studying law at university 30 years ago, assessments comprised a mid-year test and an end of year exam.¹⁰ Since then teaching and learning in law have been substantially reformed by educational research and as a consequence so has the approach to assessment. A variety of assessments are now used to test a student has achieved course objectives including essays, quizzes, blogs and video productions. However, a lot of assessment in law continues to be by traditional means in the form of essays or tests/exams.¹¹ This could be in part because in Aotearoa New Zealand the content and assessment of the compulsory courses of the Bachelor of Laws degree, level 1 and 2 courses, is statutorily regulated by the Council of Legal Education. It sets out the topics to be taught and other requirements including that the final exam account for 50% or more of the final grade. It also requires draft exams and results be moderated by Judges and other Law Schools. It does not allow law to be taught by distance learning. This means there are limits on what teachers can do to assess law students in the compulsory papers. Nevertheless, students have a choice of courses in their third, fourth and fifth years of study. It is during these years that innovative ways of assessment can be used to benefit students.

Assessment by test or exam does not reflect the actual practice of law. Although a law degree is perceived by many as a vocational degree, law graduates are recruited for a variety of jobs including barristers and solicitors, inhouse counsel, government roles and in general business. Tests and exams assess a student's ability to recall facts or analyse a legal problem under pressure within a short period. However, working in a legal job does not involve recalling detailed facts of a huge number of cases, from memory. Indeed, legal tests and exams 'have repeatedly been critiqued as an inadequate and inaccurate

⁶ Riva E et al, 'Student Wellbeing in the Teaching and Learning Environment: A Study Exploring Student and Staff Perspectives' (2020) 10(4) *Higher Education Studies* 103, 106.

⁷ Kelley Burton, 'A Framework for Determining the Authenticity of Assessment Tasks; Applied to an Example in Law' (2011) 4(2) *Journal of Learning Design* 20.

⁸ Dianne Thurab-Nkhosi, Gwendoline Williams and Maria Mason-Roberts, 'Achieving Confidence in Competencies through Authentic Assessment' (2018) 37(8) *Journal of Management Development* 652 652-653.

⁹ Above n 8, 652.

¹⁰ This was the author's own personal experience of the assessment of her law courses from 1988 to 1992.

¹¹ Brenda C Litchfield and John V Dempsey, 'Authentic Assessment of Knowledge, Skills, and Attitudes' (2015) 2015(142) *New Directions for Teaching and Learning* 65.

way to develop and assess the skills and values that new lawyers need to practice law competently'.¹² Instead, a person working in legal practice will take time to ponder difficult legal issues and collaborate with colleagues to discuss them before putting their ideas and arguments into print. There seems to be a conflict between the assessment of law and how students will work in legal practice.

Research into the use of authentic assessment in law degrees has found that it has a direct and significant impact on student academic performance because it increases essential legal skills such as critical reasoning and improves a student's confidence.¹³ Berger and Wild argue that authentic assessments better provide students with transferrable skills and improve the employability rate of graduates.¹⁴ The use of mini courts and specific rooms that emulate meeting or interviewing rooms in a law firm are suggested authentic environments. Requiring students to prepare for meetings and client interviews, writing legal opinions, preparing submissions and arguing a case in court could all be authentic assessment tasks.

Authentic assessment does have challenges. Some commentators have argued authentic assessment can be a resource-intensive exercise which must be recognised in terms of the funding, time and resources that need to be allocated for this approach to work well.¹⁵ For example, certain types of authentic assessment such as client interviewing or a court trial assessment, require the preparation of the problem, authentic documents such as client files and court documents and an appropriate venue in order to be conducted in an authentic way. There is also the issue of the time it takes to allow students either individually or in small groups to undertake such tasks which can be difficult to manage in large classes.¹⁶ It is also crucial that authentic assessment is supported with scaffolded learning to ensure students have the necessary knowledge

¹² Andrea A Curcia 'Assessing Differently and Using Empirical Studies to See if it Makes a Difference: Can Law Schools do it Better?' (2009) 27(4) *Quinnipiac Law Review* 899, 899. Nevertheless it is conceded that law exams can provide an assessment of time-pressured writing skills which are important in legal practice; see: Sabrina DeFabritiis and Kathleen Elliott Vinson, 'Under Pressure: How Incorporating Time-Pressured Performance Tests Prepares Students for the Bar Exam and Practice' (2019) 122(1) *West Virginia Law Review* 107, 121.

¹³ Daniel Berger and Charles Wild, 'Get Real: Using Authentic Assessment Techniques to Improve Law Degree Academic Performance' (Conference Paper, Teaching & Education Conference, 16 September 2015) 129.

¹⁴ Dan Berger and Charles Wild, 'Enhancing Student Performance and Employability Through the Use of Authentic Assessment Techniques in Extra and Co-Curricular Activities' (2017) 51(4) *The Law Teacher* 428.

¹⁵ James Fox et al, "'Keeping it Real": A Review of the Benefits, Challenges and Steps Towards Implementing Authentic Assessment' (2017) 9(3) *All Ireland Journal of Teaching and Learning in Higher Education* 3231; Caroline Hart et al, 'The Real Deal: Using Authentic Assessment to Promote Student Engagement in the First and Second Years of a Regional Law Program' (2011) 22(1) *Legal Education Review* 97, 116. See also Marilla D Svinicki, 'Authentic Assessment: Testing in Reality' (2004) 2004(100) *New Directions for Teaching and Learning* 23.

¹⁶ It is noted that not all authentic assessment tasks are resource-intensive or require additional funding and time – such as the Research Submission undertaken for this research has shown.

and skills to complete the authentic assessment.¹⁷ Moreover, Hewitt submits that many skills expected to be developed by law students (that is professional and ethical judgement) are difficult to assess by traditional means and are often subjective.¹⁸

The aim of this research was to investigate how law students perceived authentic assessment. To do this a survey of a group of senior law students at the University of Canterbury who had undertaken an authentic assessment was conducted.¹⁹ The results provide an insight into a group of students' feelings and perceptions about the authentic assessment. They show that the experience for students was a positive one, they felt engaged in the assessment task because it was authentic and it was perceived to be a meaningful exercise. The research results also show that this group of students preferred authentic assessment to other forms of assessment.

This research is important because it provides data about a small group of law students' perceptions of authentic assessment, where there is currently none. The results will be shared with the School of Law and may inform future learning and teaching activities and assessment.

The author is competent to undertake this research because they are one of the two lecturers in [the course]. They are also a teacher of [level 1, level 2 and level 3] students and are therefore aware of the level of ability of students in [the course] to do authentic assessment.

The qualitative nature of the study and the small number of participants imposes limitations upon the data. However, the results provide an introductory understanding of a group of law students' perceptions about authentic assessment and paves the way for further study in this area.

II PROJECT DESIGN AND METHODOLOGY

A *Research Questions*

Prior to undertaking this research, three main research questions were formulated. The survey was then developed to evoke responses from the participants to provide answers to these questions.

- Do law students feel more engaged in their learning when their assessment is authentic?
- Do law students feel their assessment is more meaningful because it is a task they might do in their future employment?
- Do law students prefer an authentic assessment over other forms of assessment?

¹⁷ Linda Kam et al, 'Get Real! A Case Study of Authentic Learning Activities in Legal Education' (2012) 19(2) *Murdoch University Law Review* 17.

¹⁸ Anne Hewitt, 'A Critique of the Assessment of Professional Skills' (2007) 17(1) *Legal Education Review* 143, 145-146.

¹⁹ Senior law students in this context is defined as those in their third, fourth or fifth year of study.

III METHODOLOGY

In 2019 a course was offered for the first time in the LLB degree programme. A pleasing number of students totalling 66, enrolled in this new course.²⁰ These students were in their third, fourth or fifth year of study enrolled in either an LLB alone or a double degree at the University of Canterbury, Aotearoa New Zealand and all were over 18 years of age.

For the first assignment worth 35% of the overall grade, students were required to write a Research Submission of 3,000 words on one of three topics and depending on the topic their submission was to one of three entities: the United Nations, a Parliamentary Select Committee or the Waitangi Tribunal. The task was to research the issue posed, understand the arguments for and against the issue and produce a real-life submission to persuade the entity to their view on the issue. The authentic assessment is attached as Appendix A.

Prior to starting their assessment task students were given a one hour lecture on how to write a research submission by the course lecturer in conjunction with the specialist Law Librarian. The information given to students detailed where to find examples of submissions, how to structure a submission and what to include in it. The students completed the assessment and results were returned to them.

Subsequently, human ethics approval²¹ was obtained to gather data from this cohort of students about their experience of completing their Research Submission as an authentic assessment. Using Qualtrics a digital survey was designed that could be accessed online and took approximately 10 minutes to complete.

After the final exam, all students in the course were sent an email inviting them to participate in the research by completing the survey. The email provided a link for the students to access the survey directly. It also made it very clear that participation in the study was entirely voluntary and whether the students chose to participate or not had no bearing on their results or grade for the course.

The reason the request for participants was sent out after the final exam was to ensure that students clearly understood that whether they chose to complete the survey or not, did not affect their course grade. Moreover, to ensure students did not feel any pressure to participate in the survey, the email requesting their participation was sent to them by the School of Law's administrator. This action was to try to dispel any feelings of coercion that might be felt if the request was being made by the course co-ordinator or lecturer.

There were only two qualifications for participating in the survey. The first was that the students must have been enrolled for [the course] in 2019 and second they must have completed the Research

²⁰ It was a pleasing number because initially new courses may only have small course enrolments of around 20.

²¹ University of Canterbury Educational Research Human Ethics Approval HEDN/ERHEC/2019-05.

Submission. If they answered no to either of these questions, the survey ended.

The survey is attached as Appendix B. The questions sought to gather data to answer the research questions posed. Once the students had qualified to be participants in the study, they could complete the whole digital survey. The survey questions asked the students to rate a number of factors on a scale of one to seven and then asked an open-ended question to obtain the student's own comments about why they had rated the factors as they had.

IV ANALYSES

The link to the survey was emailed to all students enrolled in the course and all were given the opportunity to participate. Of the 66 students enrolled in the course, 16 chose to complete the survey and met the qualifications for participation in the study. The number of participants in this survey amounts to 24 percent of the total class and is a reasonable number from which to obtain qualitative data.

The majority of the participants (14) were in the age range of 18 to 24 years, two were aged between 25-34 years and one preferred not to answer. The participants provided a good spread of grades with six having received an A grade for their assignment, eight a B grade, two a C grade and one preferred not to say what grade they had achieved.

The questions asked are set out under the following headings:

A *Level of Difficulty*

In terms of how difficult or easy the participants found the assignment,²² the majority found it more on the difficult side, although not extremely difficult. Six said it was moderately difficult and six said it was slightly difficult. The reasons given were varied:

It was a challenging assessment as I had never written anything in that style before. However, as it was on a subject I'm passionate about I found it very engaging and interesting to research and write.

Was sufficiently difficult. I felt I was challenged and encouraged to think independently but not to an unreasonable extent.

Slightly difficult as I had not done an assessment like this before (only essays and exams) so working out how to structure the assignment/present the argument was more difficult than if it had been an essay.

Of the remaining five participants, two reported finding it neither easy nor difficult, two found it slightly easy and one found it moderately easy. There were no students who found it at the outer extremes of extremely easy or extremely difficult. One student noted 'There was a lot of relevant material so researching was easy'. Another stated:

²² The scale was "extremely easy, moderately easy, slightly easy, neither easy nor difficult, slightly difficult, moderately difficult, extremely difficult."

I think it was a relatively easy assignment as we were able to research and write about a topic that we were interested in. It was on current issues that I am interested in which made the research and writing the submission easier as opposed to when you are uninterested in the subject. The only downside was the lack of the previous experience of an assignment of this kind which did make the writing and structure a little difficult.

It seems likely that the level of difficulty expressed by the students is a reflection of the fact the Research Submission was a new type of assessment that the students had not experienced before. One said ‘because this was a more practical assessment it was something different. I[n] law school we often aren’t taught in this more practical way’. Another student commented it was the ‘first time [they had] ever done [authentic assessment]’ and so it was a ‘new format for assessment.’

The students’ feelings about the difficulty of the Research Submission may also have been influenced by students’ feelings that instructions were not as clear as they could have been or their uncertainty around the expectations of the examiners:

The structure of a research submission was easy to understand, but it was made difficult by not knowing what the graders were looking for.

I was unfamiliar with the tone and structure of a submission. We were given some guidance but given my complete lack of knowledge on the subject I think more in depth explanation of these elements would have meant I understood the task better.

One particular challenge for the students was the word limit which was expressed as being too low and therefore restrictive:

Not enough words to complete the assignment. Was marked down heavily for not being able to mention things that there was not a high enough word count for.

Initially I wrote over 1000 words extra above the word limit and so it was challenging to reduce the word count. This is always a good exercise as it requires you to think about what you want to say and be succinct, but also took a lot of time.

B *Student Experiences*

1 *Positive or Negative Experience*

The participants were asked to think about their experience of writing the Research Submission and how positive this experience had been for them.²³ Nearly all participants said the experience was positive with eight saying it was extremely positive and six saying it was moderately positive. There were various themes that emerged. One was that the experience was positive because it felt like a real-life or real-world task they were required to do:

²³ The scale was “extremely positive, moderately positive, slightly positive, neither positive or negative, slightly negative, moderately negative, extremely negative”.

That it was a real-life exercise and clearly valuable practice for similar future writing and submission of opinion pieces.

I like doing “real world” assessments.

I was passionate about the topic I chose so to have the opportunity to submit this assessment as if I was truly submitting it to parliament was a positive experience.

2 *Currency of Authentic Assessment*

Students said the experience was positive because the topic was current and of particular interest. This clearly contributed to the feelings of positivity for them.

I enjoyed it because it was on a topic of interest and a current issue that concerns myself.

Very cool, offered practical experience. Not only was this form of assessment relevant, I am now excited to make future select committee submissions!!! 100x more useful than a standard research essay.

I was made aware of contemporary legal issues in New Zealand rather than irrelevant history. I have since been able to engage in the law changes surrounding my topic because I actually learnt about them.

3 *Enjoyment*

The positive experience also contributed to students’ feelings of enjoyment when undertaking this form of assessment more than other forms such as essays, quizzes or tests.

The practical nature of the assessment made it feel like the work was helping develop my skills in some way, rather than a simple academic essay.

I enjoyed this assessment style far more than a traditional legal essay or memorandum.

Although at first the number of different questions seemed a bit daunting, once I picked the topic I was most interested in the rest was straight forward. I found it rewarding being able to express my thoughts on a current national topic and be opinionated rather than trying to be of neutral ground like in many other assignments.

Only two students said the authentic assessment experience was neither positive nor negative. One wrote they ‘[had] to do a significant amount of research for this assessment, a lot of it not directly related to law (more science based, eg climate change, emissions calculations) which was interesting but took more time than researching an ordinary law essay for the same percentage of the grade for the course’.

C *Helped with Learning*

When asked whether doing the research submission as an authentic assessment task helped them in their learning the students answered with a resounding yes. Twelve said definitely yes and two said probably

yes.²⁴ One participant was unsure and only one said the authentic assessment task did not help them in their learning.²⁵ One student said ‘It was so useful that I think every subject should consider changing to authentic learning tasks’.

Again, themes emerged from the answers given. One theme was that the authentic assessment helped students in their learning because it was a real-world task and therefore felt relevant to them. Answers included:

It put a personal perspective on the work and it was very relevant.

To grasp an understanding of the subject in the context of the real world and not just learning the theory behind something.

Reading and analysing actual NZ policy documents and strategies rather than academic literature made me feel like I was reading about something current and pressing in today’s society.

Because it was relatable and a current issue it made connecting with the assignment easy which helped in my learning of the specific area.

It combined research skill [building] with also being able to say to employers that I’ve drafted a submission to a select committee – [very] cool.

Felt like I was doing something that could be relevant to real life, rather than purely theoretical. Had to argue in a slightly different way than I would in an essay, which made the assessment more challenging (in a good way).

Because it was a practical assessment, like something that we would do in the working world.

I also do a [Bachelor of Arts] in [Political Science] and will likely have to do this in real life.

Another theme that emerged was that students considered authentic assessment as a way to increase their knowledge in an area and therefore it helped their learning. One student said ‘I undertook a lot of research and so my understanding of the subject went from zero to comprehensive’.

The authentic assessment also made one student think more about their argument which was found to be helpful to their learning. They said ‘I was forced to present an argument in a different way than I usually do which is great for my learning. It would have been frustrating to complete this as an essay as I do not find essays truly benefit my learning. The assignment made me think about the way I presented my argument more’.

Of the students who answered no to the question of whether the assessment helped them in their learning, only one made a comment to explain why. This student felt the instructions given were insufficient. They went on to say that had there been more instructions the Research Submission would have helped their learning. This explanation shows

²⁴ The scale was “definitely yes, probably yes, might or might not, probably not, definitely not.”

²⁵ The response being probably not, so it was not a definitive “definitely not”.

it was their perceived lack of clear instructions rather than the activity itself, that was seen as the problem.

D Level of Engagement

When asked about their level of engagement as they were completing the Research Submission, all except one student expressed high levels of engagement. One student said ‘I was more engaged than any other class I have ever taken in law school’.

Eight reported being extremely engaged and seven reported being moderately engaged, with only one expressing neutrality.²⁶ Comments included:

I was highly interested in everything I was learning (perhaps making completing the assignment with a limited scope more difficult) and shared much information with my family and friends.

I was engaged with the assignment because I was interested in the topical issue and also had to put my own beliefs and views into the submission. It was a personal submission which required me to be engaged with the topic and issues, as opposed to just recalling information I had found. Engagement was needed in order to be able to write a coherent submission.”

I researched and wrote my assignment for an entire month. I attended lectures to gain more insight into my topic. I think I was extremely engaged and attempted it to my best ability.

E Relevance of Task

Students reported the Research Submission to be very relevant to them as learners in that they believe the skills acquired will prepare them for future employment. Eleven said it was extremely relevant and two, moderately relevant with only one saying it was slightly relevant.²⁷ A number of comments were provided to explain these answers:

As there are many opportunities to submit on a whole range of laws and regulations, it was clearly very relevant for both professional and personal future involvement in the law-making process.

Absolutely! This was far more effective than writing an essay. I feel that accessing and navigating NZ policy documents, learning how to structure a research submission and writing in first person helped me to prepare for future employment.

I think the skills are important as it is more relatable to actual work I will complete in employment.

²⁶ The scale was “extremely engaged, moderately engaged, slightly engaged, neutral, slightly unengaged, moderately unengaged, extremely unengaged.” The neutral rating was again related to lack of understanding about the instructions for the task rather than the task itself.

²⁷ The scale was “extremely relevant, moderately relevant, slightly relevant, neither relevant nor irrelevant, slightly irrelevant, moderately irrelevant, extremely irrelevant.”

Two participants reported the Research Submission was neither relevant nor irrelevant to them as learners for skills that will prepare them for future employment. Only one said it was moderately irrelevant, noting ‘I think I would only use this type of assignment if I was to do an independent proposal on a topic I was passionate about. This would not be something I use for everyday work life’.

As stated in the methodology, the student participants were in their third, fourth or fifth year of study. They were not asked about their previous work experience in the survey. Any work experience they might have had is likely to have been as law clerks with law firms or other law student jobs (for example, in government departments) taken over the University summer break. Therefore, the student answers about whether the skills acquired in an authentic assessment will prepare them for future employment are likely to assumptions based on their experience of the legal tasks they have undertaken or on the basis of anecdotal observations of tasks they will be required to undertake in a legal job.

F *Authentic Assessment vs Other Assessments*

Students were then asked how likely they would be to choose an authentic assessment over other forms of assessment such as essays, tests and quizzes. The response was resoundingly positive with the majority of students reporting they would be likely to choose an authentic assessment; seven were extremely likely, five moderately likely and two slightly likely.²⁸ The students’ explanations were:

It is far more engaging and gave me a better more genuine understanding of the content I was learning.

It was far more pleasing to know that I could submit my research submission and it could perhaps do some good in decision-making! With essays or tests I usually just throw them out after!

Something that is directly relevant to what you will be doing in the workplace post-degree is generally going to be more useful than something that isn’t.

Because it’s giving practical skills, rather than just asking for memorised information.

Only two students disagreed with one saying they were unlikely to choose an authentic assessment over other forms of assessment.²⁹ The other student was neutral saying they were neither likely nor unlikely to choose it. They said:

I did enjoy the real life assignment. Any uncertainty around picking it over essay or test would be because I am less familiar with that style of writing. We were told it was not an essay, and so I wrote the submission in a similar style to other submissions I had read (putting my opinion forward strongly

²⁸ The scale was “extremely likely, moderately likely, slightly likely, neither likely nor unlikely, slightly unlikely, moderately unlikely, extremely unlikely”.

²⁹ Again the comment related to the student’s lack of understanding around the instructions given rather than the task.

and not explaining other arguments like in an essay) but then the one comment in marking was that I had not explained the other side of the argument. So I felt confused about being told to write a submission (and trying my best) and then feeling like I got feedback pertinent to an essay.

In addition to that question, and related to it, students were asked how likely they would be to choose a course that includes authentic assessment over courses that have other forms of assessment. Unsurprisingly, the results were very similar with most saying it was likely they would choose authentic assessment over another form. Six were extremely likely and seven were moderately likely and one slightly likely.³⁰ Again, as for the previous question, one student was neither likely nor unlikely and one said they were moderately unlikely to choose a course with an authentic assessment.

G *Final Comments*

To catch any final feedback, participants were asked for any overall comments they wished to make about the Research Submission and/or authentic assessment. There were a few main comments. First, that a Research Submission should not be undertaken as group work. This comment was noted by a participant who in their response, self-identified as a mature student, and said they had found group work difficult as a mature student. Therefore, it is likely this comment is more about the issue of group work for the student than authentic assessment. The second comment was that the word limit should be increased. This is more of an issue about the research materials than the concept of authentic assessment. The last comment was the assessment should be worth more (the suggestion was 50% of the course grade) in light of the amount of research that was required in order to provide an informed argument. The documents that would have informed much of the research were substantial policy documents that take some time to read and digest. Again, this comment was reflective of the research materials rather than the concept of authentic assessment. Nevertheless, all of these comments were considered and used to inform the course planning when the course was run for the second time in 2021.

V CONCLUSION

Authentic assessment is a form of assessment that allows a student to demonstrate their ability to perform tasks, solve problems or express knowledge in ways that they would do in a real life situation. Through authentic assessment students gain meaning and purpose from the work they do because they associate it with tasks they might do in future employment.

The skills are definitely relevant as they are practical. I argue that since most of us will find work outside of academia, there are better ways we can learn than writing essays. The research submission will make me more

³⁰ Same scale as above n 15.

confident in the workplace as I will have both legal knowledge and the practical knowledge for presenting this. It is crucial to understand how we can present our legal knowledge. I am so used to writing essays, but it is unlikely I will use this particular way of presenting arguments in the workplace so it can only benefit me so much.

The limited empirical research shows that although students found there was a level of difficulty to the Research Submission because it was a new form of assessment for them, the overall experience for the majority in completing it was a positive one. There were two main reasons. First, the assessment assignment felt like a real-life task and something they would do in their workplace and second, the assignment was topical and therefore of high interest. This positive experience also contributed to students' feelings of enjoyment in undertaking the assessment. Importantly, the research showed that students considered an authentic assessment helped them in their learning. The reasons for this were also two-fold. First, the task they were required to complete was a real-world task and therefore they felt it relevant to their learning, and second, the work they did for the authentic assessment helped increase their knowledge of the subject area. Moreover, students reported high levels of engagement with the task of writing a Research Submission because they felt it was relevant to learning skills they will need in the workplace. Finally, the research clearly showed that students who have completed an authentic assessment are likely to choose an authentic assessment over other forms of assessment and are likely to choose courses that include authentic assessment over courses that use other forms of assessment.

Notwithstanding the positive feedback on the authentic assessment, it is clear that there are ways we can improve this experience for students even further. One is by the provision of clearer instructions at the start to ensure students feel comfortable with a new type of assessment. The second is by implementing scaffolded learning to support students in mastering the knowledge and skills they require to complete the Research Submission. Although time was dedicated to teaching students about how to do the assessment task, the knowledge and skills could be introduced in a more in-depth manner, progressively over time and be embedded in each lecture, rather than in one session. A third way to improve students' understanding of their task is to provide an assessment rubric relevant to an authentic assessment (rather than the traditional assessment, for example an essay) to set out what is required to achieve each pass grade. It is important to ensure that the marking criteria appropriately reflects an 'authentic assessment' which requires the demonstration of a different set of skills to other assessments (for example an essay).

The research has clearly shown that law students benefit from authentic assessment. It is a positive experience for them. In applying their learning to a real-life task, meaning is found in learning and in the course. In this way, authentic assessment can promote effective learning.

APPENDIX A

*Instructions for Research Submission**Question options*

Answer **ONE** question only (noting whether sub-questions are optional or compulsory).

1. The Climate Change Response (Zero Carbon) Amendment Bill is currently being considered by the Environment Select Committee of Parliament. The explanatory note to the Bill provides that the purpose of the Bill is “to provide a framework by which New Zealand can develop and implement clear and stable climate change policies that contribute to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels”.

Prepare a research submission to the Select Committee in which you critically evaluate the Bill, focusing your argument on **either**:

- a) The extent to which the Bill meets New Zealand’s commitments under the Paris Agreement; **or**
 - b) The merits of, and potential alternatives to, the New Zealand Government establishing an independent Climate Change Commission.
2. The Waitangi Tribunal has commenced a kaupapa inquiry into the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA Act). Section 4 of the MACA Act provides that the purpose of this Act is to “(a) establish a durable scheme to ensure the protection of the legitimate interests of all New Zealanders in the marine and coastal area of New Zealand; (b) recognise the mana tuku iho exercised in the marine and coastal area by iwi, hapū, and whānau as tangata whenua; (c) provide for the exercise of customary interests in the common marine and coastal area; and (d) acknowledge the Treaty of Waitangi (te Tiriti o Waitangi).”

Prepare a research submission to the Waitangi Tribunal in which you critically evaluate whether the Act meets the purposes of s 4, focusing your argument on the requirements for Māori to make out claims for customary marine title under section 58 of the Act, referring to relevant case law and policy.

3. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has recently released the ‘IPBES Global Assessment Report on Biodiversity and Ecosystem Services’, in which it estimates that 1 million plant and animal species are at risk of extinction. New Zealand’s 2019 ‘Environment Aotearoa’ Report estimates that 4000 species are threatened or at risk of becoming extinct in New Zealand.

The United Nations Special Rapporteur on Human Rights and the Environment is currently visiting New Zealand to assess the New Zealand Government's compliance with international human rights protections concerning the environment. Prepare a research submission to the Special Rapporteur in which you critically discuss the protection of biodiversity in New Zealand law and policy. Focus your arguments on either:

- a) changes you recommend to New Zealand's Biodiversity Strategy (2000-2020) in order to fulfil New Zealand's obligations under the UN Convention on Biological Diversity;
or
- b) The relationship between biodiversity and indigenous peoples' rights in international and comparative law and jurisprudence.

APPENDIX B

Project: Authentic Assessment – The right choice for students studying law?

Questions:

1. Were you a student in [the course] in 2019? Yes/No
2. Did you complete the Research Submission assignment? Yes/No

I am asking questions 1 & 2 to ensure the student meets the criteria for being part of this study.

3. What grade did you receive for the Research Submission? In the A range/In the B range/In the C range/In the D range / Prefer not to answer

I am asking this question to find out whether the result received by the student makes a difference as to their perception of the authentic assessment task.

4. Please indicate your age bracket.
18 to 24 / 25 to 34/ 35 and over / Prefer not to answer

I am asking this question to find out if there is a difference between younger students and older students' perceptions of authentic assessment

The first piece of assessment in [the course] was a Research Submission. This type of assessment is called an 'authentic assessment'. An authentic assessment allows students to perform tasks, solve problems or express knowledge in ways which simulate situations that are found in real life. The following questions are about the Research Submission as an 'authentic assessment'. Please answer the questions according to your experience of completing the Research Submission.

5. Thinking about your experience of completing the Research Submission as an authentic assessment task, please rate how difficult or easy you found this task.
 - Extremely easy
 - Moderately easy
 - Slightly easy
 - Neither easy nor difficult
 - Slightly difficult
 - Moderately difficult
 - Extremely difficult

Please explain the reason for your rating.

6. One of the pieces of assessment in [the course] was to write a Research Submission to the United Nations, Parliamentary Select Committee or the Waitangi Tribunal. How positive was this type of assessment experience for you?
 - Extremely positive

- Moderately positive
- Slightly positive
- Neither positive nor negative
- Slightly negative
- Moderately negative
- Extremely negative

What was it about this experience that influenced your rating of it?

7. Did you find that doing a Research Submission as an authentic assessment task helped you in your learning?
- Definitely yes
 - Probably yes
 - Might or might not
 - Probably not
 - Definitely not

If you answered Yes to this question, please tell me how it helped you in your learning.

If you answered No to this question, please tell me why you did not find it helped you in your learning.

8. Thinking about your experience of doing the Research Submission, what was your level of engagement as you were completing this assessment task?
- Extremely engaged
 - Moderately engaged
 - Slightly engaged
 - Neutral
 - Slightly unengaged
 - Moderately unengaged
 - Extremely unengaged

Please explain your answer.

9. Thinking about your experience of completing the Research Submission, how relevant has this task been for you as a learner, that is do you think the skills you learned during completion of this task will prepare you for future employment?
- Extremely relevant
 - Moderately relevant
 - Slightly relevant
 - Neither relevant nor irrelevant
 - Slightly irrelevant
 - Moderately irrelevant
 - Extremely irrelevant

Please explain your answer.

10. How likely are you to choose an authentic assessment over other forms of assessment (ie essays, tests, quizzes etc)?

- Extremely likely
- Moderately likely
- Slightly likely
- Neither likely nor unlikely
- Slightly unlikely
- Moderately unlikely
- Extremely unlikely

Please explain your answer.

11. How likely are you to choose a course that includes authentic assessment over courses that have other types of assessment (eg essays, quizzes, tests, etc)?

- Extremely likely
- Moderately likely
- Slightly likely
- Neither likely nor unlikely
- Slightly unlikely
- Moderately unlikely
- Extremely unlikely

Please explain your answer.

12. Do you have any other comments about the Research Submission and/or authentic assessment that you would like to make?

Thank you for taking the time to complete this survey.

The results of this survey will help to inform future teaching and assessment tasks.

A summary of the results will be provided to all students in [the course] in 2019.