External Examiner's Report November 2016 Litigation Skills



Overview

The LSC learning outcomes have all been met. This is best demonstrated by the mean average score on the written paper which is 73% for the second year running, and the oral test mean which is 80%. These are commendable results.

The question paper in relation to the learning outcomes of the course (IPLC1 Written examination)

The spread of marks was 31 to 52 which was appropriate, the lower mark just above the pass mark of 30. There should be no assumption that a good assessment paper should generate a proportion of fails, especially where the candidates, as here, are motivated professional people. I have also taken into account the mean and median marks, and am of the opinion that the question paper was an appropriate vehicle for testing the LSC learning outcomes. The paper clearly succeeded in differentiating candidates according to ability.

The oral examination in relation to the learning outcomes of the course (IPLC 2 Oral examination)

The content of the oral task was suitable for testing the learning outcomes. As in previous iterations, the content was the same as the in-course case study, which may have limited the amount of spontaneity which candidates were capable of injecting into their performances. The advocates whose performances I sampled may therefore command far more attention in practice than they did on the screen. I raise this below in my recommendations.

This year's venue on CIPA premises was reported as being much preferred.

It was confirmed to me that at no point in any of the performances did a candidate appear in danger of not meeting the pass mark. The spread of 13 to 19 was appropriate, once again differentiating between performances.

Outcomes of the marking

Standardisation scripts were appropriately chosen and used by the examiners to finalise the mark scheme prior to marking. Accordingly, no in-marking moderation on the written paper was carried out nor necessary. I was impressed to note that, in all, about half of all scripts were moderated, which demonstrates meticulous attention to detail.

I confirm that the checking of a borderline candidate on the written test was thorough and that the pass was confirmed as the proper outcome for that candidate.

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Examiner selection, training, instructions, supervision, and appraisal were not discussed at the meeting.

The maximum mark of 20 on the oral test inevitably means that the percentage awarded is limited to increments of 5%, but I do not see any practical problem in this. There is no requirement for a more differentiated measure of candidates' performances.

A sampling regime for the Chief and External Examiners was agreed at the meeting. I accordingly reviewed a spread of scripts. I similarly reviewed a sample of performances on the oral assessment.

Proceedings at the awarding meeting were followed by the independent monitor.

I am very happy to approve the marks.

Quality assurance of the course (face to face and on-line).

I viewed the content and, as last year, took the view that materials for both modes were well designed, presented and (evidently from the marks awarded) well delivered.

Recommendations

Good practice is evident in design, delivery, QA, examiner selection, and assessment. My only suggested change is the use of a new exercise for the oral test which contains a fact pattern different to the one used during classes. This is not because it makes it too easy, but because candidates would have more of an opportunity to make fresh submissions.