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Teaching legal writing skills in the South African LLB curriculum: The role of the writing consultant *

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1. Introduction

The South African LLB degree has been the topic of considerable debate in recent times. It has become increasingly apparent and problematic that LLB graduates lack the requisite critical thinking, numeracy and writing skills to enable them to make a smooth transition into the legal profession. ¹ For instance, a survey conducted by PPS ² indicated that "out of 500 attorneys surveyed in the second quarter of 2012, only 21% believed the current LLB-degree sufficiently prepares prospective legal practitioners to succeed in the profession". ³ Nic Swart, Chief Executive Officer of the Law Society of South Africa, echoes the above view when he states that "there are notable skills shortages among law graduates, specifically in the fields of literacy, numeracy and computers and research and analytical skills". ⁴

It comes as no surprise that the prevalent view seems to be that, from a graduate employability perspective, law graduates are generally unable to meet the expectations of South African employers. ⁵ The legal profession consequently "needs better educated, higher quality law graduates who are able to read, write, and speak well, and who meet other important graduate attributes such as a capacity for critical analysis". ⁶

Scholarship is inclined to blame students' poor critical thinking, numeracy and writing skills on *inter alia* a deficient South African national schooling system that produces underprepared students, large classes, dwindling

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resources and diversity in terms of students' language abilities. ⁷ Further contributory factors include students' educational background and values, a disintegrated understanding of and approach to legal skills training in South Africa and, ultimately, the questionable soundness of the LLB curriculum itself. ⁸

Unfortunately, however, merely shifting the blame does not assist in addressing the problem. ⁹ Law faculties are accordingly under increasing pressure to conceive of and implement methods to develop and improve the skills referred to above. In this regard, Professor Sonia Human, Dean of the Law Faculty of Stellenbosch University (the "Faculty"), agrees that:

"Law schools are under increasing pressure to improve the legal writing skills of students. Developing students' legal writing skills does not entail simply relaying to them various rules and suggestions on how they can improve their legal writing skills. It entails the establishment, among students, of the theoretical fundamentals of good legal writing. Students, as legal writers, need to be provided with a solid conceptual framework to ground individual rules and suggestions. Without an adequate understanding of the fundamental goals of legal writing, students will not be able to properly utilise the individual rules and suggestions."¹⁰

It would appear that the majority of law faculties in South Africa have now assumed responsibility for inculcating into law students, in addition to substantive law, critical thinking, research and writing skills. ¹¹ For example, in each year of the undergraduate LLB programme at the Faculty, writing-intensive modules ¹² are identified in which specific attention is paid to the development of writing skills in addition to the substantive law under discussion. In each of these modules, very specific aims are set regarding writing skills and each year builds on the skills developed in the previous year(s). These aims are taught specifically – in other words, there are express sessions in the modules during which these writing skills are addressed with the students – either in the form of main lectures, or in smaller groups such as tutorial sessions. However, such teaching is not separate from the substantive law under discussion in the module; it happens simultaneously. ¹³ This approach is premised on the belief that "producing effective legal writing draws upon

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all aspects of legal education, and the development of communicative skills is inseparable from the development of analytic skills". ¹⁴ An important benefit of this approach is that students not only develop generic writing skills, but also develop specific writing skills within the academic discourse of our environment – they therefore do not only learn to write, but to write in law. ¹⁵

However, the problem that confronts most South African law faculties is that they lack the necessary resources to adopt a comprehensive legal writing strategy to address the lack of critical thinking, numeracy and writing skills referred to above adequately. It may therefore be worthwhile to consider the individual components that comprise the legal writing strategy at the Faculty. One such component successfully employed by the Faculty as part of its writing-across-the-curriculum strategy (the "Strategy") is the appointment of full-time Writing Consultants (the "Consultants") to provide writing- and research-related assistance to the Faculty's undergraduate and postgraduate students.

2. Methodology

In considering the above, this article will commence with a brief exposition of the different components of the Strategy implemented at the Faculty. Thereafter it will consider the Consultant-component of the Faculty's Strategy as a possible means to addressing the lack of critical thinking, numeracy and writing skills referred to in part 1 above, especially where a comprehensive Strategy is not feasible due to a lack of resources. Specific consideration will thereafter be given to the implementation of and benefits associated with the Consultant-component of the Strategy and the findings of a recent outcomes-evaluation of the Strategy in this regard. In conducting the outcomes-evaluation, both qualitative and quantitative data collection methods were used. The qualitative data collection methods included conducting interviews with lecturers, Consultants and the Coordinator of the Strategy; analysing student writing and annual Consultant feedback reports and students completing electronic questionnaires to measure their experience of the Strategy. ¹⁶

The article will conclude by making certain recommendations aimed at ensuring the continuous development and improvement of the Consultant-component of the Strategy. Ultimately, however, this article aims to assist other law faculties in the implementation of their writing initiatives by taking account of the Strategy's post-evaluation assessment in respect of the Faculty's Consultant-component and the recommendations made in this regard. Therefore, although it may not be possible for all law faculties to adopt a comprehensive Strategy, this article posits that it may be worthwhile to appoint Consultants to assist in addressing the skills deficiency referred to above.

3. The Strategy

The Faculty implemented the Strategy in 2010. It extends across the entire undergraduate LLB programme and aims to address law students' lack of critical thinking, research and writing skills. It has as its point of departure that no meaningful development of students' writing skills can be achieved by way of *ad hoc*, uncoordinated writing exercises in the course of LLB training.¹⁷ The Strategy therefore focuses on the improvement of legal writing skills as "part of general academic literacy development"¹⁸ to assist students to be successful in their studies and to equip students with transferable skills "that will remain valuable even after the completion of their formal education".¹⁹ It is specifically designed to support the notion of "writing to learn" as opposed to "learning to write", through the implementation of writing-intensive modules across the curriculum.²⁰ The primary aim of the Strategy is therefore to establish a coordinated approach to the development of research and both generic and specific writing skills within the LLB programme as an integral part of legal education within the Faculty.

The Strategy consists of the following different but "mutually complementary components":²¹

- Writing Skills 171, a compulsory, first-year writing-skills development module;
- full-time Consultants responsible for providing writing-related assistance to the Faculty's undergraduate and postgraduate students;²²
- a Faculty writing guide;
- the introduction of writing-intensive courses into the curriculum in terms of which writing and research assignments are integrated into substantive courses;
- the continuous evaluation of results achieved with a view to the refinement and further development of the Strategy;
- an annual Writing Skills in Legal Education workshop hosted by the Faculty; and
- an open access legal writing website aimed at facilitating legal writing development.

The Strategy comprises two distinct types of interventions – mandatory and voluntary interventions. Mandatory interventions are those interventions in which students are required to participate; participation is therefore compulsory. For example, all first year law students²³ need to pass Writing Skills 171 in order to obtain their degree. A further mandatory intervention is the Faculty's writing-intensive modules. Students are required to complete

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certain writing-intensive modules in order to graduate. The writing guide is closely linked to Writing Skills 171 and the writing-intensive modules in that it details the Faculty's writing expectations and practices (the layout, style, the ethical use of sources, language and grammar conventions, logical flow, coherence, etcetera) that need to be complied with in order to succeed in these writing-intensive modules. For example, in Writing Skills 171 and in writing-intensive modules, marks are awarded based on students' compliance with the Faculty's writing guide. Assessment linked to the writing guide is therefore also a mandatory intervention.

The remaining components of the Strategy constitute voluntary interventions in the sense that student participation is optional. One such voluntary intervention is the Consultant-component referred to above. Although students may be compelled by lecturers of certain writing-intensive modules to visit the Consultants, it is generally voluntary and students are merely encouraged to make use of the service. It is against this background that the role and benefits of the Faculty's Consultants will be considered below.

4. The Consultants

4.1 Overview

The Faculty currently employs three full-time Consultants to provide daily, one-on-one writing advice to the Faculty's undergraduate and postgraduate students. The Consultants' primary responsibility is to assist students to develop their critical thinking, research and writing skills, achieved through the conduct of one-on-one contact sessions.²⁴ For this reason, the Consultants comprise individuals with specialist language, research, and writing skills. All the Consultants have extensive legal practice experience, the majority of the Consultants being qualified attorneys. Each Consultant has an office at the Faculty and is available for consultations from Monday to Friday, between 09:00 and 17:00, during the entire academic year. Students book consultations through Appointy, an online appointment management system, embedded on the Faculty's legal writing website.²⁵

4.2 Consultant training

Upon appointment, the Consultants undergo an initial three-day, accredited training course at Stellenbosch University's Language Centre ("Language Centre"). The course focuses on the conduct of one-on-one contact sessions and an understanding of the theory and practice that underpin writing consultations.

The course is divided into sessions that comprise *inter alia* practical exercises and discussions regarding the writing process, approaches to student writing, pre-writing strategies, and exploring texts. These sessions are

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presented with reading and writing exercises and are premised on the idea that when Consultants go through the process themselves – writing or consulting – they become better facilitators of writing. The practical exercises frequently raise questions for discussion during the subsequent theory session.

The sessions furthermore include discussions of the principles and goals of writing consultations, the role of the audience and consultation strategies with an emphasis on the role and nature of effective questions, as well as a discussion of ethical issues. The course concludes with the Consultants observing consultations at the Writing Laboratory, discussing consultation experiences, and attending a feedback session pertaining to the training course.

In addition to the above training, the Language Centre also provides ongoing practical training to current and newly appointed Consultants. The training takes the form of observing at least five consultations during the first semester, attending a once-off demonstration session concerning the use of an electronic booking system and continuous training sessions during the course of the year culminating in a Writing Skills Workshop at the end of the year.

Consultants further receive continuous, Faculty-specific training in the form of module-based workshops arranged between the Consultants and the lecturers of the writing-intensive modules. Further training includes plagiarism workshops as well as external, accredited academic writing courses that can be completed through either online studies or the attendance of formal lectures.

4.3 The role of the Consultants

As mentioned above, although the Consultant-component constitutes a voluntary intervention, lecturers of writing-intensive modules at times compel their students to visit the Consultants prior to submission of an assignment. An example of a module in which such a requirement has been imposed is International Law 341, a third-year, writing-intensive module. In this module, meeting with a Consultant prior to submission of both the research outline and research paper was a pass requirement in 2014. In this regard, it may be worth noting that despite the compulsory nature of these consultations, students tend to experience these consultations as beneficial to their writing development.²⁶

What practically transpires at the commencement of each semester is that the Consultants and students of the writing-intensive modules

receive the same assignment guidelines to study in respect of the anticipated consultations. This ensures that the Consultants have an opportunity to consider the assignments' instructions and to conduct prior research on the topic, especially where it is anticipated that students will require assistance with understanding the research question, conducting legal research, or the strengthening of written arguments. It further provides the Consultants with the opportunity to discuss any uncertainties they may have regarding the assignment guidelines

or research questions with the relevant lecturer to enable them to assist the students effectively during one-on-one consultations.

In preparing for consultations, students are encouraged to compile a list of questions pertaining to the written assignment they require writing assistance with. Typically, a student will bring two drafts of the written assignment to the consultation, a draft for the Consultant and one for the student, and this essentially forms the basis of the consultation. A Consultant will then assist the student with the following key aspects of their writing:

- strengthening of argument(s), with a focus on structure, logical flow, progression and referencing;
- structuring the assignment to ensure coherence and logical flow with emphasis on introduction, body, conclusion, lay-out (text conventions), title and headings as well as length;
- establishing links between legal rules, principles or facts;
- evaluating academic register centring on formal language, conciseness and clarity;
- assessing language use that requires proofreading essays and providing advice on sentence construction, spelling, grammar and punctuation;
- assisting with general academic conventions such as the use of sources, citations, in-text references, reference list or bibliography and guidance with regard to plagiarism; and
- conducting research which includes finding sources, understanding readings, and linking research to the research question.

Further to the above, the following information and rules regarding the writing consultancy service are communicated to Faculty staff and students through the legal writing website and embedded in the assignment guidelines of the writing-intensive modules referred to above:

"Should you encounter problems with the writing, style, referencing and structure of your assignment, make an appointment with one of the Faculty's writing consultants. Remember to take two copies of your research proposal, draft assignment, or other relevant writing work with you to the consultation. The idea is not for the consultant to rewrite your assignment, tell you what to write or edit your work for you, but rather to cast a critical eye over it and to give you the necessary guidance to enable you to improve your writing. The writing consultants will also not provide legal advice on your assignment's subject matter.

For more information on what to expect from the writing consultants and the service they offer, go to: <http://blogs.sun.ac.za/legalwriting/book-a-writing-consultant/>. The writing consultants' offices are at OUH rooms 1035, 2025 and 1036.

Advice from the writing consultants:

- Always come prepared: if you do not you risk being shown the door. This entails more than just being present.
- An honest attempt at fulfilling the requirements and performing as per the instructions of your lecturer is required.
- Can you answer the following questions: What do you need help with? What is your argument or theme about? What is the purpose of your introduction, body and conclusion? Does your conclusion answer the initial question? What are the assignment- or subject-specific requirements for this piece of writing and how do they differ from the Faculty's Writing Guide? These serve not only as a check of whether you are prepared for a consultation, but can be applied with great benefit throughout your writing.

To make an appointment with a writing consultant:

- Go to the Faculty's legal writing website at <http://blogs.sun.ac.za/legalwriting/book-a-writing-consultant/>.
- Follow the steps on the page (Book a Writing Consultant).
- You can log in with your Gmail or Facebook username and password to make an appointment. However, Appointy now also provides the option to register for a new user account.
- The following information is required to complete your booking:
 - Student number;
 - Module (that is International Law 341 themes 2); and
 - Contact number.

You will receive an email confirming your booking that will also contain a link to cancel your appointment should you need to. If you have opted to register a new user account, you will have to log in to reschedule or delete appointments.

Alternatively, you can visit <http://www.legalwriting.appointy.com> and follow from step (iii) above.

Important: You may only make one writing consultant appointment per week. Failure to show up will lead to blacklisting. Make your appointment/s as far in advance as possible. If you fail to do so, you run the risk of the writing consultants being fully booked closer to the assignment hand-in deadline.

If possible, schedule two appointments the very day that the assignment themes are made available – one for the date when you will have your first draft ready and another closer to the due date when the finished product can be taken to the consultant for assistance. This will give you enough time to effect the final changes (if any) prior to submission..

Checklist

Students are encouraged, before seeing a writing consultant, to complete the checklist below:"

Instructions/Guidelines	Did you follow all the instructions/guidelines for this particular assignment?
Table of contents	Is there one (if stipulated in the guidelines)?
Headings	Did you use headings to give structure to the assignment and facilitate easy reading? Are the headings short and relevant?
Paragraphs	Did you keep to one idea per paragraph? Is there a logical flow of ideas from one paragraph to the next?
Sentences	Are the sentences short and to the point and written in clear, concise, and plain language?
Spelling mistakes	There should not be any! Use British English as a guide to the spelling of words and not American English.
Typing errors	There should not be any! Proofread the assignment to correct all typing errors.
Register	Did you maintain the correct, more formal register?
Referencing	Did you properly consult the referencing guidelines

The consultation itself commences with the student filling out a consultation form ²⁷ indicating what he or she requires assistance with during the consultation. This is done by ticking the appropriate box(es) as indicated in the image below:

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**Student details
(To be completed by the student)**

Name and surname: _____ Student name: _____ Year of study (e.g. 2nd year): _____

Module: **Writing task submission date:**
 Have you previously been for a writing consultation in the Faculty?. If 'yes', did you come for this writing task or another assignment or instruction?
 Assistance needed with (tick relevant section(s)):

Research (finding sources, understanding readings, linking research and task, etc.)	Structure (introduction, body, conclusion, layout [text conventions], title and headings, length)	Argument (structure, logical flow, progression, sufficient references as support)	Links between legal rules (principals)/ facts/ applications	Academic register (formal language, conciseness, clarity, etc)	Language (sentence construction, spelling, punctuation, etc.)	Use of sources (citation in-text references, reference list/bibliography, plagiarism)
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The Consultant is likely to commence the consultation by asking a question such as "how can I help you?" or "what would you like to work on today?" As the consultation progresses, students generally tend to warm up to their Consultant and begin to talk more openly and honestly. They recognise that they are not in the traditional lecturer/student situation "where there are penalties for asking what they perceive as 'dumb' questions (the penalty being that the lecturer will find out how little they know or how inept they are in formulating their questions)". ²⁸ Moreover, students tend to realise that they do not have to listen passively and merely accept what they are told, but can sit down and work one-on-one with an attentive, engaged, and trained Consultant and by doing so, actively engage in their writing. ²⁹ Consultations therefore involve, but are not limited to:

- answering specific questions with regard to an assignment, especially where students are properly prepared for the consultation and have identified the nature of the assistance that they require;
- explaining the research question as precisely as possible, assisting the student to identify the key words and ideas relevant to their topic. This approach is particularly helpful where a student has not commenced with or is at an early stage of the writing process. It follows that once the student understands the question, he or she can also conduct more accurate research;
- reading a section of, or the student's entire assignment, out loud. When students hear their written work read back to them, it contextualises their words in a new and unfamiliar way. This challenges students to pay attention to what is being read and to respond accordingly. ³⁰ This, of course, leads to some of the most fulfilling moments for a Consultant – when students, after

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having had their work read out loud to them, realise for themselves where the shortcomings of their assignments are.

At the end of each consultation, Consultants complete the consultation form referred to above in respect of each student to whom they have provided assistance. This form of reporting aims to collect data related to, firstly, the number of students who visit the Consultants per year and secondly, the specific kinds of writing problems students experience.

5. Exploring the benefits of one-on-one consultations

As alluded to above, the primary function of the Consultants is to provide writing-related advice to the Faculty's law students through the conduct of one-on-one consultations. One-on-one consultations differ from traditional classroom learning as it introduces an intermediary, the Consultant, into the educational setting "who inhabits a world somewhere between student and teacher". ³¹ The question that arises is what the logic is behind using a consultancy service to develop students' research and writing skills. The answer relates to the benefits associated with one-on-one consultations. It is premised upon the idea that one-on-one consultations are an effective way to teach legal writing and the paradigm that language and knowledge are created socially through conversation or dialogue with people and texts. ³² In this regard, Alred and Thelen explain that writing "is bound up with creativity, cognition, language formation, personality, and social interaction" ³³ which captures the combination of internal differences among writers as well as the external forces that influence writers and their texts. ³⁴ Consultants are therefore perfectly placed to attend to these individual differences during one-on-one consultations. They offer an alternative to the belief that "knowledge is handed down from master to disciple; in fact, they can galvanize the disciples to talk back to the masters". ³⁵

As mentioned, one-on-one contact sessions also provide students with a safe space where they can share their writing with a non-judgmental, yet critical listener. Muriel Harris calls this the "ideal teaching situation" where Consultants act as "coaches and helpers, not graders". ³⁶ It allows for quality interaction between Consultant and student during which a student can either explore new ideas or expand on current ideas which might be somewhat stilted, plagued with legal jargon or overly casual. ³⁷ Consultants can also evaluate the strength or potential weakness of a proposed argument and make

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suggestions for improvement. This provides a platform for the Consultants to focus students' attention on a very important component of legal writing – to write clearly and concisely when constructing their written assignments. In this regard, Richard Neuman states that "[w]hen it comes to clarity, you will never get the benefit of the doubt". ³⁸

Furthermore, one-on-one sessions with Consultants occur outside the hierarchy in which teaching usually takes place. The ability to explore ideas outside this hierarchy "helps build the confidence of new legal writers, who are exploring an area of legal discourse for the first time". ³⁹

As mentioned in the writing consultancy rules above, the Consultants do not provide an editing service. Rather, the Consultants aim to enhance students' understanding of writing as a process, which is why the student writer works with the Consultant "to improve and strengthen both the paper and the writer". ⁴⁰ Because of this individualised instruction, students often say that they learn more at writing consultant appointments than they do in class. It is therefore important that the student understands the Consultant's comments in respect of the assignment so that the student leaves the consultation with a clear understanding of *why* the Consultant suggested certain changes and *how* such changes will benefit the overall assignment.

A good example of assisting students to understand *why* a Consultant suggested certain changes is when illustrating to a student how to

summarise case law properly. That is, by guiding the student to focus on the reasoning behind a certain judgment and applying that reasoning to the particular research question that the student has to answer, instead of merely summarising the facts of the case or elaborating on trivial details. This approach proved to be particularly beneficial in the context of Criminal Law 171, a first-year writing-intensive module at the Faculty. Not only does this approach aid the development of a student's critical thinking skills, but it also assists in developing a student's ability to dissect large amounts of information to find the key words or phrases.

Students have further reported that their concerns about their writing were more fully addressed in one-on-one consultations, as they were not confronted with competition from other students as in the traditional lecturer-student context.⁴¹ Equally important, and as students noted in their evaluation forms, Consultants work with them "in ways that enable and encourage independent thinking and that help them to see how to put their theoretical knowledge into practice as they write".⁴² Moreover, one-on-one interaction assists students to gain confidence as writers and thus a greater sense of belonging to the academic community.⁴³ Ultimately, the entire consulting process should

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ideally give the student a better sense of academic writing as a dynamic process.⁴⁴

One-on-one consultations can further provide practical and pedagogical benefits to the Strategy and to the students it serves. The consultations can assist different levels of students within the Faculty ranging from first-year students struggling to understand the idea of legal analysis to more senior students working on legal comparative research papers as well as local and international LLM students.⁴⁵

To first-year students, for example, Consultants can offer their expertise as advanced legal readers and writers and include assignment-specific feedback. To senior students, for example, Consultants can provide feedback as experienced legal readers who are non-experts on the writer's topic and cannot provide legal advice on the paper's subject matter.⁴⁶ Regardless of the fact that Consultants cannot provide legal advice on the paper's subject matter, it may be worth mentioning that all of the Consultants are graduates of the LLB programme, which reinforces their unity of message. Their shared knowledge of the subject matter inclusive of the technical conventions of the discipline *can* make a consultation more productive.⁴⁷ In this regard, the outcomes evaluation, discussed in more detail below, confirms that there was a significant improvement in students' understanding and use of technical conventions from first-year to third-year level.

The consultancy service also teaches students that to be an effective writer, you must use language that is audience-centred, not writer-centred. Legal writing has both primary and secondary audiences, and a writer must ultimately consider both. If regard is had to these benefits, North states that "an hour of talk about writing at the right time between the right people can be more valuable than a semester of mandatory class meetings when that timing isn't right".⁴⁸ That seems to be what students need most; supportive response and assistance with writing-related problems. "The writing process demands it. Discourse theory calls for it. Research on writing supports it. I don't see any way around it."⁴⁹

6. Evaluating the success of the Consultants

6.1 Overview and methodology

In 2014, the Faculty appointed an external agency to evaluate whether and to what extent the specific outcomes of the Strategy have been achieved.⁵⁰ The evaluation was guided by various key considerations, such as how the Strategy's logic translates into its activities; whether these activities relate to

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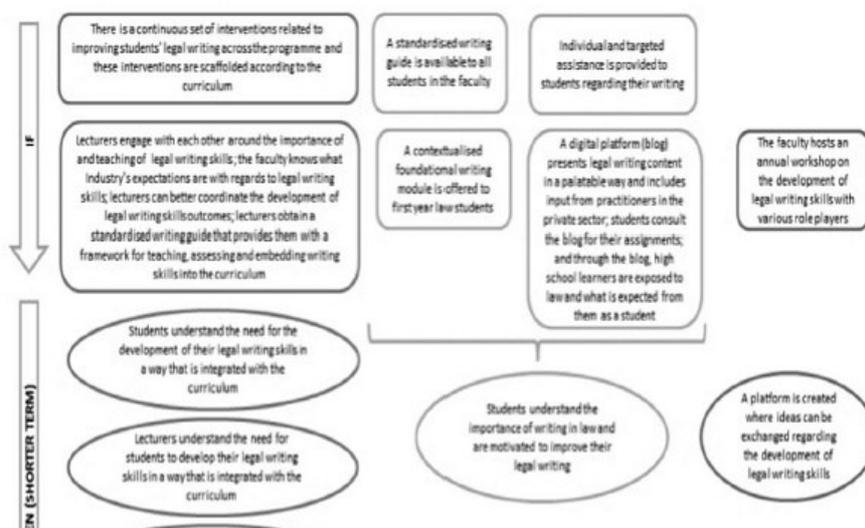
the Strategy's outcomes; how the Strategy has been implemented in terms of its delivery; and, to what degree the Strategy's expected outcomes have been achieved. Whether the Strategy has achieved its expected outcomes depends on the answers to the following questions:

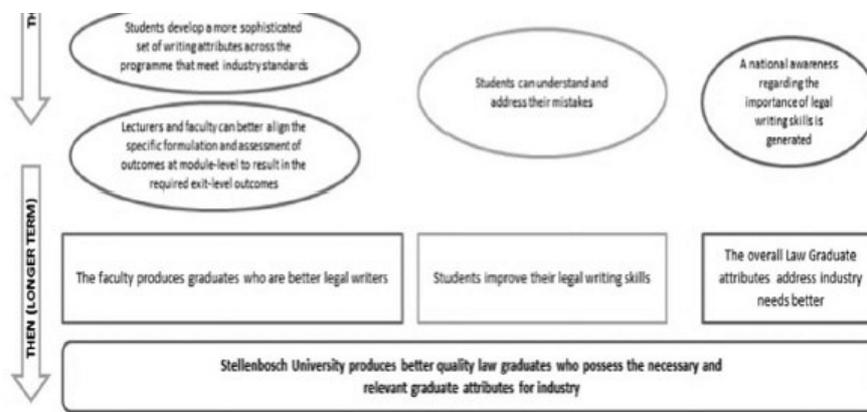
- was there any improvement in students' legal writing skills over the course of the Strategy?
- why did this improvement take place, or not?
- does the students' writing show development in relation to the answering of examination and test questions?
- have there been further benefits in terms of students' learning, such as increased motivation, greater understanding of legal concepts, or improved oral argumentation?
- how does the project affect students' attitude towards the importance of legal writing skills?⁵¹

To answer the abovementioned questions, the evaluation followed a theory-based approach, the theory of change, which included the development of a logic model. This logic model included a clarificatory component, which examined the *design* of the Strategy, as well as a process evaluation component that examined the *implementation* of the Strategy. The theory of change and logic model therefore depicts the Strategy's role-players' understanding of how activities within the Strategy lead to the expected results. The theory of change indicates the underlying logic associated with the changes that the Strategy aims to achieve. However, for these changes to occur, a series of extensive actions needed to be set in motion: firstly, the Faculty had to set up targeted interventions that provided sufficient support to students to develop their legal writing skills; secondly, the students had to participate in such interventions sufficiently; and thirdly, insight into industry needs had to be gained. It follows then that the logic underpinning the intervention states that if these preceding actions took place as planned, the outcomes should be realised.⁵²

The logic model thus incorporates the Strategy's outcomes and shows how these are linked to specific activities. The figure⁵³ below depicts this theory of change:

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For the purpose of this article, however, only the outcomes of the evaluation in respect of the Consultant-component of the Strategy will be considered.

In order to conduct the evaluation, a number of different primary and secondary data sources were utilised and drew mainly on the assessment of student assignments and key stakeholder insights as to whether they witnessed improvement in students' writing skills. These sources included assignments from Writing Skills 171 (2012) at first year level, International Law 341 (2014) at third year level and International Law 451 (2014) at final year level. Additional data sources utilised included writing consultancy forms; student questionnaires completed by second, third and final year students; questionnaires completed by writing-intensive module tutors; feedback provided by the Consultants and the Strategy Coordinator; and electronic questionnaires completed by lecturers involved in writing-intensive modules.

In order to measure whether the Consultants contributed to an improvement in students' writing skills over the course of the Strategy, the evaluation entailed considering the following skills: the ability to draft a proper introduction and conclusion and the ability to formulate an argument; the ability to use the appropriate style, tone and language; referencing; and technical presentation.

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The criteria for each of these aspects were then collapsed into three ratings that can loosely be categorised as "poor", "average" and "good".

6.2 Summary of evaluation findings and feedback

The feedback received from both students and writing-intensive module lecturers, particularly in relation to the Consultant-component of the Strategy, and by using the data sources referred to above, was mostly positive. The table ⁵⁴ below summarises students' feedback of whether, firstly, they were aware of the consultancy service and, secondly, made use of the service for their writing-intensive assignments:

	Writing consultants				
	2nd (n=136)	3rd (n=120)	4th (n=109)	Mixed group (59)	Total (n=434)
I know about it and have used it	50%	81%	82%	67%	69%
I know about it but have not used it	48%	19%	18%	25%	29%
I don't know about it	2%	0%	0%	9%	2%
Total	100%	100%	100%	100%	100%

Overall, just under 70% of students reported that they are aware of and made use of the consultancy service. Approximately 48% of second-year students reported that they are aware of the service, but have not used it. This is presumably because they may not have had sufficient exposure to writing-intensive modules during their first year of law studies. The increase in awareness and use of the consultancy service improved significantly between the third and fourth-year levels. Only 2% of second-years and 9% of the mixed group indicated that they are unaware of the service.

The following table ⁵⁵ summarises the students' perception of the usefulness of the consultancy service:

	Writing consultants				
	2nd (n=133)	3rd (n=120)	4th (n=107)	Mixed group (67)	Total (n=427)
Very useful	38%	41%	51%	48%	44%
Useful	35%	35%	35%	33%	34%
Not useful	10%	17%	7%	6%	10%
NA	17%	8%	7%	13%	11%
Total	100%	100%	100%	100%	100%

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Overall, 78% of students found the consultancy service advantageous – 44% of students indicated that the consultancy service was very

useful and 34% indicated that it was useful. The consultancy service, from the students' perspective, is evidently necessary and utilised by students. In this regard, the number of consultations escalated from 365 in 2013, to 932 in 2014, and to 1 565 consultations in 2015. The demand for writing consultations was so high in 2014 that, due to capacity constraints, consultations were sometimes shortened from one hour to 45 minutes and then to 30 minutes, whereafter students who could not be accommodated were referred to the Language Centre for writing assistance

Lecturers of writing-intensive modules who participated in the evaluation indicated that they witnessed an overall improvement in student writing as well as in the way students answered exam and test questions. In this regard, one of the lecturers commented that:

"The applied writing assignments in this module contribute significantly to improving the ways in which students answer test questions." ⁵⁶

Another lecturer stated that:

"The one-on-one support offered by the writing consultants during the drafting stages of the minor and major assignments serves as a valuable layer of support and an important opportunity for students to receive detailed guidance on the formal aspects of their assignments." ⁵⁷

These lecturers further noted an overall improvement in students' writing skills where they tended to utilise all the different components of the Strategy, such as the Consultants *and* the Writing Guide, compared to those students who have not properly utilised these resources. They indicated that the difference in the quality of the work presented by the students was evident. For example, one professor indicated that she witnessed a marked improvement in the quality of students' written work following the involvement of the Consultants in conducting one-on-one writing consultations with the students. Further feedback from lecturers includes, for example:

"There has been an improvement in the standard of legal skills assignments". ⁵⁸

"The structuring of arguments and the ability to find relevant sources have improved. Students still tend to ignore the style guide and referencing is not yet satisfactory". ⁵⁹

Notwithstanding the positive feedback received in respect of the Consultant-component of the Strategy, further development and improvement of this component may be required. The recommendations to develop and improve the Consultant-component are considered in more detail below.

7. Recommendations

As a point of departure, the outcomes-evaluation proposes that the Consultants should work more collaboratively with the lecturers involved

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in writing-intensive modules to address tangible writing-related challenges, such as lack of clarity and conciseness, poor writing mechanics, such as the inability to develop an argument, and to conduct proper research as well as the lack of depth of ideas. In this regard, Consultants could provide feedback to lecturers of specific writing-related challenges that they come across during consultations. Lecturers can then present the Consultants' feedback to the students during their classes. Similarly, lecturers can provide feedback to Consultants of specific shortcomings in students' writing, for example after the marking of research outlines. The benefit of such an approach is that the Consultants can use the lecturer feedback in their follow-up consultations with the students (in anticipation of the drafting of the research paper) to provide more detailed guidance. Also, the feedback can be recorded and shared on the legal writing website to serve as a useful source of information to current and future students. In this way, student perceptions of the value that the Faculty attaches to the importance of legal writing skills could be increased through additional engagement between the various role-players in the Strategy. ⁶⁰ In addition, it could indicate to the students that the Faculty values *them*, and that *their* success is important to the Faculty.

It is also proposed that the feasibility of requiring all first-year students to visit a Consultant in order to ensure that students who need the consultancy service the most are targeted, should be discussed with the first-year, writing-intensive module lecturers. In this regard writing consultations could be mandatory for all Criminal Law 171 students – a compulsory, first-year, writing development module for all students of both the undergraduate and post-graduate LLB programme. This requirement could be revised once the students have submitted one or two assignments and their performance have been assessed. ⁶¹

A curriculum mapping exercise could further assist to ensure that writing skills outcomes are assigned where appropriate and that assignment deadlines are structured to promote the use of the support components of the Strategy such as the consultancy service. This means that the assignment deadlines of the various writing-intensive modules should ideally be spread out during the course of the semester to allow students sufficient opportunity to book consultations with the Consultants. ⁶²

Further, and in order to make the most use of the time available during consultations, Consultants should ideally not provide assistance with referencing. The Writing Guide provides sufficient guidelines on referencing, which can be tested using creative quizzes on Moodle or a question and answer application on social media such as Facebook. Consultations should be used for more complex writing demands such as improving arguments, research methodology, and critical analysis, ensuring logical flow and coherence as well as sentence construction. This becomes even more important when considering that the duration of consultations may need to be shortened in order

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to provide more students with an opportunity to access such consultations, specifically if regard is had to the increase in the number of bookings between 2013 and 2015. ⁶³

Finally, to foster a closer feedback loop, consideration could be given to reinstating a committee dedicated to the Strategy. Ideally, this will create additional platforms for enriched discussions between lecturers, writing consultants, tutors, students, etc. regarding the successes, challenges, and lessons learned from the Strategy, going forward. ⁶⁴

8. Conclusion

It is apparent that writing instruction without the Consultants' involvement lacks the essential activities students need in order to grow and mature as writers. ⁶⁵ The Consultants thus form an integral part of the Strategy and the continued development and improvement of students' writing skills is dependent on the continuous involvement of the Consultants "[as] it is unlikely that the skill levels of LLB students will improve as it has done since the implementation of the Strategy, or at all". ⁶⁶ It is also clear that the Consultants are currently somewhat under-utilised and can play a much greater role in the development of writing skills within the Faculty and across the LLB programme with the necessary streamlining and communication between the different role-players as proposed above. Collaboration between the Consultants and the lecturing staff should be encouraged to reinforce the value that the Faculty attaches to the importance of legal writing skills development and the ultimate success of the Strategy. Consultations should be streamlined and focus on writing and style assistance and move away from providing referencing assistance. Once the role of the Consultants in the development of legal writing skills can "find its proper place in the legal writing program" it can and will "enhance the experience of the students who engage with it". ⁶⁷

Moreover, not all law faculties in South Africa have the necessary resources to be able to implement a comprehensive writing-across-the-curriculum strategy. Ultimately, the Consultant-component of the Strategy as an intervention aimed at addressing students' writing skills has proved to be quite successful. In view of the benefits associated with the consultancy service and the role that Consultants could play in legal writing skills development, it may be worthwhile for other law faculties to consider utilising a writing consultancy service, or a variation of this component, as the component of choice when devising a strategy to address students' lack of critical thinking and writing skills referred to above. The Consultants are not "free" – the intervention does have a cost-component. The Faculty must train, remunerate, and support the Consultants. However, the notion of making student legal writing visible, and

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understanding that all students require assistance to learn to speak in new legal voices and write in the academic discourse of the legal environment, is something all law faculties need to embrace. When law faculties therefore recognise this as an indispensable part of their students' success and their success as a faculty in educating capable graduates, they can prioritise legal writing as part of a writing-intensive curriculum with whatever resources they do have available.

Summary

Lately, the South African LLB degree has been the topic of considerable debate. It is becoming increasingly apparent and problematic that LLB graduates are not sufficiently equipped with the requisite critical thinking, numeracy and writing skills to enable them to make a smooth transition into the legal profession. Law schools are therefore under increasing pressure to implement methods to develop and improve these skills. This article briefly discusses the writing strategy (the "Strategy") implemented by the Faculty of Law (the "Faculty") at Stellenbosch University, with its primary aim of establishing a coordinated approach to the development of research and both generic and specific writing skills within the LLB programme as an integral part of legal education in the Faculty. A key component of the Strategy, and the focus of this article, is the Faculty's Writing Consultants (the "Consultants"). The Faculty currently employs three full time Consultants who render daily writing-related assistance to the Faculty's students. The writing-related assistance takes place in the form of a one hour, one-on-one contact session. This article evaluates the consultancy service as a key component of the Strategy, especially taking into account the recent outcomes-based evaluation conducted in respect of the Strategy and specifically the benefits associated with conducting individualised consultations. These benefits include, but are not limited to, quality interaction between Consultants and students during which consultations students can explore new ideas or expand on their current ideas that might be somewhat stilted. Muriel Harris calls this the "ideal teaching situation" where Consultants act as "helpers and coaches, not graders". A further benefit lies in the fact that student strengths and weaknesses can be properly addressed in one-on-one consultations without the competition of other students, as is the case in the traditional lecturer-class set-up. Ultimately, the consultations aim to enhance students' understanding of writing as a process, which "improves and strengthens both the paper and the writer". The article posits certain recommendations regarding the role of the Consultants in order to contribute to the further development and improvement of the Strategy. It concludes by suggesting that implementing a Consultant-component may be a good choice for faculties that are insufficiently resourced to implement a comprehensive writing-across-the-curriculum strategy.

- * This article is derived from a presentation by the authors at the Scholarship of Teaching and Learning Conference, Stellenbosch University, held on 28 October 2015.
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