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# Enhancing student knowledge and skills with publishing opportunities: a case study at Coventry University

Dr Ben Stanford and Dr Steve Foster

## Introduction

When students embark upon an undergraduate law programme, they soon realise that they will be tested not only on their knowledge of the law and its application, but also their ability to articulate their answers using clear and professional legal language and grammatical skills. Students will be told at the outset of their course that these skills are part and parcel of being a professional lawyer and that without such skills the client or general reader will not benefit from a lawyer's research and knowledge. In other words, law and legal rules are complex, and an inability to explain them clearly and expertly will render that knowledge redundant.

In order to encourage students to acquire these skills we point them towards professional writers as an exemplar for good writing and communication skills. For example, a good legal textbook writer not only covers the essential rules and sources in a legal area, they also present that information in a structured and coherent way, displaying expert skills in terms of research, referencing and grammar and legal style. So too, authors of academic articles and case commentaries are recommended to allow the student to learn and copy necessary discursive and analytical skills when examining specific legal dilemmas or recent case and other developments.

In short, we expect students to read these sources in order to emulate the necessary writing and other skills in their own assessments. Yet, how often do we allow those students to employ those skills for the purpose of contributing their work as part of legal literature? Student assessments inevitably ask the student to write and present legal information as students, albeit very good ones. The assessment is to be read and marked as a student essay, and although the student will try to emulate a professional writer's skills, they will not benefit from the true feeling of being a legal writer. In other words, can we expect students to acquire these writing skills fully, or most effectively, if we do not put them in a position where they can imagine their work being published and read as is the work of professional writers? This is not to denigrate the benefit of traditional student assessments, but this paper explores the benefits of making the student a legal writer and having their work published, and examines how Coventry Law School has facilitated such skills and opportunities on behalf of students.

## The rationale for encouraging writing and publication for students

As noted in the introduction, a significant criterion in marking student assessment is their ability to articulate rules and principles in a clear and professional fashion and to employ sound and sophisticated grammatical and writing skills. There are, of course, other skills which are expected from the students, yet in practice law staff find that weak academic writing skills are a large contributor to student failure and low grades. Every effort, therefore, needs to be made to ensure that student work meets the expected standards of appropriate and effective legal writing.

At Coventry Law School, in addition to teaching general legal skills on Legal System and Method courses, a specific module – Law Study – is delivered on year one of the LLB programme, dedicated to teaching assessment skills, including effective writing in essays and other assessments.<sup>1</sup> The idea of encouraging student writing and publishing, therefore, builds on this module and the School's general

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<sup>1</sup> Students at Coventry are referred to guides on academic writing and assessment skills: Steve Foster, *Legal Writing Skills*, 5<sup>th</sup> end. Pearson 2019.

desire to enhance student writing. Although the School has achieved some success in this area, it was felt that more needed to be done to encourage more professional and effective academic writing simply than pointing students to appropriate guides and 'warning' them of the consequences of poor grammar and academic writing. Students needed positive encouragement to improve their writing skills, and visible rewards for displaying these skills.

Accordingly, a number of projects and ideas have been formulated and executed in order to encourage the development of student writing skills, most noticeably through the opportunity to emulate the professional writer and to get their work published. Additionally, the School has devised a number of assessments which encourage the student to appreciate the academic importance of good writing for the benefit of all readers beyond the person marking their work, whether that be a future employer or client, fellow students or the general reader of legal literature.

In summary, the rationale for these projects and methods was as follows:

- To encourage the improvement of student writing, academic and analytical skills, including enhanced referencing skills.

First, it is expected that when students know that their work may be published, and being aware that their work is intended to be read and understood by a wider audience, this would result in greater care being taken over matters such as spelling, grammar, structure and coherence. Specifically, by asking the students to emulate professional academic writers, they would be more willing to read academic writing and note the structure, style and in particular the referencing adopted by such writers. This might prove more successful than simply referring the students to academic reading and referencing guides. This can often be unsuccessful as students choose not to carry out such research in the belief that style and referencing does not matter.

- To encourage student engagement in their assessments and in particular to enable them to appreciate the importance of these skills.

Second, setting innovative and authentic assessments which require the students to emulate professional academic writing encourages students to buy into the assessment and to see the rewards of good academic practice. In particular, the presence of a reward for good work – in the form of publication of what is regarded as the best student work – makes the student appreciate the benefits of attention to detail, sound writing and referencing skills and the ability to explain legal data and case law in a competent, effective and clear manner. This also encourages student ownership of their assessment. The work is not simply being submitted by a student to lecturers, along with hundreds of other pieces of work, but represents the student's attempt to contribute to the legal area and produce work that others may read.

- To encourage student pride and satisfaction in their assessments, through higher marks and publishing opportunities.

Third, being the owner of that piece of work and knowing that it may be considered for publication offers a double incentive to the student. Following the coursework brief and the style of professional writers incentivises the student with respect to the aspiration and expectation for higher marks, but it also provides them with the opportunity to display their skills to others, whether that be friends and family, fellow students or future employers or publishers.

- To 'bridge the 'gap' between staff expectation of student work and the skills traditionally delivered by students in their work.

Fourth, there is often a discernible gap between what staff expect from student work and what students think what is an acceptable source of information and a good piece of work. By setting students academic writing tasks in assessments, and referring students to professional academic writing to guide them, students are made aware more directly of the type of academic literature staff read and regard as good writing, and, accordingly of the writing and academic skills expected of students in their assessments.

- To prepare students more effectively for the world of work and the expectations of employers, clients and others who will digest their work; and, more specifically, to enhance student CVs and job applications

Lastly, modern universities regard employability as high on their agenda and it is their role to prepare their students for the world of work and to inculcate strong academic and other communication skills in their students. In particular, students will be expected to display expert English and communication skills when explaining and applying the law, and these skills can be practised and honed during the course and in assessments. Encouraging professional writing, particularly through publication opportunities, will assist the students in the future; from constructing effective CVs and application letters, to providing professional advice to clients, or to attracting professional publishers to accept their work. Moreover, as students approach the end of their studies and increasingly focus their efforts on securing work opportunities or further study, many feel more confident and appreciative of their ability to join the legal community as established writers.

### **The methods employed to encourage publication in particular modules**

The opportunities for students to produce work for possible publication were provided both via formal assessments and by students deciding to contribute their previous work, or their independent research, to the *Coventry Law Journal* – the Law School's in house law journal. In the former case students were informed that the best work might appear in the journal, but all students were tested on their ability to replicate the skills of a professional author and imagine their work to be read by an audience beyond that of the marker. In that way, it was hoped that the students would appreciate the benefits of good, professional writing skills, whilst at the same time being encouraged to submit their best work (with the reward of selection for publication). In addition, students are encouraged by tutors to submit their previous or independent work for publication. It is also promising that some students take the initiative, without being prompted by their tutors, and submit their work for consideration. This can benefit the student by increasing their confidence as an academic writer, preparing themselves for a future career in academic writing or simply enhancing their CV.

#### *Academic and Career Development: writing case notes for potential employers*

The purpose of the Academic and Career Development module is primarily to enhance students' existing legal and professional skills with respect to research, writing, and legal and business awareness, and therefore to better prepare students for the working world. Owing to its more practical, skills-based and somewhat unconventional nature of delivery and assessment, this module has traditionally been difficult to engage students with. As such, the co-authors were tasked with redesigning the module for the 2017-18 academic year to enhance student satisfaction, engagement and appreciation. This was achieved by designing a forward thinking, innovative and authentic assessment, with the opportunity for students to subsequently publish aspects of it.

The authentic assessment took the form of a job application to a fictitious law firm, 'Beaverbrook & Sons Ltd'.<sup>2</sup> The job specification outlined certain functions that the positions would entail, such as researching, drafting educational documents for outreach work, and assisting legal practitioners. To demonstrate suitability for this 'role', the assessment required the students to submit a cover letter, answer basic competency questions which focussed upon key academic skills, and lastly, of most relevance to this article, to write a short, critical case note on a recent case decided in the UK domestic courts. The students are told that the best case notes will be included in a special issue of the *Coventry Law Journal*.

The case note task was intended to promote student engagement, employability and key skills, as students were instructed to focus on a recent case which would be of interest to the public or which was important for students to learn about. Crucially, this encouraged the students to consider the role that the law plays when responding to current legal problems that affect wider society, but also to consider their audience and tailor their writing accordingly. Moreover, embedding some level of public engagement into assessments helps students to consider their social responsibility and roles as future leaders.

#### *Human Rights and Civil Liberties: writing case notes*

As with the exercise carried out in the Academic and Career Development module, above, students on this module were required to construct a case note or case commentary as part of the coursework assessment. This would take the form of one or a series of case notes based on recent human rights disputes heard in either the domestic courts in the United Kingdom or before the European Court of Human Rights which adjudicates disputes concerning the application of the European Convention on Human Rights. Students were required to construct the case note in between 500 or 1000 words by providing the facts and decision of the court together with an academic analysis of the decision and its importance in the area of human rights.

Students were encouraged to present the case note in a style similar to that used in established legal journals, including a brief introduction to the case and its context, the facts and decision and an academic commentary where the student can stress the reasoning of the court and the impact of the case in the general and specific area of human rights. Following the prior success of the Academic and Career Development module, the students are told that the best case notes will be included in a special issue of the *Coventry Law Journal*, and that they can expand the case note for inclusion in the general journal.

The benefits of submitting such a task are varied. Not only does the student learn and demonstrate general case law skills that can be utilised in other modules, but they can better appreciate the importance of the dispute and its significance to the study of human rights adjudication. The student also learns how to articulate these matters to an intended audience, whether that be professional lawyers, academics or other students. This enhances their understanding and appreciation of the case as well as practising professional writing skills. The possibility of getting the work published also increases their desire to get things right and take extra pride in their work.

#### *Human Rights and Civil Liberties: writing critical essays*

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<sup>2</sup> See further Ben Stanford and Steve Foster, 'Enhancing Key Legal Skills and Student Engagement through an Innovative, Authentic Assessment' in Claire Simmons (ed) *Teaching and Learning Excellence: The Coventry Way* (Coventry University Group, 2019) at [https://acdev.orgdev.coventry.domains/application/files/2715/6293/3552/J282-19\\_The-Coventry-Way-eBook\\_V7.pdf](https://acdev.orgdev.coventry.domains/application/files/2715/6293/3552/J282-19_The-Coventry-Way-eBook_V7.pdf).

Although law students are given ample opportunity to write essays and practice their essay skills in all modules, in the Human Rights module we set the students the task of writing a critical essay or journal article on human rights which was different from the traditional essay in a number of respects.

First, the student had to devise their own title for the essay; they were however given a number of areas from which to choose, including the mechanisms for protecting rights and various substantive rights. This encouraged the student to focus their research and writing on a topic of their choosing, in accordance with a title set by themselves, thus encouraging individual thinking and research. Second, the coursework brief often required students to write the essay as an article in their own imaginary journal. This meant that they would emulate professional writers in established journals, and would need to be mindful of what the reader would want to receive and in what style. It also encouraged adherence to established referencing styles as well as encouraging a sense of professionalism on behalf of the student. Third, the students were informed that their work could be chosen for publication in a special issue of the *Coventry Law Journal*, thus promoting healthy competition and added pride in their work.

Students are given the choice to write an essay and/or a case note, or a series of case notes, or a short story and case note; thus they are allowed to choose in accordance with their preferred, or presumed, strengths and experience. Students choosing this option found that they had to adopt a slightly different approach to essay writing than in previous assessments, and some struggled to write as an author as opposed to a student. However, in general students benefitted from the brief in that it encouraged ownership and an added sense of pride, as well as making them more familiar with good academic writing. The best essays were published in a special issue of the journal and some students reworked their essays and submitted them to the official journal.

#### *Human Rights and Civil Liberties: the short story*

The idea of getting law students to write short stories was presented to us in 2010 by Alison Morris from the Department of Creative Writing. The idea was that it would allow students outside the department to convey their knowledge and appreciation of their chosen study via works of fiction; thus encouraging both creative writing and a different and wider understanding of their area. It was then decided to introduce the short story task as an option to students studying human rights, and the option was extended to first year modules for a number of years. It has been used on the Human Rights module for ten years and it is felt that this module lends itself most effectively to this method as human rights cases inevitably involve exceptional human stories, controversies and predicaments.

Providing the student with the opportunity to write a short, fictional story as part of their human rights assessment obviously tests and rewards different skills than those tested in the case note and the critical essay above. However, although the student is not being assessed directly on their legal knowledge and appreciation, it is clear that the student needs to employ a number of generic legal and other skills to complete the task, discussed further below.

Here the student must choose a human rights case that has been decided in the domestic or European courts in the previous six months. They are then encouraged to read the case for the purpose of discovering why the case was brought and who was involved in the case. Although the student will be required to provide a brief introduction to the case and why it was chosen to base their story on, the task now is to construct a short and fictional story including characters, plot and any underlying message. The piece, therefore, must be a story and although based on the case facts, it is fictional and the student is being tested on their ability to construct a piece of fiction, to engage and interest the reader, and to convey a central theme or number of emotions through the central characters. It can

be in any genre – eg. science fiction, drama, romance, political thriller – and the student will be assessed on their ability to present a well structured, well written and engaging story.

Writing the story tests a number of transferable academic and even legal skills. Structure, clarity of writing, employing appropriate phrases and building a convincing story are skills which are similar to those expected in essay-writing and answers to problem questions. The student also has to read and appreciate the case to build an understanding of the legal dispute and the effect it has on the parties. In that sense, the student gains a fuller appreciation of case law which can be transferred to other assessments and modules; it therefore hopefully encourages students to read and make sense of cases.

However, the main benefits from undertaking this task are that it encourages those who have a skill and passion for creative writing and thinking, and that it offers the possibility that their story may be published. The best stories are published in a special issue of the journal and this provides the student with an opportunity to present their unique work to an audience who are not simply reading the piece to enhance their legal knowledge, but to be entertained and to read a story that will make them think about the law and human predicaments. Of course, this exposes the student's thoughts and feelings to that audience, but the short story assessment is an option and all students need to consent to publication of their story (as do all student contributors).

Over the years, student stories have covered a variety of issues and legal claims, but claims related to assisted suicide, celebrity privacy, prisoners' rights, police powers, national security, demonstrations and deportation and extradition have been especially popular vehicles to portray the experiences of those involved in those disputes. All students are warned against damaging language, but are otherwise given a free hand to write their story, stressing that the work is one of fiction.

In our experience, not only do students enjoy this exercise, they perform at a high level – often slightly higher than those who choose the more traditional assessment, although some struggle with the task and might in hindsight have performed better had they chosen another assessment. Those choosing the story option must also present at least one case note or legal piece, so they must show more general legal skills in the whole assessment. Experience shows that these students are in general capable of displaying both skills, although some display better skills in one or other of the assessment tasks. In particular, students who write a story take greater care with presentation and grammar and thus benefit from the task, both in terms of gaining high marks and establishing their own sound writing skills.

#### *Encouraging students to publish their dissertations, essays or independent research*

In addition to encouraging enhanced writing skills and publication opportunities in specific assessments, students at Coventry – both undergraduates and postgraduates – are given the opportunity to forward their academic work and research to staff in order to be considered for publication in the *Coventry Law Journal*. The journal is published twice a year in house and is also available on Westlaw UK. It is now celebrating its twenty fifth anniversary and publishes articles, recent developments, case notes and book reviews written by academics at Coventry and from other national and international universities. The journal encourages early researchers and in particular allows students to publish their work and research. Postgraduate students are also encouraged to submit their dissertations and extended courseworks and this can lead to further publications and the beginning of their academic careers. Additionally, undergraduate students can submit work previously submitted in other modules, apart from those referred to above, or they can submit independent

research for publication. In some instances, the student is paired with a member of staff to write a joint piece on a legal issue or recent case.<sup>3</sup>

These opportunities are provided in order to augment the School's desire to enhance students' academic writing, but they also provide a number of more specific benefits. First, publication in an official journal can enhance students' employment opportunities, and more specifically, can kick start a student's academic and publishing career. Second, publication is a source of student pride and satisfaction, encouraging them to produce their best work and in a style that is consistent with professional authors. Third, joint pieces with staff allows collaboration between staff and students so that both sides benefit from each other's contribution and expertise. Fourth, publication is a mark of student success and excellence, illustrating to the student that they have produced publishable work, and showing other students what is possible.

### **Feedback, outcomes, strengths and weaknesses**

The above assessments methods and projects were met generally with strong student approval and positive feedback. Comments on the respective module evaluation questionnaires (MEQs) were very positive on the whole, although a small number of students suggested that we revert to more traditional methods, and that they found the assessment briefs a little confusing and quite demanding. The students on the Human Rights module were particularly positive regarding the choice and innovation of the assessment methods available to them and in particular the opportunity to write a short story – something very different from other methods of law assessments.

The Academic and Career Development module witnessed a sharp increase in student satisfaction in particular. As noted earlier this has traditionally been a difficult module to engage students, but with the innovative changes to the module structure, assessment and teaching materials, student satisfaction, engagement and appreciation for the module's purpose increased significantly. Following the module redesign and the introduction of the opportunity to publish student work, overall student satisfaction increased from 71% to 89% in 2017-18, which was replicated in 2018-19 again at 89%. Similarly, the student satisfaction for the Human Rights module has been consistently high since the introduction of the opportunity to publish, with an overall student satisfaction of over 90% for three consecutive years.

Other indicators of success can be found in the respective MEQs for these modules. For example, feedback has been very positive with respect to questions such as 'this module has challenged me to achieve my best work' and 'this module has provided me with opportunities to apply what I have learned'. The positive responses to both questions reflects to some extent how students perceive and appreciate the opportunities to publish.

With respect to other tangible outcomes, we witnessed a growing increase in the quality of student work and the marks attained in the relevant modules, particularly at the higher end, although this was somewhat offset by the lower marks achieved by students at the lower end, who may have struggled to come to terms with the nature and demands of this form of assessment. There was also an improvement in students' referencing skills in these modules, although this was not always evident in other modules. There was also a positive response by the students whose work was published,

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<sup>3</sup> For example, in 2019 two students wrote joint case notes with Dr Steve Foster for the journal on recent cases in vicarious liability: see Steve Foster and Marie Clarke, 'Expanding the law or unruly justice? The development of vicarious liability and the decision in Barclays Bank' (2019) 24(1) *Coventry Law Journal* 93-102 and Steve Foster and Samuel Dixon, 'Vicarious liability for employee assaults: is there any limit to liability after Mohamud?' (2019) 24(1) *Coventry Law Journal* 102-111.

together with a pleasing engagement from the other students who enjoyed reading their fellow students' work.

The strengths identified in these projects included an increased engagement by many students in the assessment process, as well as in the modules as a whole, and a marked increase in the quality and clarity of many students' work. There was also a satisfying response from the general student body, who enjoyed reading the special issues of the journal and other work published by students. Ultimately, all of the objectives underpinning the rationale discussed earlier were achieved in part, and in some cases beyond expectation, particularly greater student engagement with modules, assessment and academic literature.

There were, however, some weaknesses identified in the projects. Some students failed to engage and buy into the assessments and their desired outcomes, and as a result performed below their skills and expectations. Thus, despite being offered different tasks with varied choices, some students did not favour assessments which tested these professional writing skills and who accordingly fared worse. More specifically, in hindsight some students chose the wrong option – for example a number of students chose the short story option believing that this was an easy option, then discovering that they lacked the necessary creative juices.

## **Conclusions**

Coventry Law School remains committed to teaching students sound academic writing skills and to offer assessments that will test and improve those skills. In that sense, Coventry is consistent with the aims of all other law schools that view these skills as essential at both undergraduate and postgraduate level.

However, where Coventry might lead the way is in providing students with the opportunity to have their work published, or at least to emulate the skills of the professional academic writer. The School has provided such opportunities by encouraging students to publish their work in the School's journal as well as in devising assessments that allow the students to imagine themselves as legal writers and not just law students. These options not only encourage students to read more, and qualitatively better, legal literature, but incentivise them to write more professionally and improve their writing and analytical skills, not only on their course, but for the future.

The authors are mindful of the demands of these initiatives, and their possible negative outcomes on some students; although staff remain committed to ensuring such students learn those skills and are allowed to take part in more traditional assessments. However, they are delighted with the positive outcomes derived from the projects and feel that they have enhanced the student experience and the skills of our law students.

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