



Daniel Bansal, Maribel Canto-Lopez and Jessica Guth (eds.), Rethinking Assessment in Legal Education

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Assessment in academic legal education within the UK has undergone considerable change in recent years as a result of various factors which have provoked significant rethinking on the part of teachers of the law as to its fundamental purposes and the challenges with which it must grapple. While the effects of changes introduced to teaching and assessment during the COVID-19 pandemic have left a lasting impact in some respect, HE agendas concerned with diversity and inclusion and growing pressures to develop employability skills in graduates have also affected attitudes towards assessment. At the same time, the rapid emergence of generative AI has produced challenges of its own for the integrity of academic assessments, while in Law specifically the introduction of the new SQE route to qualification as a solicitor has prompted radical changes to the forms of assessments set on undergraduate law programmes. These various phenomena are recognised by the editors of this collection, first published as a special issue of *The Law Teacher* in late 2025 which emanated from a 2023 conference.

The various contributors give consideration to a number of academic legal assessment related themes which all, to some extent, reflect upon some of the challenges and phenomena highlighted as being of contemporary pertinence in HE Law assessments. A distinct feature of the collection is that each major contributor's paper is followed by a response from an academic working in another jurisdiction who is able to reflect upon the paper with reference to his/her own academic experience by way of comparative appraisal. For the most part, the initial contributors and their respondents broadly agree in terms of the perspectives which they offer.

In the first contribution, Kerin considers the development of a curriculum-wide assessment strategy and identifies three principles which are central to doing so.

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Firstly, it is argued that such a strategy must harness generative AI. While it is deemed unrealistic to prevent its use entirely, routes through which it is incorporated into assessment without undermining the need for critical understanding of the law – for example, where students are asked to assess the validity of AI-generated answers – are mooted. Secondly, it is argued that the scope for oral assessment must be increased, while recognising the need to overcome potential bias by markers and to accommodate students presenting with mental health conditions which problematise this form of assessment via alternative offerings. Certainly, there appears to have been a shift towards greater use of oral assessments within HE generally. Thirdly, a case is made for providing students with choice over the form of assessment. While the former two principles may find broad support, the final of these is potentially more controversial on grounds of consistency.

The second contribution, from O’Callaghan, Hammond-Browning and Price takes the form of a case study concerning the introduction of a novel form of assessment on a Land Law module. The authors note the limits of the traditional unseen examination, which focuses on knowledge retention and compartmentalises subject matter. At the same time, while recognising the importance of embedding SQE-style MCQ tests, they emphasise the importance of maintaining academic assessments which veer towards greater authenticity, deriving from a practical dimension. Their solution was the creation of a 24-hour written assessment that centres on a mock village, in which a series of Land Law related issues arise. The teaching on the module is also centred around the mock village scenario, allowing for the subject to be both taught and assessed holistically rather than in unrealistic pigeon-holed compartments.

Lorber’s contribution focuses upon the use of generative AI in law assessments. The challenges which GAI poses in an assessment context are rightly acknowledged, the author noting that in one survey of February 2024, 53% of students reported having used it to help with their assessment, 13% to actually generate text included within it. Aside from undermining the integrity of assessment, GAI’s unchecked use can mean that learning outcomes are unsatisfied and students fail to develop core competencies. However, GAI is not without its merits and working from the assumption that it is here to stay, Lorber suggests that it is embraced by framing innovation. Methods through which it can be embedded in assessments are identified, while also noting modes of mitigation against its worst excesses.

Treatments of the underlying principles and rationales which guide assessment and feedback generally are at the heart of the contributions to the collection made firstly by Rhodes, and then in the final chapter by Cartwright. Rhodes discusses ipsative assessment, which focuses upon using assessment to measure how an individual’s performance has progressed over a period of time, rather than taking assessment as simply a basis for an end-point measurement. It is suggested that the impact of feedback only at the end of a process is limited, a point which is difficult to refute as the scope for this to facilitate improvement in the subject matter being assessed is narrow at best. The author acknowledges that there are challenges arising from the use of ipsative assessment and that its introduction on any radical level is unlikely. Taken to its logical extent, a student beginning from a low starting point but progressing continuously is assessed as having performed better than a student who starts at a high standard with only limited scope for improvement. There is, nonetheless, much

to be said for exploring routes to incorporate elements of an ipsative approach within assessment frameworks to maximise the impact of feedback on the student journey. Cartwright's chapter makes an argument against summative assessment, painting it as a servant of neoliberal structures which perpetuates inequalities. The solution is not entirely clear, although he recommends a shift towards community-based learning as an alternative to an assessment driven system of education.

Situated between these two chapters is a thoughtful contribution from Guth and Shipton which makes a strident defence of the traditional essay, the most prominent form of non-examination assessment on academic law programmes. The authors acknowledge that essays are not without their problems – they invite plagiarism and are prone to the use of GAI – but also identify fundamental merits, facilitating authentic engagement by students who are able to take ownership of the exercise and develop competencies in areas such as application of prose. Nonetheless, in light of the aforementioned challenges, important considerations to have regard to in the creation of essay questions – for example, through linking these to course specific materials – are flagged, which can reinforce the integrity of the traditional essay as a mode of assessment.

Although few will agree with all the arguments and proposals advanced in this collection, most will similarly find much which they can support in the thoughtful series of discussion points which it facilitates the consideration of. Many of the issues touched upon feature regularly in ongoing debates throughout Law Schools across the country over the appropriate forms of assessment, both on pragmatic grounds and matters of deeper-rooted principle. This collection is a welcome addition to literature in the field and offers a worthwhile read for all engaged in teaching on academic law programmes.

Author contributions GW wrote the entire paper.

Data Availability No datasets were generated or analysed during the current study.

Declarations

Competing interests The authors declare no competing interests.

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