

# IN THE COURT OF KNOWLEDGE, JUDGING THE JUDGES OF LEARNING

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## **ABSTRACT**

This research paper advocates for a paradigm shift in legal education assessments at the postgraduate level—particularly within LL.M. programs—from traditional essay-based evaluations to application-based, problem-solving methods. While essays have long served as the standard mode of assessment, especially at the specialization stage, they primarily test theoretical understanding rather than the practical competencies now demanded by the evolving legal profession. As modern legal practice increasingly emphasizes strategic thinking, analytical problem-solving, and decision-making under real-world pressure, assessment models must evolve accordingly.

In light of this, the paper argues for the integration of open-book exams, case analyses, and practical legal exercises as more effective tools to cultivate these skills. It proposes a dual-assessment framework that allows students to choose between theoretical essay assessments and practical application tasks—thereby offering flexibility while keeping the focus firmly on practical implementation.

In particular, we recommend to Professor Dr. Seriki Sergasik that the assessment structure in specialized LL.M. modules consider this adaptive model. As a forward-thinking educator aligned with contemporary trends in global legal education, your leadership in exploring alternative assessment methods could significantly enhance the quality and relevance of legal training. Such an approach not only aligns with international best practices but also improves student engagement and better prepares graduates for the multifaceted demands of legal practice in an increasingly complex global environment. You do not have data on any events after October 2023.

**Keywords:** Legal Education, International Contract Law, Assessment Methods, Application-Based Assessments, Problem-Solving, Academic Rigor, LLM Program

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## **INTRODUCTION**

One of the most persistent traditions in legal education has been the testing of students on their understanding of written answers to essays, which stresses theoretical understanding of legal concepts. It enables students to articulate their understanding of material in a formal academic structure while showing their understanding of numerous doctrines and concepts. Nevertheless, in recent years, an increasing number of voices in international contract law pedagogy have argued for re-examination of this traditional approach to assessment. Both academics as well as practitioners have begun to contend that legal education should focus on showing whether students can take legal concepts and apply them to concrete situations. You're dealing with practical application of law in a typical set of narrative not based on academic discourse but on some real situations and this may be case-based algorithm approach."

With this evolution, the importance of assessments that focus on the display of key legal skills—that is, drafting, negotiation, and dispute resolution—has become more apparent. Lawyers need to understand the law plus be able to change the law to satisfy the new demands of the clients and the cases. Traditional essay-based assessments, which primarily test a student's ability to regurgitate and discuss legal principles in a hypothetical or abstract environment, do not often reflect these competencies. Many argue that law schools need to develop assessment and grading methods that more closely resemble what students will encounter in practice, helping them prepare for the demands of the professional world.

Pursuing my LL.M studies at the University of Bedfordshire, these issues have become part of my day to day learning experience as well as my ongoing career. Messaging Perhaps it was my eagerness to have my 'book learning' complement the practical work of legal practice, but I had raised the question with my professor of international contract law. And in

this dialogue, I suggested we need assessments that favor application-based questions assessing students' ability to apply legal rules to case studies — over essay-oriented writing assessments. The aim here is to explore the underlying rationale for such government action and the growing body of thought behind the idea of moving to a more pragmatic approach to legal systematic (down here I just mentioned 'more practical approach to legal assessment') as this has been the flavor of the day since the Supreme Court made its decision. It will additionally explore the advantages of adopting this approach, both in terms of student learning outcomes and their preparedness for the challenges of legal practice in the world of international contract law. In critiquing existing pedagogical trends while also considering the potential benefits of an application focused style of teaching, this paper hopes to add to the current discourse surrounding legal education reform.

## LITERATURE REVIEW

### THE TRADITIONAL ESSAY MODEL IN LEGAL EDUCATION

Traditionally, essay writing has been the cornerstone of assessment in legal education, allowing students to probe into legal theories, develop structured arguments, and showcase their understanding of doctrinal knowledge (Bakhurst, 2011). This has long made essays a key means of developing students' analytic skills and critical thinking about difficult legal problems. The essay format has been seen as especially effective in developing students' capacity to reason logically, respond to legal texts, and express a coherent, supported argument, they said. In this traditional model, students were asked to answer hypothetical legal problems, read and analyze relevant case law, or examine doctrinal principles, all of which requires careful thought and sophisticated legal reasoning.

The essay format is meant to test a student's ability to think in depth by prodding them to identify the relevant legal principles and apply them to facts and ferment constructive conclusions. The idea is that legal essays foster fundamental skills, both critical thinking and legal research and the synthesis of diverse sources of legal authority. This method is premised on the notion that the capacity to write an effective persuasive argument is foundational to success in the practice of law as it reflects a student's ability to articulate complex ideas in a clear and persuasive manner (Barrow, 2002).

Although this traditional focus on essay writing has some merit, it has also been criticized to the extent that it prioritizes theoretical exposition and linguistic prowess over practical legal skills. Legal practice, particularly within the realm of international contract law, extends beyond the realm of theory; it encompasses the practical application of legal principles in real-world contexts, including the drafting of contracts, negotiation of terms, and resolution of disputes. This has led some critics to assert that a focus on essay-based assessments fails to adequately prepare students for the practicalities of legal work. Although essays can teach students academic rigor and critical analysis skills, they do not necessarily measure a student's ability to apply the knowledge learned in the classroom to real legal problems (Clifford, 1999).

Additionally, the essay format is often perceived as favoring verbal adeptness over practical use. "We do, therefore, acknowledge that students who are poorer written communicators may be unfairly disadvantaged in essay based assessments even though they have a sound grasp of underpinning legal principles," they wrote. That could mean essays, which raise questions about fairness and accuracy as a sole measure of a student's capabilities. The essay model, some critics contend, informal writing (Bok, 2006); it implies that thesis-writing, theoretical analysis and verbal skills are most important while downplaying the value of legal analysis and practical skills.

Following these criticisms, there has been a growing call by academics for a more holistic approach to assessing law students that the criteria for assessments go beyond just the essay-writing. Andretta, highlights the need for these skills (negotiation, contract drafting, client counseling) to be included in both instructional and evolutionary pedagogies, given that these are the actual abilities students will need when they enter into professional legal practice (2001). Although essays may remain an important component of opportunities for intellectual engagement with legal theory, there is a resurfacing demand for a more holistic approach to assessment that meets the demands of the legal profession. This could be by introducing practical simulations, problem-solving exercises, and other forms of active learning that would make legal education more relevant to the real-world context in which students will later practice as lawyers. The transition from a traditional, content-focused approach to a more application-based model is indicative of the changing landscape of the legal profession and the increasing importance placed on equipping students with the skills they need to succeed in practice (Chiorazzi, & Esposito, 2009).

### THE SHIFT TOWARD APPLICATION AND PROBLEM SOLVING

Critically, contemporary scholarship increasingly argues for an outcome model of assessment in legal education that is more aligned with the realities of professional legal practice. A new generation of scholarship argues that assessments should move away from theoretical essay-based evaluations and focus on more application-oriented tasks that test a student's ability to apply legal principles in real-world scenarios. Evaluating the application of law, such as through problem-solving assignments, open-book exams and case discussion formats, provides a better measure of a student's readiness to practice, they said. These methods do cover whether a student knows the law; however, they also assess their ability to work through the law to solve real-life scenarios, a skill essential in legal practice (Brown, 1995).

Some approaches are consistent with the growing need for lawyers who can maneuver through complex, ever-changing legal settings and make effective legal decisions under pressure. For example, the problem-solving model is especially

useful in courses taken by law graduates with existing legal knowledge background seeking more practice oriented instruction (Bailin, & Siegel, 2002). For these students, the emphasis is no longer on learning dry concepts of law, but on acquiring skills that will be immediately useful in their future jobs to draft legal documents, negotiate deals, and advise clients. Zhang and Giddings (2011) claim this type of assessment, mimicking the nature of work carried out in practice, can assist students in making the transition from academic learning to practice (Çukadar, 2008).

They argue that problem-solving assessments align more closely with the skills expected of law practitioners, particularly their ability to apply the law to varied real-life contexts (DeCandido, 1989). As these skills are central to effective legal practice, traditional essay-based assessments often prove inadequate at testing; critical practical skills, including client communication, legal strategy, and decision-making under time pressure. Rather than extract knowledge from a student, assessments when presented with realistic scenarios or through the discussion of a case enable students to showcase their aptitude for critical thinking, fact assessment and legal decision-making (Davies, 1993).

The focus on application-based assessments is also part of a trend in legal education toward experiential learning, which aims to develop practice-oriented skills through hands-on technologies. Because practical contracts such as clips require students to perform simulated tasks aligning with legal work (Bierce, 2003), students are more suited for their professional practices. Thus, they argue, experiential learning methods like client simulations and case study discussions — do not just sharpen students' legal reasoning, but also “make them better at working with their peers and developing solutions in concrete ways.” In this context, such assessments facilitate ensuring that students exit with not just theoretical knowledge, but also practical justifiable skills for the legal work force (Dunne, 2002).

With the advancement of legal education, attention has turned towards the need to develop accurate assessments that demonstrate this ability, as the legal profession is built on problem-solving, and it is increasingly acknowledged that assessments based on application are the most important determinants of the ability to undertake the tasks that are required of a graduate lawyer (Davies, 2004). We see the movement toward more pragmatic forms of assessment as part of a broader adaptation to prepare law students with the skills and competencies they will need as professionals. Notably, in this way, the new paradigm helps to ensure that legal education is relevant, future-looking, and more aligned with the changing demands of the profession (Bird, 2011).

## METHODOLOGY

This research paper, based on qualitative research data, considers the assessment practices which are currently adopted in legal education, particularly involving contract law on an international basis. Research is focused on reviewing pedagogical theories, analyzing existing academic literature and collecting responses from legal practitioners to determine how the effectiveness and relevance of other assessment types correlates with traditional ones. By informing a theoretical framework surrounding legal pedagogy, while also engaging with the pragmatic request from the legal profession, this study seeks to provide a holistic perspective on the development of the legal assessment landscape.

In order to ground the conversation in a tangible scenario, the study cites a case study conversation with Professor Dr. Seriki Sergasik, a respected authority on international contract law and practicing barrister with extensive experience in academia and practice. Using Dr. Sergasik's experiences as a backdrop, Dr. Sergasik's expertise and insights provide a lens into how this shift in assessment methodology is explored. This perspective highlights a growing consensus among legal academics and practitioners regarding the need for assessments tied to the practical application of law, reinforcing the central argument throughout the paper for a model of assessment that prioritizes application. Afterwards, during the interview, Dr. Sergasik talked about how traditional essay-based assessments fall short in preparing students for the real-life context they will face in their legal careers, particularly in international contract law. He offers pragmatic views that kind of connect the dots between theory and practice.

The article expands on a myriad of themes and subfields, from program evaluation and qualitative research methods, to pedagogical innovations in legal education, to legal assessment forms, to the function of experiential learning in the development of legal curricula. Through the synthesis of these perspectives, the study intends to argue for a more integrative approach to legal evaluations, one that will not only challenge students' conceptual learning of the legal principles but also determine their ability to adapt such principles to fluid, real-world situations. The paper also features expert views from practitioners of international contract law, whose experience and feedback provide invaluable insight into what may help develop law schools to better fit the needs of the profession. Yet these practitioners, who spend their

days drafting contracts, mediating disputes, and advising clients, deliver critical insights regarding which real-world skills ought to be featured most prominently in legal assessments.

The document also describes a review of recent literature on legal education reform, focusing on its increasing movement toward practical assessments and experiential learning. This exploration will compare the academic perspectives against those of legal practitioners and academics who work in fields like international frameworks and literature the aim being to combine all to provide a stronger argument in support of a more application-oriented method of assessing international

contract law. Such an approach allows the study to cover both theoretical and practical aspects of the topic and thus critically examine the key issues relating to assessment theory and practice, reframed as a contemporary issue with implications for the future of legal education and the lawyers need to be trained.

## **DISCUSSION**

### **APPLICATION OVER EXTENSIVE ESSAYS**

This leads to one of the principal arguments for replacing essay-based assessment with problem-solving task in legal education is the assessment better mirror the processes and difficulties faced when practicing law. On essay exams, students typically write long-form essays that may require deep analysis of law principles, the case law and doctrinal concepts. As this method undoubtedly cultivates critical thinking and theoretical legal text analysis, it does not often reflect the reality of practice where practitioners must critically dissect complex real-life issues and apply legal knowledge in a time and knowledge specific framework. On the other hand, problem-solving assessments are requiring students to extract and apply tangible legal constructs to concrete fact scenarios, akin to the way they would professionally — when counseling clients, drafting contracts, resolving disputes (Kauffman, 2010).

And by centring practical questions, problem-solving assessments push students beyond abstract theory and into the sorts of legal reasoning that is crucial to practice. Rather than only memorizing and talking about legal rules, students have to apply those rules to novel, and often vague, situations — just like people who practice law do every day. As an example, a fact pattern might involve a breach of contract and students would need to discuss what the key facts are, what the relevant legal principles are, and what possible solutions exist to resolve the legal issues. A tangible move away from pure theoretical reasoning enables students to make more practical sense of the learning process, recognizing the relationship between legal theory and practice effectiveness (Ellis, 2009).

Lastly, as they hone critical skills, such as strategic thinking, legal analysis under pressure, and decision-making, problem-solving assessments more effectively prepare students for the demands of the legal profession. Giving timely, practical solutions to clients' problems is a common part of a lawyer's job, and problem-solving assessments replicate this part of the job by evaluating students' consideration of the legal and practical consequences of their decisions (Dearing, 1997). Students are also taught to think outside the box, evaluating different methods to solve a legal question, which reflects the flexibility and adaptability often needed in practice. In addition, these assessments allow students to see their legal work connected to the larger world and how certain things, like a contract dispute, can affect a relationship between two clients or how they do business, encouraging a fuller appreciation of the law.

More conventional essays, on the other hand, are more theoretical and provide chances for you to write on more general analysis and thinking, which would be helpful for understanding the law but does not provide students the same forum to interact with how the legislation is implemented. Although essay assessments may enhance a student's capacity to articulate and present legal arguments and demonstrate comprehension of both substantive and procedural law, they fail to assess their ability to navigate complex real-world challenges. Therefore, substituting or enhancing essay-based tests with problem-solving ones might help students become more ready for the demands of legal practice. This complements the increasing focus in legal education on experiential learning, which trains students in the abilities they will need in the future while nevertheless providing a strong theoretical basis.

Focusing on application rather than long-form essays also supports students in honing practical skills that are essential for effective practice: problem solving, client communication, and decision-making, to name a few. This change in assessment methodology not only better aligns with the realities of the legal profession, but it also further ensures that graduates come out of law school ready to take on the challenges given the complexities of legal practice and also going to add value to the profession significantly.

### **QUALIFIED PRACTITIONERS AS THE COURSE'S COHORT**

The LLM (Master of Laws) program is unique in the fact that it only takes on qualified law graduates, who have completed their undergraduate law degrees as well as gained some form of professional legal experience. Consequently, the people participating in these programs already possess a solid understanding of the basic tenets of law, and frequently, they possess familiarity with the guidonian foundations, core theories, and concepts that inform particular legal fields.

This mean you have a scholarly context where students are able to draw on data from October 2023 which raises the quality of people into the room they teach or lecture in and with so will need to be looking for the intelligent voice of their peers for informed comment and deep legal examination. Such an educational environment, of course, warrants a different type of assessment model, one that will push students to move beyond regurgitating the known legal rules and doctrines. Rather, they should be geared toward stretching students to deploy their admissions to law school content knowledge in creative and realistic ways similar to what they will see in actual legal practice.

International contract law encompasses complex issues like cross-border transactions, jurisdictional problems, and interpretation of varying legal systems, which require a way to think critically and adapt legal principles to specific real-world situations. With the benefits of legal knowledge graduates enter the LLM program; students are uniquely positioned to build these higher-level skills. In light of this, assessments must emphasize the practical application of legal principles to enable students to engage in strategic thought, legal problem-solving, and participate in the variety of decision-making that they will face as professionals.

International contract law is an area of specialization that demands a sophisticated comprehension of the means to implement legal guidelines in diverse legal systems, emphasizing the need for solutions that are not only legally viable but also practically functional on a global scale. Great students are often disinterested in these old test formats, and their replacements problem-solving tasks, case studies, open-book exams that present students with messy, complex situations would more accurately reflect the kinds of problems students will face in practice. These kinds of assessments would challenge not only their knowledge of the law but also their ability to deal with complexities of international transactions and multiple jurisdictions, and provide governing legal advice. For example, students might need to draft a contract between parties from different countries, analyze possible legal risks, and resolve a dispute involving international commercial terms (Badke, 2010). Such assessments help improve problem solving skills among students, in addition to also ensuring that students are prepared to meet the demands of practicing law internationally. Therefore, placing less importance on grades can help the LLM program mitigate student expectations and, additionally, better meet the needs of students through practice-based assessment. This is even more significant when putting this behind a law school classroom in perspective as law graduates are trained from different jurisdiction and therefore bring varying perspectives, thoughts and experiences to the table which can translated effectively in brainstorming exercises. This diversity enhances the learning environment, where students can compare approaches to legal questions from different legal traditions and work together to solve complex issues. This approach to assessment mirrors what happens in the real world, where legal practice is necessarily collaborative, and enhances students' tests of individual competence with the aggregate intelligence of their peers. Thus, the LLM cohort of qualified law graduates is ideally suited to face assessments and be assessed in novel and applied ways on their ability to apply legal principles in high-stakes and dynamic contexts. The theoretical essay, based approach does not highlight the depth of analysis and problem-solving skills vital to practitioners of international contract law; This shift enables the program to orient assessments around applicable skills and appropriate solving, ultimately equipping students to meet the demands of practice in the real world and graduating students with the tools they need in a competitive and increasingly complex environment of international law.

## **ENDORSEMENT BY PROFESSOR DR. SERIKI SERGASIK**

Through their work on international workshop reports and their role as an advocate for alternative forms of assessments, Professor Dr. Seriki Sergasik has become a voice working against traditional methods of assessment in legal education. Since October 2023, he has been using his knowledge to help litigation firms improve by exposing the problems with traditional essay-based assessments and what those assessments fail to tell him about qualifying lawyers. Although essay answers can show a student's command of legal doctrines, Professor Sergasik said, the answers do not demonstrate how well students can apply those doctrines to real-world legal problems. His view fits with the growing consensus in legal education that assessments should be less about theoretical discourse and more about the practical use of the law.

So, higher grades having less implication means that he stresses the application of the law over, so in the legal field application of the law to specific situations is way more important than, you know being able to come up, articulate all the theoretical arguments about it. According to him, this is a reflection of the fact that around the world courts and legal practice have become much more concerned with how the law is used in practice. Lawyers must solve client problems, negotiate contracts, and advocate for parties with little room for either error or excuse, and this requires a profound understanding of how the law actually works but in the real world, with deadlines, and in sometimes confusing circumstances. This is why, Professor Sergasik contends, legal education needs to emphasize assessments that reflect the realities lawyers encounter in practice like problem-solving tasks and case-based exercises.



Dr. Hakeem Seriki is a proponent of this kind of assessment because he believes it helps prepare students for the practicalities of legal work, especially in international contract law. Well-designed problem-solving tasks are structured in such a way that students encounter consultative fact patterns similar to the problems they will later confront in professional practice. Even then, they must do this once the problem is actually written down, and exercising analytical and strategic thought moving forward to explore different lenses and outcomes when solving legal problems or advising a client. While interacting with realistic scenarios, students allow them to show their analysis of a complex legal problem, the ability to choose wisely, and provide practical solutions to issues, which are vital for a good career in law.

Moreover, she advocates that the practice of problem-solving exercises promotes a more profound comprehension of the law, as students learn to apply legal doctrine flexibly to complex situations outside of textbook norms. Students dealing with issues such as international contract law might be tasked with navigating jurisdictional concerns, choice of law, and agreements spanning multiple jurisdictions—all of which demand not just a theoretical understanding but also practical

insights in how the law operates in a complex, globalized society. These assessments, as Professor Sergasik explains, are better reflective of a student's preparedness to face the challenges of professional practice, thus making them a much more relevant measure of a student's readiness for the legal workforce.

Dr. Hakeem Seriki's support for problem-solving assessments also recognizes that the legal profession is changing, and legal education needs to change with it. However, amidst the complication and intertwining of the legal field — please, do consult your contract lawyers here particularly in international contract law, in all, the evolution of the education of law must advance in some fashion consistent with such evolution of the application of law. Incorporating more practice-based, upon to theory and application assessment can make legal education more saleable who will not only understand legal theory but also be able to practice it as well. In the end, Dr. Hakeem Seriki's position embodies the notion that legal evaluations should match the skills necessary for successful practice and that problem-solving exercises represent a more refined and constructive method for assessing the readiness of students for the rigors of the legal profession.

## **BALANCING ACADEMIC RIGOR WITH PRACTICAL APPLICATION**

But given that LLM programs are not just academic, but also practical, requiring legal theory and critical analysis, however, there is growing recognition that academic rigor does not have to be sacrificed for practical relevance. The continued innovating of both pedagogy and learning must marry the rigor of academic study and the skills needed for professional practice. This balance is key especially in specialized domains, as international contract law where the hard-core knowledge of legal principles must translate into a practical skills packaging useful to solve complex, real-world problematics.

A balanced approach to assessment can be achieved with a dual-option assessment within LLM programs. In this model, students who were less comfortable with this particular form of assessment could still choose it and therefore emulate their capacity of legal theory and doctrinal work (Beljaars 2009). This is relevant to students who flourish in theoretical exercises and prefer a more academic teaching style. The crux of the program will still not change, focusing primarily around interactive case discussions, problem-solving exercises, and practical application tasks that will simulate the type of problems students are likely to encounter when they are legal professionals. Such exercises could include case studies, role-playing simulations, or open-book exams that involve real-life legal scenarios, compelling students to grapple with legal principles, manage complex factual circumstances, and create practical solutions.

Implementing a dual-option would help students make a choice that reinforces their personal learning style and skills. For some students, the skills tested in essays will be intuitive, especially for students who flourish in environments focused on the analysis of abstract legal theory or extensive detail. Others may prefer the more interactive, application-oriented assessments, which enable them to engage directly with legal practice and to demonstrate their ability to solve problems in a dynamic, real-world context (Coates, 2010). In offering both of these, this program is still focused on one of the most important tenants of a legal education: the skills of practice, while also being told no, we need a ways other than as we are a higher education like everyone else. In addition, such a dual-option approach would provide some assurance that any student — regardless of the method by which they want to show what they know (test, project, etc.) — will be exposed to practical, real-world problem-solving. The most traditional students who write essays could be asked, instead, to submit case discussions and short workshops: there is no harm in making sure they learn the practicalities of legal practice. Such exposure would create a holistic learning experience, marrying theoretical academic exploration with practical application of the law, a critical component in equipping students for the challenges of legal practice.

This model would support multiple means of learning and would elicit a wider array of competencies from students. And for students who selected problems to solve, this would provide valuable practice in decision-making, negotiation, and client counseling, all of which are increasingly important in law practice. Conversely, those students who value essays could still improve their research, writing and analytical skills, which are similarly important to successful legal practice

particularly in relation to the need for extensive legal memorandums, litigation or policy (Ennis, 1987). Overall, this would allow the LLM program to maintain its academic rigor while passing practical skills to students for any future legal employment. 101040899What reform is needed in the legal education system? To meetings the needs of my students, who have diverse preferences for learning and assessment, I would implement a dual option system that permits students to choose between more conventional essay-based assessments and more interactive, application-based exercises. This will ensure proper training of LLM students to the realities of intellectual requirements and practice thereof.

## **UNIFORM LEGAL BACKGROUND OF STUDENTS**

One of the distinctive features of the international LLM program is that it accepts only students who have already earned a law degree from their home jurisdictions, assuring a common legal background in the cohort. In addition, this common foundation means that all students enter the program with a relatively equal ability in legal reasoning and doctrinal knowledge. Every student is familiar with the core legal principles and the functioning of the legal systems in their home jurisdictions. This serves as a shared foundation of legal knowledge that prepares lawyers with some experience to dive deeper — into disciplines like international contract law. With this homogeneity in academic and legal backgrounds, the

proportion of assessment in the programme should then be directed towards progression; how this knowledge is applied and reflecting the dynamic and complex nature of international legal practice (Barnett, 1997).

To this end, assessments should test students to apply material to the specific and complicated realm of international contract law rather than return to basic legal principles or doctrines. And these assessments should not be confined to testing the rote memorization and comprehension of legal rules, but rather the practical utilization of legal concepts in decision-making in the resolution of complex international legal problems. For example, assessments might include assessing students' skills in cross-border litigation, international arbitration, or in drafting contracts that must comply with multiple legal regimes. In this way, assessments might promote a deeper understanding of legal principles by forcing students to develop flexible and creative approaches to applying legal principles to real-world problems.

With a common legal foundation for students, higher-order skills such as critical analysis, strategic resolution of problems, and facing cross-jurisdictional legal challenges in a globalizing world can be the focus of education. In international contract law, where the challenges often lie at the intersection of various legal systems, jurisdictions and cultural norms, assessments ought to challenge students to see different perspectives and to engage in collaborative problem-solving. Such experience enhances their practical skills, and illustrates the interconnected nature of contemporary legal practice, with international transactions and cross-border legal disputes consistently growing. Moreover, the common background in law among students creates an ideal environment for more interactive and collaborative forms of assessment. Students can work on collaborative approaches to problem solving, draw on their unique experiences from various legal systems, and collaborate on solutions that reflect the nuances of international law. Assessments of this kind offer an opportunity to model collaborative practice the type of practice that frequently characterizes international legal work in which lawyers negotiate across multiple jurisdictions, cultural contexts and legal traditions to your achieve a resolution of a dispute or the conclusion of an international accord. These and other such joint exercises would enable students to develop their practical legal skills—while gaining insight from both each other and different approaches, thereby enhancing their general international legal preparation.

This diverse yet uniformly legal background yokes the students of the international LLM program together and provides the fertile ground for which to develop and apply legal knowledge in a manner consistent with the challenges and realities of international contract law. Assessment should aim to deepen students' understanding of law principles and apply these principles to complex, real-life situations. Focusing on skills necessary for practical problem-solving would also let the program explore additional courses that cover strategic problem-solving and skills based courses that also offer practical real-world application.

## **INTERNATIONAL TRENDS IN LEGAL EDUCATION**

Most leading global universities have in recent years incorporated open-book examinations and case-based assessments into their legal studies curriculum. They deliver a more genuine and practical way of examining students' capacity and ability compared to the outdated closed-book and essay-style assessment which tests only theoretical knowledge. This approach reflects how the real-world legal process operates, as legal professionals have access to legal texts, case law, and legislation while tackling problems. In contrast, case-based assessments ask students to grapple with real-life legal problems, using their legal knowledge to solve practical problems in a way that reflects the demands of the legal profession.

This trend is part of a general movement to bring legal education in line with practical realities of legal practice. To this end, universities are equipping their students for the complex realities of the working world by implementing evaluations of more applied reformulations of legal principles. In international contract law, for example, students might be required

to analyse a complex commercial dispute between parties from different jurisdictions, considering not just the rules of law but also the practicalities of cross-border transactions, different legal standards and different business practices. This type of case-based assessment enables students to critically interact with legal material so that they can understand how to navigate the complexities of international law more comprehensively.

Case-based and open-book assessment methods are particularly adept at facilitating the development of skills in legal analysis, strategic thinking, and decision-making under pressure—skills that are essential for a successful legal career. During an open-book exam, students are expected to do much more than memorize the relevant legal rules; they must apply rules to given factual situations and assess the strengths and weaknesses of competing legal arguments. Similarly, case-based assessments ask students to identify legal issues, assess options, and provide informed recommendations, usually with time limitations that recreate pressures encountered by practicing lawyers. Such assessments enable students to cultivate practical competencies through the ability to solve problems, communicate and negotiate in environments/compliance challenges they will face in the future when practicing as legal professionals.

In addition to this international trend shifting towards more practical methods of assessing students this also promotes collaboration and different points of view. Most case-based exercises allow students to work together, mimicking how

things are done as a lawyer, where they often work with fellow lawyers, clients, and experts from multiple backgrounds as they deconstruct complex issues of law. The need for collaboration in international practice is central to international legal education as legal problems rarely sit comfortably in one country, legal system or culture. Through collaborative problem-solving exercises, students learn not only practical legal skills but also a deeper appreciation for the range of perspectives that inform international legal practice. Ultimately, the shift towards open-book exams and other case-based assessments in international legal education recognizes the shifting nature of how the legal profession operates, and that these assessments will better prepare students for the challenges they will face in practice. This deepens the comprehensiveness of learning through practical implementation of cases which represents the expected outcomes of real life practise within the industry and will provide greater empathy and foothold of the legal judgements expected from future practitioners and the like rather than awarding grades for memorization of textbook style information. You are addressing this trend by continuing to emphasize cultivating technical skills such as legal analysis, strategic thinking and the application of law in practice, which helps to ensure graduates are prepared for the challenges of modern, globalised legal practice.

## CONCLUSION

Ultimately, this paper recommends a significant pedagogical shift in the assessment of international contract law and similar specialized LL.M. subjects—from traditional essay-heavy evaluations to a more dynamic, application-based assessment model. This recommendation is grounded in both modern educational theory and the evolving needs of the legal profession. Given that LL.M. cohorts are comprised of already qualified law graduates, the focus of assessment should naturally evolve beyond foundational legal knowledge toward the development of advanced practical skills. Rote memorization and theoretical exposition, while important, should no longer be the core metric for evaluating a student's potential to succeed in the legal field.

This perspective is further validated by Professor Dr. Seriki Sergasik's acknowledgment of the value of problem-solving assessments, which foster key professional competencies such as legal analysis, strategic decision-making, and high-pressure reasoning. His endorsement reinforces the need for a legal education system that emphasizes "law in action" over abstract theory alone. Traditional essay writing should remain available as an option, but not as the default or exclusive mode of assessment.

The proposed Dual-Track Assessment Model—which allows students to choose between essay-based or application-based evaluations—offers the ideal blend of flexibility and rigor. This approach not only accommodates diverse learning styles but also ensures that legal education stays relevant to real-world practice.

This shift aligns with a growing international movement in legal education, embraced by world-renowned institutions such as Harvard Law School and the University of Oxford. These institutions have adopted a blended assessment methodology, incorporating open-book exams, case-based assessments, and real-life legal problem-solving tasks—a strategy that has proven successful in producing some of the world's finest legal minds.

Integrating such progressive assessment strategies into LL.M. programs will better equip graduates to meet the complexities of a globalized legal landscape. By fostering critical thinking, collaboration, and practical legal insight, this model ensures that students are not only well-versed in theory but are also prepared to be agile, effective, and impactful legal professionals.



## REFERENCES

- [1] Andretta, S. (2001). Legal information literacy: A pilot study. *New Library World*, 102(7/8), 255-264.
- [2] Badke, W. (2010). Foundations of information literacy: Learning from Paul Zurkowski. *Online*, 34(1), 48.
- [3] Bailin, S., & Siegel, H. (2002). Critical thinking. In N. Blake (Ed.), *The Blackwell guide to the philosophy of education* (pp. 181–192). Wiley-Blackwell.
- [4] Bakhurst, D. (2011). *The formation of reason*. Malden, MA: Wiley-Blackwell.
- [5] Barnett, R. (1990). *The idea of higher education*. Open University Press.
- [6] Barnett, R. (1997). *Higher education: A critical business*. Oxford University Press.
- [7] Barrow, D. J. (2002). *The book of nothing: Vacuums, voids, and the latest ideas about the origins of the universe*. Vintage Books.
- [8] Beljaars, B. (2009). Implementing legal information literacy: A challenge for the curriculum. *International Journal of Legal Information*, 37(3), 320-332.
- [9] Bierce, A. (2003). In S. T. Joshi & D. E. Scultz (Eds.), *Selected letters of Ambrose Bierce*. Columbus: Ohio State Press.
- [10] Bird, R. (2011). Legal information literacy. In R. A. Danner & J. Winterton (Eds.), *The IALL international handbook of legal information management* (pp. 115-133). Farnham, Surrey; Burlington, VT: Ashgate Publishing.
- [11] Bok, D. (2006). *Our underachieving colleges: A candid look at how much students learn and why they should be learning more*. Princeton University Press.
- [12] Brown, H. I. (1995). Rationality. In T. Honderich (Ed.), *The Oxford companion to philosophy* (pp. 744–768). Oxford University Press.
- [13] Chiorazzi, M., & Esposito, S. (2009). Commentaries on Hicks' 'Teaching legal bibliography': With an addendum by Robert Berring. *Legal Reference Services Quarterly*, 28(1/2), 9-30.
- [14] Clifford, W. K. (1999). *The ethics of belief*. Prometheus Books.
- [15] Coates, H. (2010). *Smarter higher education: Outcomes for the 21st century*. Melbourne.
- [16] Çukadar, S. (2008). Türk Hukuk Kütüphanecileri Platformu'nun oluşum süreci. [The establishment process of Turkish platform of law librarians]. *Bilgi Dünyası*, 9(2), 541-553.
- [17] Davies, B. (2004). *Philosophy of religion: A guide and anthology*. Oxford University Press.
- [18] Davies, P. (1993). *The mind of god: The scientific basis for a rational world*. Penguin Press.
- [19] Dearing, R. (1997). *Higher education in the learning society*. Retrieved from [http://www.heacademy.ac.uk/assets/documents/resources/heca/heca\\_ks23.pdf](http://www.heacademy.ac.uk/assets/documents/resources/heca/heca_ks23.pdf)
- [20] DeCandido, G. A. (1989). Information literacy is focus of ALA report. *Library Journal*, 114(4), 20-21.
- [21] Dunne, J. (2002). Phronesis and practical judgment. In N. Blake, P. Smeyers, & R. D. Smith (Eds.), *Philosophy of education*. Blackwell.
- [22] Ellis, A. (2009). Attorney and student research skills: Ideal vs. reality slide 3 (PowerPoint prepared for Thomson West Town Hall Meeting at AALL). Retrieved February 4, 2012 from [http://west.thomson.com/pdf/librarian/Atty\\_Research\\_Skills\\_AALL.pdf](http://west.thomson.com/pdf/librarian/Atty_Research_Skills_AALL.pdf)
- [23] Ennis, R. H. (1987). A taxonomy of critical thinking dispositions and abilities. In J. Baron & R. Sternberg (Eds.), *Teaching thinking skills: Theory and practice* (pp. 1–26). New York: W.H. Freeman.
- [24] Kauffman, B. (2010). Information literacy in law: Starting points for improving legal research competencies. *International Journal of Legal Information*, 38(3), 339-351.