Chapter Seven

Reflections on Risk and Resilience: A Law School Writing Centre's Learning from the Covid-19 Storm

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Introduction:

Background: Writing in Law

Although writing is important in most higher education contexts, it is crucial in law. Rideout and Ramsfield (1994: 43) observe that, 'in law, language is not mere style; it is itself the law'. In other words, in a Western legal tradition, written language is the means by which law is set out, maintained, developed and critiqued. Similarly, Bhatia (1987: 231) notes that 'the relationship between the language used in law and its content is exceptionally close'. Clarity and precision in writing, both at university and in the profession, is highly valued, as a poorly paraphrased idea or a misplaced word or punctuation mark can change legal meaning (Moore 2022).

Student writing in law in South Africa is viewed as a significant problem. In the Council on Higher Education's (CHE) Report on the National Review of Bachelor of Laws (LLB) Programmes in South Africa, it was noted that 'without exception, panels visiting each of the faculties/schools were confronted with the lament (from staff and often enough from students and alumni) that students' writing and research skills were sub-par' (CHE 2018: 56). These laments about law students' and graduates' writing are not new. Legal scholars Dhlamini (1992) and Motala (1996) addressed law students' struggles with legal writing more than twenty-five years ago. In the decade that followed, a range of legal scholars continued to articulate concerns about student writing (Greenbaum and Mbali 2002; McQuoid-Mason 2006, amongst others). This concern continues to date, with an increasing number of journal articles written on how different law faculties in South Africa are attempting to develop student writing (for example, Swanepoel and Snyman-van Deventer 2012; Clarence, Albertus and Mwabene: 2013; Broodryk 2014, 2015; Crocker 2018; Gottlieb and

Greenbaum 2018; Snyman-van Deventer and van Niekerk 2018; Bangeni and Greenbaum 2019; and Crocker 2020, 2021).

Of course, this struggle to become expert in an unfamiliar discourse is not unique to law. Most university students require assistance in developing academic literacies in their discipline (Hathaway 2015). In South Africa, given ongoing structural inequality and unequal access to quality Basic Education, this is especially pronounced (Dison and Moore 2019). However, give the particularities of writing in Law, the School of Law at the University of the Witwatersrand (a historically advantaged South African university) has a dedicated writing centre to assist all law students to develop their writing capacities.

Tertiary Writing Centres as Negotiated Spaces

It is well-established that writing centres tend to occupy shifting, negotiated and contested spaces in tertiary education (Clarence and Dison 2017: 129). Moreover, these spaces can be peripheral (Hutchings 2006; Hathaway 2015). Before 2015, this fluidity characterised the Wits School of Law's writing centre: student-run and without a secure source of funding, it was a generative yet precarious space. In 2015, this changed. Budgetary, curriculum and physical space for the writing centre was created, supported by School management. Two full-time academic staff members were appointed to oversee and facilitate the teaching and development of writing in the law school. An embedded writing curriculum was developed and implemented across the four years of the undergraduate LLB degree. The work of the writing centre was conceptualised to include the traditional writing centre offering of individual and group consultations about writing in progress and draft review, as well as the teaching of writing within core modules across the degree. It further includes the annual appointment, training and mentoring of senior law students to be writing mentors. In these ways,

¹ Although the writing centre works with undergraduate and postgraduate students, this chapter focuses only on our undergraduate work with LLB, BALaws and BComm Law students.

² South African writing centres draw on differing terms for the students working at the centres who are trained to consult with other students about their writing. Peer tutors, writing consultants and writing fellows are some of the terms. In this chapter, I use the term 'writing mentors'. This term encompasses both the writing consultants, who are paid for by the School of Law, and the writing fellows who are paid from the University Writing Programme's UDG grant for supporting writing intensive courses across the university.

the centrality of writing in law was acknowledged; and a clearly defined and valued space was claimed and animated.

However, in March 2020, this space once again changed and became fluid and shifting, when the Covid-19 pandemic led the State to announce a complete social lockdown. This necessitated a rapid shift to working wholly online. The writing centre – along with many others – had to rapidly reimagine its work in the online space.

Drawing on two framing concepts – risk and resilience – this chapter reflects on the work and experiences of this discipline-specific writing centre before, during and after the Covid-19 pandemic. What follows is a brief articulation of the conceptual framework and the methodological tools of reflection and reflexivity. Thereafter, each of the three phases – before, during and after the Covid-19 pandemic – of the Centre are reflected upon. Four aspects of the Centre's work are considered during each phase: teaching, assessment, writing mentor training and writing centre consultations. The chapter concludes with an overview of the learning from these reflections that we are using to consolidate and reimagine the writing centre as we emerge from the Covid-19 storm.

Conceptual framework: Risk and resilience

As reflected in the title, two important framing concepts for this chapter are risk and resilience. It is necessary, therefore, to briefly explore both and how they intersect. Zinn (2010) observes that the term 'risk' is used inconsistently and can mean very different things in different contexts. Thesen (2013), building on this analysis, shows how 'risk', as used today, tends to have negative connotations, frequently used as a synonym for danger. As a result, standard responses to perceived risk are attempts to manage or mitigate it. A common form of risk management in higher education is allocation of resources to solve the perceived problem (Thesen 2013). McWilliam (2009) describes this understanding of risk and risk management as 'cold'; a compiling of lists of what could go wrong and a concomitant set of systems to mitigate such risks. There is no doubt that a dimension of this understanding of risk informs our practice. Resources in the law school are allocated to the writing centre to mitigate the risk of graduating students who have not developed the kinds of writing capacities outlined in the opening paragraphs. During the Covid-19 pandemic, we worked hard to try and identify the potential barriers to learning and uptake of writing centre services whilst students had no physical access to campus. Having identified these perceived risks, we attempted to set up systems to address them.

However, risk, as used in this chapter, goes beyond this cold definition. Caplan (2000) suggests a reworked understanding of risk that acknowledges the agency of people to work with and make sense of challenges and contradictions that are defined, by more powerful others, as risks. Thesen (2013) similarly embraces a 'warm' notion of risk which, she suggests, emphasises the potential of risk. Risk here is understood in terms of risk-taking rather than risk-management. Our conception of risk encompasses these latter understandings. During the pandemic, although we may have attempted to identify risks to learning, we were as interested in our students' agency; how so many worked with and made sense of the challenges and changes wrought by the Covid-19 pandemic. As such, risk can be seen as a dimension of, or related, to, resilience, rather than its dichotomous opposite.

The term 'resilience' is used frequently yet, as Davoudi (2013) argues, imprecisely, as the go-to solution for coping with the uncertainties and challenges of the twenty-first century. It emerged particularly strongly as a common - and often burdensome - term in the context of the Covid-19 pandemic. Stommel (2021: xiii) cautions that it is necessary to recognise that 'the capacity for resilience is a point of privilege'. Certainly, if it is understood as a mental or psychological trait that one must draw on to cope better with materially difficult or traumatic circumstances, it can be. But, in this chapter, I draw on a broader conception of resilience. With Morales (2008) I distinguish between psychological and academic resilience (whilst recognising that there can be significant overlap) and draw on an integrative model of resilience for academic contexts (Fullerton, Zhang and Kleitman 2021). Rather than framing resilience as an individual or purely psychological trait, an integrative model views resilience as a process in which students and teachers can work together to identify the resources that can protect against the negative impact of stressors to produce positive outcomes (Fullerton, Zhang and Kleitman 2021). Specifically, when I drew on this integrative model of resilience to reflect on our work during the pandemic, I was guided by the authors' claim that resilience interventions should not merely focus on emotional or psychological well-being but aim to develop 'skills and strategies for coping with challenges (for example, seeking social support, reducing avoidance and disengagement) and provide appropriate resources such as programs which facilitate social connection (for example, mentoring, peer support groups) and accessible student support' (Fullerton, Zhange and Kleitman 2021: 17).

A further dimension of resilience as used in this chapter is identified by Willard-Traub (2019) in her writing centre work with multilingual students. Agreeing that resilience is not fundamentally psychological, she argues that it is relational and characterised by an ethic of connection and empathy (327). She further identifies the role of listening and partnering in resilience (327) as

well as the role that translation and translanguaging can play (330). This is wholly congruent with contemporary writing centre scholarship on the relational and dialogic nature of writing centre practices (Ganobcsik-Williams 2006; Lillis 2011; Nichols 2014; Clarence 2017). It also resonates with the decolonial imperative explored in more detail later in this chapter.

In essence, risk and resilience are understood as complementary, rather than dichotomously. Used together, it is possible to identify both the danger and the potential of risk and the potential to develop resilience in a writing centre.

Methodology: Reflection and reflexivity

This chapter does not represent the findings of a formal research study. Rather it attempts to capture learning through reflection. Marshall (2019), after a careful analysis of the multiple understandings of the term reflection in professional contexts, arrives at the following definition: 'Reflection is a careful examination and bringing together of ideas to create new insight through ongoing cycles of expression and re/evaluation' (Marshall 2019: 411). The cyclical element is especially important in writing centre work, as learning through reflection is ongoing and iterative.

Specifically, I drew on elements of both collaborative and critical reflection methods. Collaborative reflection can occur both individually and collectively (Dixon, Lee and Corrigan 2021) and can be defined as the 'process of collective experiential learning through observation, cooperation and knowledge exchange' (204). Clarà et al. (2019) caution that collaborative reflection is most effective when driven by directive facilitation, by a subject expert, rather than remaining too open-ended. This informed my decision to guide the writing centre's bi-annual reflections through a series of open-ended questions, to which writing mentors would respond individually, in writing, before we met as a group to discuss responses collectively.

This process was also shaped by aspects of the critical reflection method. Morley (2014) suggests that critical reflection, as a method of inquiry, is especially useful in contexts where practitioners feel overwhelmed by externally imposed constraints and that it can be a powerful tool to 'envision possibilities for change' (Morley 2014: 1420) – apt words for the Covid-19 experience. Essentially, it uses the process of deconstruction and reconstruction to generate ideas for improved practice. Our process was guided by elements of Fook's (2011) model of critical reflection. He suggests that the critical reflection process has two stages. Before the first stage, participants record the experiences that they believe are most important to learning about their practice. For us, this meant

Throughout this process, I consciously attempted researcher reflexivity, understood as 'rigorous self-scrutiny by the researcher throughout the entire research process' (McMillan and Schumacher 2006: 327). The combination of reflexivity and reflection yields, it is hoped, nuanced learning from our work during the pandemic. This learning is driving both a recommitment to effective practices, as well as changes in how our centre works in the School of Law.

I now turn to phase one - an overview of how the writing centre operated before the pandemic.

Before the storm: Some core working principles

Teaching writing within a discipline through a collaborative pedagogy, drawing on Writing Intensive principles

There is a tension in the law school where I work. Although criticality is valued, so is the imperative to teach students to think and write like lawyers. Legal writing norms are simultaneously rigid yet fiercely contested by some, who view them as being part of an untransformed, conservative legal culture (Davis and Klare 2010) or a dimension of coloniality to be resisted (Moore 2022). Although these differences can be seen as a risk to consistent teaching of writing, they are also an opportunity for more nuanced teaching, made more resilient by being situated within the discipline. The nuances and implications of these various positions can only be understood, over time, after sustained engagement with the discipline.

There is a range of persuasive scholarship, both locally and internationally, that supports discipline-specific writing development for all students (Dean and O'Neill 2011; Boughey and

McKenna 2016, 2021; Gottlieb and Greenbaum 2018). Much of this scholarship emerges from the 'academic literacies' approach to writing development (Lea and Street 1998; Lillis and Scott 2007; Boughey and McKenna, 2016, 2021) which views writing as a social practice that can only be learned as part of the specific discourse or discipline, rather than a set of general, individual skills that can be taught generically, outside the discipline (Archer and Richards 2011: 10-11). This approach to writing development not only acknowledges the discipline-specificity of writing, but specifically transcends the notion that teaching of writing is an act of socialisation into the academy or discipline; it goes beyond socialisation to recognise the dimension of power and power relations in the teaching and learning of academic literacies (Lea and Street 1998; Lillis and Scott 2007). As a result, an academic literacies approach to teaching writing within a discipline can be both normative - making the hidden expectations and conventions of the discourse visible and accessible to students through explicit teaching, modelling and scaffolding - but also transformative - critiquing the norms and the power relations within those norms rather than simply passively learning how to perform the writing moves (Lillis and Scott 2007). Being able to traverse both normative and transformative approaches to the teaching of writing is one of the major affordances of being based in the discipline and arguably facilitates the dimensions of resilience defined earlier in this chapter.

Discipline-based teaching of writing at South African universities, although not yet widespread, does appear to be gaining traction. In law, for example, Gottlieb and Greenbaum (2018) argue for the effectiveness of a collaborative pedagogy (Jacobs 2007) in teaching and developing writing. Drennan and Keyser (2022) show how a collaborative pedagogy in law led to significant improvements in students' written assignments. Jacobs' (2005, 2007, 2013) concept of a 'collaborative pedagogy' or 'insider-outsider' partnership is central in our attempts to teach writing for epistemic access (Morrow 2009). This is an approach to writing development that Jacobs describes as

an integrated approach, which understands the central role that language plays in how disciplines structure their knowledge bases and how they produce text. This is different across different disciplines and therefore the approach to teaching students to be literate in their disciplines should be the result of a collaborative effort between academic literacy practitioners and lecturers (Jacobs 2007: 874).

Part of the rationale for a collaborative pedagogy is that experts in a discipline tend to struggle to make their deep, tacit knowledge explicit and visible to novices and that an 'outsider' to the discourse is able to assist in developing ways of teaching and explicating valued thinking and writing

Also in law, Clarence, Albertus and Mwambene (2014) show how discipline-specific writing can be taught in large-class settings. Clarence and Dison's (2017) edited volume on Writing Centres in Higher Education includes a range of accounts of writing centre work both in and across disciplines. My own institution, Wits, has adopted a university-wide writing programme, based on writing intensive principles, which supports and facilitates a discipline-based approach to writing development (Is Ckool et al. 2019). Writing Intensive is based on the underlying premise that writing is thinking and that writing is best taught and developed in the disciplines. Writing intensive principles align fully with our approach to teaching writing. Nichols (2017: 14) sums up the approach well:

A Writing Intensive course, therefore, does not include writing as an additional skill tacked on to 'learning the subject', but rather as the way to engage students with the core content. The starting point therefore, in adapting an existing course to make it Writing Intensive, is to identify the critical thinking outcomes desired and then to thread back learning activities which help to build those thinking skills.

Teaching the embedded writing curriculum

Drawing on the scholarship outlined above, this writing intensive collaborative teaching of writing as part of the discipline of law includes lectures, seminars and workshops. The teaching is variously done by writing centre staff, collaboratively between writing staff and substantive lecturers and by writing mentors. A brief overview of the teaching dimension of the work, as it stood at the beginning of 2020, follows:

All first-year law students complete the full-year Introduction to Law course, which is a foundational, writing intensive course. Each block includes dedicated teaching, modelling and scaffolding of target reading and writing capacities, to all students, in mainstream lectures. In the first semester, the focus is on teaching students to read and write about case law and to write simple

legal advice. This is largely normative (Lillis and Scott 2007), in that students are made aware of the discourse conventions and socialised into ways of reading, thinking about and writing about law. In the second semester, the students are taught legal research and essay writing, which includes a greater focus on criticality and is thus more transformative (Lillis and Scott 2007).

Writing centre staff work with disciplinary experts to develop and refine the teaching materials, tasks and processes. The reading and writing tasks align with the course materials and outcomes; students are not required to do 'extra' work, but rather to work more closely with cases or legal principles they already have to engage with for the course. Teaching at this point was done inperson, in large class settings.

In the second and third years of the degree, there are shorter and generally less scaffolded opportunities to teach and reflect on writing within the discipline. Family Law, a year-long course, has a series of short reading and writing spaces, which are designed to reinforce the principles explored in the first year, to facilitate transfer of prior learning in more complex contexts. Other courses embed a writing workshop or seminar, often to explore target reading or writing capacities valued in that course, or to support and strengthen the kinds of reading and writing required for a particular assignment. Again, up until 2020, all of this teaching happened in-person, on campus.

In the final year of the law degree, the writing centre is heavily involved in the Research Essay full year course, in which students develop a unique research question and write an independently researched extended essay. The course-coordinator and a writing centre staff member co-facilitate a series of twelve workshops throughout the year, designed to teach and explore the kinds of reading and writing that students need to be doing at various points of the research cycle. Other final year electives also create small spaces in their curriculum for teaching of writing associated with that course. For example, a collaborative seminar to prepare students to engage in the kind of reading, thinking and writing that is expected in the written assignment for that module.

This four-year embedded writing curriculum is summarised in Image 1, overleaf.

Image 1: Embedded writing curriculum

Assessment

An essential element in any writing intensive course is the opportunity to engage in multiple opportunities to write; not just 'high stakes' formal writing assignments but smaller, formative writing tasks that facilitate engagement with core concepts, deepen reading and thinking and allow the student to practice the moves required in larger pieces of writing in the course (Nichols 2017). Another essential element is building in opportunities for constructive, formative feedback, so that students can learn and improve before their writing is formally assessed. This draws on Thesen's (2013) 'warm' notion of risk, where students take risks with their writing, knowing that they have the agency to make changes or re-evaluate their choices before final submission.

The assessment that we engage in at the writing centre is almost wholly formative. Students share drafts at various stages of development, both with staff and writing mentors. We provide detailed constructive, formative feedback on drafts, which is then often discussed in a writing consultation. Some of this formative assessment is curriculated. For example, in Introduction to Law, in the first

semester, students get written feedback on four writing tasks. In the second semester, there is a compulsory submission of a draft essay. Detailed constructive formative feedback (Meyer and Niven 2007) on drafts is provided by writing centre staff and mentors. Students work with and consult about feedback to develop and refine their final essays. In the fourth year Research Essay course, described above, students are required to keep a research journal and to submit a range of short writing tasks. Some of these are reviewed. For example, students submit a draft abstract straight after being taught the purpose, structure and conventions associated with an abstract. Formative feedback on the draft abstract is provided, which is aligned with the summative assessment criteria. Students use the feedback to develop and improve their abstracts before submitting their complete draft essays for feedback from their supervisors. Before the Covid-19 pandemic, all curriculated draft submission and review occurred online, on the University's LMS. In consultations, however, students sometimes would bring a hardcopy of a draft for discussion.

The role of writing mentors is invaluable in formative assessments. In the next section, their training – as it stood in 2020 – is briefly described.

Writing mentor training

Writing mentors undergo intensive training for their role, both at the start of the year and throughout the year. The training includes some theory on good writing centre practice; how to facilitate an effective writing consultation; and providing constructive formative feedback. The integrative model of resilience and Willard-Traub's (2019) insights on resilience in multilingual students, underpins much of this training. The training attempts to draw on decolonial principles, discussed briefly below and is designed to facilitate social connection (Fullerton et al. 2021) – both amongst writing mentors and between mentors and students. Overall, the training frames writing centre work as fundamentally relational (Clarence 2017), with a focus on an ethic of connection and empathy (Willard-Traub 2019) and the importance of listening (Nichols 2014).

Our writing centre was born in the same year that the #FeesMustFall movement began. Nationwide student protests called for 'quality, free decolonised education for all, now' (Wits Alumni Relations 2016). This contributed greatly to existing conversations in the academy about transformation and decolonisation of both curricula and institutional culture and encouraged us to consider what a decolonial approach to our writing centre training might entail. We had already intentionally attempted to draw on *Ubuntu* principles in establishing non-hierarchical working

relationships in the centre, in which each person's humanity is valued and consciously welcomed into the writing centre community. In this we were guided by Justice Yvonne Mokgoro's seminal thinking about *Ubuntu*, particularly this articulation:

It has also been described as a philosophy of life, which in its most fundamental sense represents personhood, humanity, humaneness and morality; a metaphor that describes group solidarity where such group solidarity is central to the survival of communities with a scarcity of resources, where the fundamental belief is that *motho ke motho ba batho ba bangwe/umuntu ngumuntu ngabantu* which, literally translated, means a person can only be a person through others. In other words the individual's whole existence is relative to that of the group: this is manifested in anti-individualistic conduct towards the survival of the group if the individual is to survive. It is a basically humanistic orientation towards fellow beings (Mokgoro 1998: 2).

In the context of law – where combative and competitive individualism can become the dominant way of being – this commitment to solidarity, community and human orientation as we learn to read, write and think about law seemed particularly important. Writing mentors are referred to as colleagues and everyone is on first-name terms. Intentional cultivation of empathy and respect for each person's intrinsic human dignity are workshopped at the beginning of every year, as part of writing centre training.

Lastly for this section, Mbembe (2016) argues persuasively for the necessity of recognising that decolonisation occurs in a globalised and increasingly bureaucratic context in which knowledge has become a commodity and higher education has become a marketable product. Mbembe contends that – amongst other understandings – 'to decolonise means to reverse this tide of bureaucratisation' (Mbembe 2016: 31). This understanding illuminates the scholarship that highlights the problematic conception of writing development as a set of autonomous skills which can be taught to 'fix' under-prepared students (Bitzer 2009; Boughey and McKenna 2016, 2021). Resisting and attempting to reverse bureaucratic conceptions of writing as a skill, which makes a law graduate a 'better product', is especially relevant in the South African legal context, where law schools and faculties are under immense pressure from the legal profession to produce 'practice-ready' graduates who have the requisite reading and writing 'skills' to be marketable and hireable (CHE 2018; Moore 2022). We include and explore these ideas in our training of writing mentors. This allows us to focus on the value of deep, critical and reflexive learning and writing, as a personal

and social good. It resists the role of the writing centre as being to simply equip students with better writing skills so that they are more market ready.

Some of the aspects of training described here are risky – in both the warm and cold senses of the word. The training principles, in combination, create a strong foundation for a resilient writing centre that can facilitate both social connection and support. I now turn to the writing consultations that are conducted by the writing mentors, in which these principles are enacted.

Writing consultations

Much of the training, described above, prepares writing mentors to meet with students individually, or in small groups, to discuss their writing. Up until 2020, all consultations were held in-person, in the writing centre. Consultations with writing mentors are booked using the writing centre's online booking engine. As part of the booking process, students can upload drafts of work in progress, that writing mentors read before the consultation. Writing mentors prepare for each booked consultation and provide feedback on the writing in the consultation.

As part of our growing awareness of the need for a decolonial pedagogy, described above, the writing centre offers students the option to use languages other than English in consultations. There are several compelling reasons for this. Although language rights are constitutionally protected in South Africa, this does not translate into language equity, particularly in educational contexts (Khumalo 2016). If anything, the hegemony of English has become more entrenched than it was in the pre-constitutional era (Alexander 2000; Mayaba et al. 2018). In the context of higher education, this has implications for students' success. In the context of a law school – where huge amounts of complex, dense English text must be both read and written – these implications are of even greater concern. Use of vernacular languages in education has several affordances. It can increase students' positive experiences of learning; help them to develop deeper understanding; and can be used to develop English by transferring language skills possessed in the vernacular to English (Makalela 2015).

Translanguaging is one of our core working principles for writing consultations. It is well-established that translanguaging is a powerful practice in educational contexts, particularly for students' academic identity and cognitive development. The idea of 'purposefully alternating languages' (Makalela 2015) so that students can use their home languages in the writing centre was appealing, as was the prospect of deepening students' content and language knowledge. Getting

To sum up, before the Covid-19 pandemic, our writing centre offered a principled system of integrated writing development initiatives that addressed some of the risks and challenges our students faced. Moreover, we had tried to ensure that this system was designed to foster resilience in our students, understood here as being able to cope with the challenges and stresses commonly experienced when learning to write in law. In the next section of the chapter, I explore the ways in which our teaching, assessment, training and consultations proved to be both resilient and at-risk, during the shift to emergency remote teaching and learning (ERT) during the Covid-19 pandemic.

March 2020 - March 2022: The Covid-19 storm

Learning about teaching during the pandemic

This section highlights how our teaching changed during the pandemic, by focussing on the two modules, the first year 'Introduction to Law' course and the final year 'Research Essay' course, described above. It further reflects on what we learned about resilience and risk in teaching these two courses.

In Introduction to Law, all of the teaching that had been planned for the second half of the first semester was done online. The one exception was the peer-review workshop, which we changed to a guided self-review, as we did not yet know enough about facilitating peer groups online. Moreover, we could not assume that all of our students had the necessary technology and connectivity to participate in a synchronous online workshop. Because the University was still in the process of ensuring that all students had access to a device and sufficient data to work online, we deliberately chose to do all of our teaching asynchronously.

We created a week-by-week table of writing portfolio requirements, with an accompanying voice note that talked students through the tasks and requirements. The writing lecture was uploaded as a podcast, with compressed audio files and a pdf of lecture slides also being uploaded to the University's learning management system (LMS), to increase options for engagement for students with data and device challenges. The consultant-led peer review workshops were replaced by self-review, guided by a detailed document and voice note, in which students were given criteria and questions to guide their self-assessment of their first task. Writing centre staff also made themselves available to students in the Introduction to Law LMS Chat Room, every Friday lunch time, to discuss any questions or difficulties. This Chat was the only synchronous element of our teaching, which we mitigated by engaging with students who could not participate via email.

In general, students seemed to cope well with the shift to online teaching. Participation, which we tracked using the LMS analytics tool, was high. There was also extensive interaction with students by email. Some of these emails included students' expressions of appreciation, such as this:

I hope this email finds you well. This is a collective email from a few of my Introduction to Law classmates who have gone through some of the resources that you posted on Sakai regarding the writing portfolio. We'd just like to say thank you very much for making everything so accessible and easy to work with. This is not a usual email, but we really felt it was necessary to state and show our gratitude. The slides and the voice note you sent explained everything so beautifully and works perfectly together. Some things really don't go unnoticed (X, personal correspondence 2020).

All of the above speaks to Fullerton, Zhang and Kleitman's (2021) integrative model of resilience that recommends that resilience interventions should provide resources and programmes designed to help students to cope with challenges and to continue to engage with learning, despite challenges.

In the second semester, the writing centre staff co-taught the block of lectures on legal research and writing. At this time, the University had provided all students in need with a device and all students were sent a data package every month. We therefore decide to teach synchronously, on Zoom. Mindful of students who remained unable to participate in this way, we decided to create compressed video and audio recordings of all lectures. These recordings and pdfs of lecture slides were uploaded to the LMS so that students could work through the material in their own time. Again, staff were available in the LMS Chat room each week and remained available to do further teaching via email and through consultations.

Despite the obvious risks to the teaching programme during the pandemic, a strong theme that emerged during the deconstruction stage of our group reflections was that teachers and the majority of students in Introduction to Law had been able to work together to ensure that learning continued, despite the very real and negative impacts of stressors during the Covid-19 lockdown. At the end of this section, some of the factors that promoted this kind of resilience are explored in more detail.

Our approach to teaching in the final year Research Essay course, from April 2020, encompassed the following:

- Synchronous workshops were held online on Zoom.
- As with other courses we were involved in, compressed audio and video recordings of the workshops, together with pdfs of workshop slides, were uploaded to the LMS, for students who were not able to participate synchronously.
- Attendance was monitored through the compulsory online submission of a short writing task after each workshop.
- We followed up with students who did not submit tasks and were able to assist some of these students to facilitate their participation. For example, some students asked for materials to be WhatsApped to them and they submitted their tasks via WhatsApp or email instead of on the LMS.

To try and reduce students' sense of isolation and anxiety, the scope of the workshops was expanded to include anxiety management, dealing with procrastination and using writing as a reflective tool to manage both psychological and academic aspects of the research writing process. We also responded regularly to the tasks that students wrote. In their final reflections, many students indicated that this had helped them not only to persevere with and succeed in this course, but in others as well.

As a small example of this: The wordle below was created in a Google document, during a workshop, in response to the stimulus question 'Please write ONE word that captures how you are feeling right now (It could be in general or about your research essay)'.



Image 2: Collaborative snapshot of final year students' descriptions of their feelings

This poignant expression of students' dominant emotions – expressed anonymously – allowed us to acknowledge their experience and to offer strategies for working through, for example, feelings of being overwhelmed and anxious, in line with Fullerton, Zhang and Kleitman's (2021) conception of an integrative model of resilience. We were, of course, careful to include reference to support services for students whose experiences were seriously debilitating and followed up with those who requested additional help.

About assessment during the pandemic

Our major learning about assessment during the pandemic was around flexibility. Ordinarily, students must submit their draft writing for review on the LMS. During lockdown, although this remained the norm, we set up a range of alternatives for submission – email, WhatsApp, photographs of handwritten essays sent by text message and – once lockdown measures were eased – even arranging to meet students in central coffee shops to hand over handwritten submissions. Due to

the multiple stressors experienced by many students during the pandemic, we were also more flexible about deadlines and attempted to find solutions for every student who contacted us requesting flexibility.

Flexibility was also a key guiding principle for assessments that did not involve writing. For example, one of the Research Essay course requirements is that students present on oral 'pitch' of their research topic and question to a small group of peers and a staff member. This requires synchronous attendance at the pitch, which was difficult to navigate. We tried to be as flexible as possible, offering students a range of times and platforms (including after midnight, when data is cheaper and connectivity more stable in some areas). We also asked students to send us their suggestions for making the research pitches as accessible and painless as possible. Finally, when some students experienced repeated difficulties in connecting, we allowed them multiple attempts to try and do their pitch. It is a testimony to this group's resilience that every single one managed to present their pitches, despite the very challenging circumstances.

Our decision to commit to the greatest flexibility possible during this time was probably a factor that contributed to our relative resilience during this period. In the bi-annual reflection and evaluations conducted, writing mentors identified this as one of the main reasons why they were all able to continue with their work over this period. For example, one mentor, who was working from a rural village without electricity or internet connection, could not access students' writing assignments on the LMS. He was, however, eager to find a way to complete his draft review. We therefore reduced his workload and downloaded the rest of his assignments and emailed them to him. He walked to the nearest town every day, to charge his laptop and to access emails. He emailed us the reviewed drafts and we uploaded them to the LMS. In this way, he was able to continue to provide feedback on the formative assessment writing tasks.

Learning about training during the pandemic

At first, this did not appear to differ substantially from face-to-face training. We organised one or two times for everyone (or the majority) to attend. We held synchronous sessions on MS Teams or Zoom, which were recorded and available as both a sound and video file, for anyone who could not participate. Slides and materials from sessions were shared. Follow-up chats and moderation of tasks continued, just online instead of in-person. The most useful change was being able to share recordings with those who could not attend, instead of having to arrange a catch-up session, as we

had to do with face-to-face training.

What became clear was that there was a need for some training in how to work effectively online. Because we had all only worked in person up to that point, we ran several training sessions to prepare everyone for online consultations. These were held on a range of platforms (Zoom, MS Teams, the LMS Chat Room and WhatsApp) so that everyone could learn about the features of each; the advantages and disadvantages; and how to use the platform optimally in a consultation. This training, although focussed on setting up and holding a consultation online, also dealt with any other issues that writing mentors were concerned about. For example, we realised that most had never had to create a Wits VPN for themselves before – and that it was now vital as this allowed them free access to all university online resources – so we extended training to include this, so that they were not just able to do it for themselves, but could check that students had done it and, if not, show them how.

Learning about consulting during the pandemic

Factors that we took into consideration as we planned our shift to consulting online included privacy, flexibility, costs and connectivity. Planning for these helped, to some extent, to protect against the negative effects of the pandemic on consulting. These are briefly explored below, before some of the risk factors are identified.

As we prepared to consult online, writing mentors raised a number of privacy concerns. These included questions about sharing telephone numbers and email addresses with students. Each mentor decided for themselves whether they would choose to consult on platforms that required them to share personal information. Another aspect of privacy that was raised was that students – especially those who do not have the luxury of a private space in which they could consult – may not be comfortable doing a video call. It was agreed that this was important to bear in mind and confirmed our sense that choice was important, for students as well as for writing mentors.

The importance of flexibility and choice drove our decisions about which online platforms to use for consultations. We wanted to be adaptable and use whatever students and writing mentors agreed to use, keeping in mind the need to keep data costs low and being prepared to use at least one zero-rated option. It was left up to each writing mentor to give students a practical choice between a range of platforms, based on each consultant or fellow's own capacity and preference. A further dimension of flexibility was necessary in relation to time. Previously, writing mentors had

only been available to consult during their scheduled consultation hours; typically, between two and four hours each per week. It was necessary to become more flexible about when these hours were worked, as many students (and writing mentors) were constrained by data and connectivity challenges. For example, if a mentor and student agreed to meet at midnight, when data was cheaper or free, they were able to do so.

Connectivity and data costs had to be considered as we prepared to consult online. Most writing mentors had a laptop or tablet to work on and we assisted those who did not to ensure they received one. Some had limited Wi-Fi or access to data and one or two had challenges with connectivity in general. As the University had negotiated access to zero-rated sites through specific providers, the School of Law agreed to buy a SIM card for anyone who did not have one with the specific providers (as soon as the lockdown regulations allowed for the sale of SIM cards). We further put in a request to be able to offer writing mentors a stipend for data used in consultations. The request had to go through Faculty structures and was approved.

All of the risk-mitigation described above allowed the writing centre to become fully operational online from April 2020. All of the writing mentors – including those with extreme data and connectivity challenges – were able to continue to consult online. Most consultations were conducted synchronously, whilst some were conducted via email or online messaging. This success cannot be taken lightly and the huge amounts of flexibility, resilience and creative risk-taking to find ways to continue to consult online, demonstrated by the writing mentors, must be acknowledged.

A challenge that we experienced when working fully online was that it was difficult to maintain social presence and engagement in consultations. The relational dimension of writing centre work is well-established (Clarence 2017) but is hard to maintain online, especially in non-synchronous interactions. Hutchings (2006: 255) distinguishes between exploratory and functional approaches to writing consultations. In the former, the relational and social aspect of the consultation facilitates deeper engagement with the process of writing. In the latter, interactions tend to be more technical and task-focussed, with consultants instructing the student about what needs to be done to improve the writing, rather than listening to the student. Despite our attempts to maintain a dialogic and relational writing centre pedagogy, it was very easy to slip into the functional approach to consultations whilst online, especially in a context where most consultations took place with video cameras off, to save on data costs. Most writing mentors felt that it was much more difficult to 'read' body language, affect and silences when online, than it is in a face-to-face, in-person consultation. The literature on this reflects only partial support for these views (Worm 2020; Rowley 2022). Worm (2020) suggests that these difficulties are felt more strongly by those who are inexperienced

in online consultations. For this reason, we have decided to persevere with offering synchronous online consultations and attempt to address the concerns outlined above more directly in training.

A risk that emerged during this time was the marked drop in consultations when they were not curriculated. For example, in Introduction to Law, it had been part of the students' writing portfolio requirements to engage in at least one consultation with the writing centre, to discuss implementation of feedback on their draft assignments. In 2020, this requirement was dropped – simply because the logistics of arranging several hundred online consultations during a short space of time seemed impossible. Booking engine statistics show that, in 2020, the number of first year students consulting about their feedback dropped markedly. Pre-pandemic, between eighty and ninety per cent of the class would book a consultation to discuss draft feedback. This dropped to below thirty per cent in 2020. The lecturers who marked the final essays also reported a marked drop in overall quality of the essays. Although no causal relationship can be established between the drop in consultations and drop in quality of the essays – there are too many other variables – this does speak to the challenges of implementing assessment for learning practices, especially during times of flux.

A related but unexpected risk to our work was that the number of students requesting a multilingual consultation dropped significantly whilst we were online. Before March 2020, approximately 20 per cent of our booked consultations selected to use a language other than English in the consultation. However, there was very little take-up of multilingual consultations from students while we were operating remotely. Writing mentors' reflections suggest that the creation of trust relationships, built in person over time, is necessary for students to feel safe enough to request a multilingual consultation. Underlying this is the possibility that – unless multilingualism is explicitly positioned as an asset and a strength – anxieties about remedial or deficit associations with using other languages in writing consultations may inhibit uptake of multilingual consultations. This was not something that we paid sufficient attention to whilst we were consulting online.

Reflections on factors that facilitated resilience during Covid-19

Reflecting on our eighteen months of working fully online, it is possible to identify several factors that made our writing centre relatively resilient during the Covid-19 pandemic. These factors are explored, briefly, in this section. They include the advantages inherent in working for an urban, historically advantaged institution (HAI); the advantages inherent in working within a discipline; the

affordances of our commitment to flexibility; the importance of paying attention to ease of access to materials and consultations; and the importance of acknowledging the affective dimension of learning, particularly in a writing centre.

Mpungose (2020) articulates what many experienced during the lockdown period: that the rapid shift to online learning entrenched unequal access to learning for many, along the digital divide. Many materially poor students, especially those in rural areas or where internet connectivity was intermittent, were simply unable to access education – formally or epistemically – during this time. Although many of our students experienced significant challenges in accessing learning, these were mitigated, to some extent, by the advantage of being situated in a HAI. Wits had the resources to enact a range of responses to increase the likelihood that our students could continue to participate in the learning programme during lockdown. These included negotiating with internet and cellular telephone providers to make access to Wits e-learning sites free; the provision of monthly data bundles to all students; the provision or loan of laptops to any student who did not have a device on which to work; and early return to campus for those students unable to learn effectively from home. Although this observation is in no way intended to ignore the real and severe difficulties experienced by many of our students, I do believe that we were in a better position to assist our students than many others in less resourced contexts and therefore more resilient.

Related, but slightly different to this, was the Faculty and School support experienced during this time. Because we were working with a relatively small number of students in one School, we were able to approach School and Faculty management directly with requests to enable our work online. Examples of these are the provision of the monthly stipend to writing mentors, to assist with data and the loan of devices such as laptops in cases where students did not qualify for the University-wide loan scheme. Being based in one School, with a set number of students to support, allowed us more flexibility to innovate, as we attempted to keep the writing centre operational.

Hutchings (2006: 260) observes that one of the major advantages of having writing centres situated in a discipline is that learning and discussions about writing 'become established as part of the learning process – within the students' sites of learning'. This was tested and confirmed for our writing centre during the Covid-19 period. Because the bulk of our writing development work is situated within the curriculum, in specific courses and remained part of students' core learning, it was possible to continue with our work and maintain contact with students. Small practicalities – like being able to communicate with them on their course sites on the LMS and not just via generic 'dear all' type communications – made a great deal of difference. Being able to

talk to them in discipline-specific lectures, to establish challenges and ways of overcoming them, allowed us to adapt our practices and respond to students' suggestions. We were able to monitor, through activity on the course sites, which students were not engaging in writing development work and contact these students to find out what they needed to be able to participate fully in the programme. Often, during this contact, students told us that their failure to engage was more due to feeling overwhelmed and lost, rather than being physically unable to access the materials. Personal contact with writing centre staff allowed students to share experiences and co-develop solutions to challenges. In the cases where students were not able to access materials, alternatives could be set up, such as sending voice notes and pdfs of materials to certain students via WhatsApp in circumstances where their device or connectivity prevented easy access to the LMS.

Part of this flexibility was thinking hard about how students accessed learning materials and learning experiences. In this we were guided by writing mentors' and students' experiences and suggestions. It became obvious that we had to find low/no-data options for sharing materials and to create the smallest files possible of recordings and materials, that could be shared on WhatsApp or text message. One of the practices we developed was to create an audio recording of all lectures, as well as the full video recording. This audio recording – once compressed and converted to a MP3 file – could be easily shared and downloaded, even on quite basic cell phones. Similarly, all PowerPoints were saved as pdfs, which could also be shared and downloaded without taking up too much storage space on devices, or using much data. Many students who would otherwise not have been able to access the material, accessed it in these ways.

One of the major risks that we identified, as we reflected on this period, was that our success in keeping the writing centre operational throughout the lockdown period came at significant personal cost. Writing centre staff – academics and writing mentors – all had to commit significantly more time to their work to keep things going and to maintain contact with our students. The nature of the work was also particularly emotionally demanding, as many of the students we interacted with were extremely vulnerable or in crisis. Giving this time and emotional support, at a time when all of us were also experiencing financial, personal and work-related stresses, was extremely demanding. It is important to acknowledge this and not to idealise our work during this time. In short, our ways of working during the pandemic were not all sustainable.

A last factor that made our writing centre relatively resilient during this period was our deliberate consideration of the affective dimension of learning. Clarence (2020) argues that this affective dimension of writing development is both under-theorised and neglected and makes a strong case

for its more careful consideration in writing development work:

I believe part of the power of the writing centre, harking back to its activist academic development roots (Nichols 1998, 2017), is its ability to pause the relentless hamster-wheel of academic knowledge production that students and lecturers are all engaged in, and bring the focus to the person in front of us. This means not just or only talking about the writing and its deadline and specific needs, but how the writer feels about writing, what else they are working on, how they are coping. We have a unique and powerful space in which to enact a more humanising, inclusive pedagogy around writing that openly acknowledges the affective and its crucial role in providing access to or enabling deeper engagement with the epistemological and ontological aspects of knowing knowledge and making knowledge in higher education. (Clarence 2020: 54)

Although this is always an important dimension in writing centre work (Mann 2001; Lillis and Scott 2007; Archer and Richards 2011; Paxton and Frith 2016) it seemed especially important to create space for this during lockdown; a time of great uncertainty, stress and anxiety. Writing centre staff chose to model vulnerability during this time and created space at the beginning and during most lectures and workshops, in which to acknowledge our own emotional landscape and to encourage students to articulate theirs. An example of this can be seen in the wordle task on page 13, above. We also, in a very basic way, shared research with students on the common effects of anxiety on learning, as well as strategies for overcoming these common effects, such as lethargy, procrastination, inability to focus and struggles with memory. The essential message to students was that they were not alone, that to struggle in such unprecedented and stressful times was normal and that they could share their struggles and find support. In many of the fourth-year students' final reflections, they indicated how much they had appreciated this and that it had motivated them to persevere, not only in their research essay course, but in their other courses as well. This kind of holistic, or dialogic feedback emerges as a key principle for sustaining resilience – not just in consultations and assessments, but in teaching as well.

After the storm: A time of strengthening and reimagining

In this section, I draw on the above reflections and attempt to summarise our learning from the years from which we emerge. I consider how our writing centre is evolving and how our practices are being both reinforced and reimagined during this emergent and reflective period.

Reimagining teaching

The Covid-19 storm reminded us, powerfully, about the central role of affect on learning, particularly when it comes to writing development and building resilience. We do not want to lose what we have learned about this. Clarence (2020: 54) reminds us that '[h]earing from a more experienced researcher that writing is often very hard work and that even the most productive writers struggle, get stuck and hate their writing can be enormously encouraging for novice researchers'. We saw how students were able to draw on this kind of vulnerability and encouragement to develop resilience and maintain engagement with their writing during an extremely stressful period. We are examining our teaching materials and pedagogy, to ensure that this is explicitly built into our teaching.

Another way in which we are reimagining our teaching practice is that we want to maintain the elements of online learning that facilitate resilience and engagement amongst the students. For this reason, we are carefully considering a blended approach to teaching in all the courses that we are involved in. For example, some of the first-year lectures are being presented in the form of a flipped classroom, in which students engage with a recorded lecture online, but then attend an in-person follow up lecture in which we discuss and engage more deeply with the material. The fourth-year writing workshops are offered on campus when physical presence is likely to improve learning outcomes, but they are offered online when the focus is suited to online learning. Students identified certain topics that they wanted to come back to as they wrote and indicated how helpful it was to have recordings of these workshops to refer to. This feedback is guiding our decisions about which mode to use when.

We continue to apply what we learned about accessibility of materials, even now that students can drop into our offices and get clarity in person. The emergency shift to online teaching forced us to become far more aware and intentional in our use of the LMS and this is a major strength that we intend to continue to develop. Improved clarity in how we organise, introduce and store teaching materials for students' use is something we continue to develop.

Reimagining assessment

Assessment for learning continues to be the bedrock of our writing centre. Our reflections on the teaching and learning during the Covid-19 pandemic confirmed the perceived importance of well-timed formative assessments that allow students to practise their writing in low-stakes ways that allow for the provision of constructive formative feedback that in turn allows students to deepen and apply their learning before formal assessment of their writing. A dimension of assessment that was lost during the pandemic was peer assessment. Due to our inexperience in facilitating peer review in groups online, built-in peer reviews were abandoned and became guided self-review (in the Introduction to Law class) or teacher-led review (in the Research Essay course). Reclaiming peer review seems important, in part as an element of community building. We have reintroduced in-person peer review workshops for Introduction to Law students and ensured that the Research Essay workshops that previously included elements of peer review are held on campus, so this kind of assessment can once again be developed and practised.

An unintended consequence of working wholly online during Covid-19 is that we became more aware of a greater range of feedback techniques available to use online. These include the provision of voice notes, or verbal comments, on aspects of text, rather than simply providing written feedback. It also includes a greater range of options for marking up text online. Our new LMS offers a range of ways in which a student can respond to feedback on the LMS, without waiting for a consultation or having to email queries. This too offers potential for dialogic engagement with students about their writing that was not previously possible.

Reimagining training

The essential elements of our training remain the same. However, we have realised that we need to include more training in online pedagogies and techniques. For example, how to develop a stronger social presence in an online writing consultation; how to avoid slipping into 'functional' (Hutchings 2006) approaches to writing consultations; and how to develop and maintain a sense of community online.

Our training and reflection sessions continue to explore ways in which we can continue to be alert to students' feelings about law, their identity in law and how this affects their reading and writing in law. Clarence (2020: 56) suggests a practice that can facilitate this is 'to have frank conversations

about their own affective experiences as scholars who are also researchers and writers'. Drawing on what we learned about modelling vulnerability to develop resilience in our teaching practices, we are attempting to extend this to our training and consultation practices.

Reimagining consultations

The importance of presence, in the physical as well as the virtual space, is one of the main lessons we have learned. In their 2021 individual reflections, writing mentors unanimously expressed their relief and appreciation at being back on campus and their belief that it had been necessary to re-establish a physical writing centre on campus, from which they could consult. When we deconstructed these assertions together, they spoke about better connections with each other and students; better conversations in consultations that go further about writing; and the feeling that learning about writing is both deeper and more sustained in face-to-face consultations. A strong theme that emerged was that being on campus – visibly accessible to students at the centre of the School of Law once again – allows a greater range of students to drop in and engage; that some students had not consulted at the writing centre when it was online but were doing so once again.

Another theme that was surfaced was about the use of vernacular languages in consultations. Several writing mentors shared that they had engaged in far more translanguaging during in-person consultations than they had online and attributed this to students being more comfortable with them, after greater rapport had been built in-person. This relates to another theme that emerged during discussions, that of community. Although it was possible, to some extent, to create this online, writing mentors felt that the sense of community that is at the heart of our purpose is much more tangibly experienced in person. They suggested that in-person community building led to an increase in the number of repeat consultations with students and in their ability to draw each other into consultations, where necessary.

For all the reasons articulated above, we have decided to retain in-person consultations as our main mode of consulting. However, we do not want to lose what we have learned about flexibility and are attempting to maintain elements of flexibility that facilitate ease of access to consultations. For example, we now offer students the choice of in-person or online consultations. This hybrid model is helpful to students who choose to come to campus only on selected days, to save on transport costs. At the beginning of each semester, we ask writing mentors to be physically present in the writing centre during their consultation hours. This is to re-establish our presence on campus

Maintaining compulsory consultations with all Introduction to Law students during the Covid-19 pandemic proved to be very challenging. When the requirement was dropped, so did engagement with feedback. In 2021, when compulsory consultations were re-introduced in the writing portfolio, attendance at consultations returned to the pre-pandemic level of over eighty percent of the cohort. Lecturers also noted an improvement in the quality of the final essays. However, these gains came at great cost to writing centre staff. Huge amounts of time were spent not just on consulting but on the logistics of setting up multiple consultations in the space of a few weeks. In 2022, therefore, we replaced these consultations with compulsory small-group workshops on working with feedback. Mentors' reflections unanimously agree that these are well-received by students and achieve the same outcomes as the compulsory consultations, whilst being less onerous for writing mentors. This reimagining of an onerous dimension of the consultations has been one of our most effective improvements to the writing centre.

Conclusion

The Covid-19 pandemic was a time of great risk. The teaching, training, assessment and consultation work of our writing centre faced a range of challenges and threats, which we were largely able to identify and take steps to set up systems to manage and mitigate. It was also a time that revealed the potential of risk (Thesen 2013); where enforced risk-taking allowed staff, writing mentors and students to develop and discover their agency. We discovered skills and strategies for coping and for continuing to engage with each other; an integrative form of resilience that had not been previously realised. This resilience is allowing us to continue to reclaim and reimagine the writing centre space – both physically and online.

Finally, we are emerging from the Covid-19 storm with a renewed commitment to the importance of our core working principles. After a period in which many students describe feeling isolated and anonymous, it seems particularly important to recommit to creating a space that values, in the words of Mokgoro (1998: 2) 'personhood, humanity, humaneness and morality; a metaphor that describes group solidarity where such group solidarity is central to the survival of communities'.

Such solidarity, after our period of fragmentation and isolation, seems essential as we relearn what it means to be a community of scholars in law, learning to read and think and write together.

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