

JOINT PRESS STATEMENT

by The South African Law Deans Association, The Law Society of South Africa
and the General Council of the Bar

LEGAL EDUCATION IN CRISIS?

Law Deans and the Legal Profession set to discuss refinement of LLB degree

The Law Deans at South African universities' law faculties and representatives of the legal profession will meet at a summit in May this year to discuss the four-year LLB degree.

Hosted by the South African Law Deans Association (SALDA); LEAD; the legal education and development division of the Law Society of South Africa (LSSA); and the General Council of the Bar, the '*LLB Summit: Legal Education in Crisis?*' will focus on problems around the LLB curriculum, quality assurance, new models for legal education and community service. The aim of the summit is to ensure that adequately prepared law graduates move from law faculties into the legal profession.

All major stakeholders who will be invited to attend the summit agree that the effective functioning of a constitutional democracy requires a strong, professional legal profession.

'We welcome the willingness of the Law Deans to enter into discussions with the profession on the merits of making changes to the current four-year LLB degree. For some time the profession has been of the view that graduates of the four-year LLB degree seldom have the necessary attributes to enable them to take full advantage of the vocational training provided by the profession. This results in a significantly weakened profession,' say LSSA Co-Chairpersons Jan Stemmett and Krish Govender.

'The Deans of many South African law faculties are concerned about the capacity of students entering university to cope with legal studies,' says the President of SALDA, Prof Vivienne Lawack from the Nelson Mandela Metropolitan University in Port Elizabeth. Indications are that the majority of students enrolling for the LLB degree do not have the requisite academic literacy or numeracy skills to complete the undergraduate LLB degree in four years. It is estimated that only 20% of those who enter the four-year programme complete it in four years. Students who complete the degree successfully are more likely to do so in five to six years.

Although it was thought that the four-year LLB degree would increase access to the legal profession by disadvantaged groups, it appears to have failed to do this. Students from privileged backgrounds often chose to do the LLB as a second degree, the value of the first degree in developing generic skills making them the group more favoured by employers both in and outside the legal profession.

The legal profession and law deans agree that an extended LLB degree – if that is what is to be considered at the colloquium – should not be seen as an opportunity to add more content to the curriculum. The additional time should, however, be used to develop

the generic skills required to utilise a law degree. The first year curriculum should take into account the difficulties experienced by students in adjusting to the university environment and the need to develop a set of generic skills as early as possible in order to develop a student's ability to study law. This would require law students to be introduced to law in the first year, but the focus in the first year would be on the development of language and numeracy skills.

In second year the law component would increase but there would still be a strong emphasis on the development of generic skills. In the final year of study, legal practice and ethics could be viewed as capstone courses, where students are required to integrate their substantive and procedural knowledge, across legal subjects through problem solving. It would also allow ethics to be taught contextually and expose students to the values of social responsiveness in legal practice.

'We view ethics, social responsiveness and an appreciation of the role of lawyers in building a sustainable constitutional democracy as being of paramount importance for any prospective and practising attorney,' say Mr Stemmett and Mr Govender. They add: 'The profession is currently undergoing an ethical crisis, and these fundamentals must be inculcated into prospective and candidate attorneys right from law school throughout their vocational and continuing professional development.'

Prof Lawack points out that law faculties are unequally resourced and a significant increase in resourcing is needed in order for historically under-resourced law schools to improve the quality of the legal education being offered as well as to enhance the service and training capacity of university law clinics. Law clinics at universities are the ideal mechanism for providing a capstone course which allows students to integrate their knowledge with the practice of the law. They also provide much needed legal services to indigent members of the public.

The LSSA Co-Chairpersons agree: 'An extended law degree can be effective only if law faculties are properly resourced.' The minimum resources required include appropriately qualified and trained staff; a staff/student ratio which makes the development of the requisite skills feasible; a law library that facilitates the development of research skills; sufficient IT support to enable all students to have access to computer skills and the relevant legal research databases and a law clinic that is sufficiently staffed to enable all final year students to participate in the clinic under supervision.

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