



LEGAL EDUCATION FOR MODERN LAWYERS

**Clement Marumoagae
University of the Witwatersrand
Marumoagae Attorneys**

CONTENTS

INTRODUCTION

WHAT IS LEGAL EDUCATION

CONUNDRUM BETWEEN THE
THEORY AND PRACTICE OF LAW

TRAINING MODERN LAWYER

PROPOSALS FOR THE LPC

CONCLUSION

INTRODUCTION

In a modern society, there is a need to understand the science of law, how it is and should be taught as well as how it should be practiced.

If there is a case for the new paradigm for legal education, there is an urgent need for law teachers and legal practitioners to seriously self reflect.

INTRODUCTION

Currently, without serious and critical engagement with the concept of legal education, both from the pedagogy and practical point of view, there is disturbing finger pointing between law teachers and legal practitioners.

On the one hand, legal practitioners continuously express their dissatisfaction on the perceived inability of the current LLB to produce 'ready made' candidate legal practitioners.

INTRODUCTION

On the other hand, law teachers are of the view that their trade is to introduce law student to the science of law, and teach them critical reading, research, interpretation, and application of legal principles.

Why do we have four year LLB and two year PVT as well as one year pupillage?

Who should do what?

CONUNDRUM BETWEEN THE THEORY AND PRACTICE OF LAW

David Barker, *A History of Australian Legal Education* (Fe2017) 3: '... the first and central theme is the ambiguity in the core purpose of legal education ...

The main divide lies between those who regard legal education in instrumental terms, namely training individuals as future legal practitioners, and those who regard it as an academic discipline with its own intrinsic value. Among adherents to the former view, there has been a gradual evolution from a strict

focus on the acquisition of legal knowledge to greater emphasis on learning skills relevant to legal practice. Among adherents of the latter, the principal concerns have revolved around legal theory and legal methodology when compared with other disciplines in the social sciences'.

TRAINING MODERN LAWYERS

It cannot be disputed that law schools/faculties produce candidates that are not ready to practice law.

It is not clear whether, since law was formally taught at tertiary level in South Africa, law schools/faculties have ever produced candidates who are/were ready to practice law.

The same scrutiny on law teachers, which is totally justified and warranted, does not appear to apply to legal practitioners.

Does legal education commence and end with law schools/faculties?

What is the role of legal practitioners once they have been given these 'not ready to practice law' candidates?

TRAINING MODERN LAWYERS

Have we ever paused to assess the kind of training within different law firms?

Have we ever seriously engaged the kind of training provided by different bars, where to this date, some advocates cannot adequately present cases in court

What is the role of voluntary law associations in the advancement of legal education?

What is the role of the LPC?

TRAINING MODERN LAWYERS

The modern legal education must be “fit for purpose”.

Legal education must provide an understanding of the overarching legal system and approach, how to serve clients as well as how to apply legal principles within existing legal infrastructure.

However, it is not enough to train lawyers on forensic and technical skills only, there is a need for adequate training on ethical conduct, treating law as a business, handling clients and other important components that are inherent in the practice law in modern times.

TRAINING MODERN LAWYERS

There are many challenges that are contributing to lack of advancement in legal education

Principal/candidate legal practitioner time

Tender system/
corruption

Lack of transformation of the provision of legal work within the legal fraternity

PROPOSAL FOR THE LPC

Legal education for change can only be advanced by the LPC working together with voluntary associations and law schools/faculties

Most voluntary associations are advancing some type of education and training to their members

There is however, a need for a deliberate and concerted effort to provide legal education that is fit for purpose

PROPOSAL FOR THE LPC

I propose that the LPC should call on all interested legal practitioners who wish to make a difference to avail themselves to provide free weekly seminars for about 40 weeks per year.

These seminars should be provided voluntarily for about 2 to 3 hours on a weekly basis and be open to be attended for free by all candidate legal practitioners and interested legal practitioners.

PROPOSAL FOR THE LPC

Only 40 different practitioners per year will be required, with one conduction only one seminar per year.

These seminars should be designed in such a way that they cover different aspects of the practice of law, as opposed to the only the content of law.

They should reflect on the daily realities of the practice of law, including the business side of law. This will lead to a decisive transformative legal education, which is currently only a dream.

CONCLUSION

Transformative
legal education
is a joint effort
of all of us