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PANEL 1: LEGAL PROFESSION AND MODERN CHALLENGES

THE DEVELOPMENT OF STRATEGIES TO MEET CONTEMPORARY CHALLENGES OF LEGAL EDUCATION

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ABSTRACT

Legal tradition and the way-of-doing-things are shifting as the development of technology demands modified social engagements, including a change of how the legal sector's stakeholders interact with one another (adapted from Clark 1992). Notwithstanding technology's characteristic feature of disrupting the *status quo*, it does promote a more streamlined engagement between countries and the international legal community. This can perhaps be best described in the words of Latrup-Pedersen (2002:172):

“The advance of information technology may be the single most important driving force for the trend toward internationalisation of legal education and the legal profession, and it plays an important role for harmonisation”.

This process of internationalisation and harmonisation is most noticeable in the evolving needs of clients, which consequently requires more efficient, cost effective and streamlined legal services from law firms. This has placed pressure on many aspects of legal practice, including the composition of skillsets and competencies required of legal practitioners to meet the contemporary needs of clients. It then does not come as a surprise that law firms tend to seek out graduates with information-communication technology (ICT) related skillsets and competencies in order to meet the requirements of their clients (adapted from Young 1994).

It then also seems appropriate to discuss the role of ICT-related skills and competencies in relation to both the law graduate and legal practitioner, and how this may contribute to the internationalisation and harmonisation of legal education and the legal profession.

The epicentre of this debate lies with the knowledge, skills and competencies of the legal practitioner. The legal practitioner undergoes various layers of education and training to acquire the necessary skillsets and competencies for employability within the legal sector. These layers could be summed up as follows (adapted from Young 1994 and Twining 1988):

- (i) **Academic layer:** which is the formal education required of a legal practitioner and often takes the form of an undergraduate or bachelor of law degree.
- (ii) **Vocational or apprenticeship layer:** which includes the practical legal training of the law graduate and often takes the form of serving articles, pupillage or the like.
- (iii) **Admission layer:** which encompasses the information learnt and studied to pass the side-bar or bar exams to gain entry into the legal profession.
- (iv) **Continuing layer or continuous learning layer:** which relates to continuous learning and training of the legal practitioner after having gained entry into the legal profession and may also take the form of “on the job” training or even postgraduate studies.

All four of these layers of education plays an integral role in equipping legal practitioners with the necessary knowledge, skills and competencies to function in the legal sector. Consequently, all four layers would have to be considered to now equip legal practitioners with the necessary ICT-related knowledge, skills and competencies. The focus of this discussion will be limited to the first layer of education, highlighting that ICT-related knowledge, skills and competencies can be transferred to the future law graduate either directly or indirectly within an institutional legal education setting (adapted from Young 1994).

The direct manner of transferring ICT-related knowledge, skills and competencies to a future law graduate exists in the composition of the curriculum of the undergraduate law degree, which may require formal and specific ICT-related knowledge to be transferred to the student in the types of subjects that are required to be completed. Many law schools have started introducing different subjects to do just that. Students may also acquire ICT-related skills and competencies indirectly by means of the mode of teaching used in such a setting. One could say that there are two major schools of thought prevalent in the use of technology when teaching law, being those that avoid it (also referred to as being a technophobe) and those that

embrace it (which can be described as being technocratic) (see Smith 2002). It is perhaps due to the harsh effects of COVID-19 during 2020, that forced many technophobes to embrace technology in teaching law in institutional legal education structures and as a result, we are seeing an increased trend of using online platforms in the process of teaching and learning. The indirect benefit of this, is that the use of technology exposes and familiarises the future law graduate to various software programmes and tools, which can include online learning platforms and may require students to make use of specific programmes such as word processors, legal databases, and “information retrieval tools” (Latrup-Pedersen 2002:174; Clark 1992).

In conclusion, technology can be described as one of the key tools in emerging international professional and business relations. It is then no wonder that ICT-related skillsets would become the focus for law graduates and their eventual employability in the legal sector. However, certain factors should be addressed and strategies developed in order to achieve the necessary ICT-related skills and competencies for future legal practitioners in the legal sector. These being:

- (i) In developing countries where resources may be scarce, there may be limited access to ICT related hardware and software. This may create exclusionary barriers based on a person’s socio-economic standing within society (Paliwala 1987). Strategies should be developed to avoid “polarising” legal services and education between the “haves” and “the have-nots” (Clark 1992).
- (ii) The right environment should be created in all four layers of education in order to foster the necessary ICT-related knowledge, skills and competencies for both the future law graduate and legal professional to meet the contemporary challenges that the legal sector faces (Chuffe 1999).
- (iii) Strategies should be defined and clearly identify which type of ICT-related knowledge, skills and competencies are required to be transferred at the different layers of education for the future law graduate and legal practitioner (Young 1994), which should extend from “learning about” ICT to also “learning how to” use ICT practically within the context of the legal sector (Twining 1988).

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