

Appendix I – Document Analysis of the LLB Curriculum and the Development of Writing Skills (Table 1)

DOCUMENT	THEMES ANALYSED		
	Sequencing	Writing Skills	Module Duration
LLB Qualification Standard		<p>“The graduate is proficient in reading, writing, comprehension ... and is therefore able to:</p> <p>(a) communicate effectively by choosing appropriate means of communication for a variety of contexts;</p> <p>(b) demonstrate effective oral, written, listening and non-verbal communication skills;</p> <p>(c) apply communication skills to situations and genres relevant to professional practice; and</p> <p>(c) engage with diverse audiences as identified by culture, language and gender.”¹</p> <p>“To be proficient in something is to show ability or skill at it. Abilities or skills in the context of the LLB are developed by ... expecting them to produce well-written, coherent answers or research reports. Language proficiency would include formal and substantive components. The formal component would include aspects such as style (consistency, e.g., use of italics for case names, consistent bibliography (alphabetical,</p>	

¹ Council on Higher Education (CHE) “Qualification Standard for Bachelor of Laws LLB) (2015)” www.che.ac.za/sites/default/files/LLB%20Qualification%20Standards_%20LLB%20final%20version_20150921_0.pdf (accessed 08 February 2018) 10.

		complete), subdivision for primary sources (legislation, case law) and secondary sources (books, journal articles, etc.)), language (grammar, appropriate word choice), and appropriate diction. The substantive component would include aspects such as topic (relevance, clarity, precision), scope of the research undertaken (comprehensive, most important sources consulted), systematic and clearly structured treatment of the topic, logic and persuasiveness of arguments, and correct use of authority.” ²	
CHE Self-Evaluation Report Template	“Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.” ³	“How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of ... • the development of writing skills?” ⁴	
CHE Report (Nelson Mandela University)	“The Faculty is advised to ... seek to construct a curriculum that ensures a	“Generally, the panel found that the LLB curriculum does not adequately enhance students’ writing, research and communication skills, a topic to	“Also important are the tutorials offered to the students in their first year of study in the modules Legal Skills and Introduction to Law. Based

² Council on Higher Education (CHE) “Qualification Standard for Bachelor of Laws LLB) (2015)” www.che.ac.za/sites/default/files/LLB%20Qualification%20Standards_%20LLB%20final%20version_20150921_0.pdf (accessed 08 February 2018) 13.

³ Council on Higher Education (CHE) “National Review of Bachelor of Laws (LLB) Programmes: The Institutional Self-Evaluation Report” (August 2015) https://www.che.ac.za/sites/default/files/LLB%20Self%20Evaluation%20Report%20Template_%20%28%20Updated%20Version%29_2.pdf (accessed 03 May 2019) 7.

⁴ Council on Higher Education (CHE) “National Review of Bachelor of Laws (LLB) Programmes: The Institutional Self-Evaluation Report” (August 2015) https://www.che.ac.za/sites/default/files/LLB%20Self%20Evaluation%20Report%20Template_%20%28%20Updated%20Version%29_2.pdf (accessed 03 May 2019) 11.

	<p>more “strategically scaffolded” learning process.”⁵</p> <p>“The Faculty must report on a review of the curriculum that ensure adequate sequencing, and horizontal progress, in the modules of the programme.”⁶</p>	<p>which we will return later. More needs to be done by the Faculty to enhance their writing and research skills generally and to instill in them the enthusiasm to wish to pursue postgraduate studies in law.”⁷</p> <p>“The panel is of the view that the development of research and writing skills of LLB students’ needs improvement.”⁸</p> <p>“Given the importance attached nationally to the inculcation in law students of reading, writing and research skills, the panel is of the view that the approach adopted by the Faculty to addressing this need needs improvement.”⁹</p> <p>“The panel is of the view that the Faculty, in its revision exercise, should develop a clear strategy for the setting of assignments and other writing tasks (e.g., drafting) throughout the curriculum that definitively addresses the poor research, writing and reading skills that many law graduates have.”¹⁰</p>	<p>on discussions with students the panel is of the view that tutorials should be introduced far more widely in later years of study than is currently the case.”¹²</p> <p>“Tutorials should be skills-based, compulsory, should contribute to final marks in modules, and should be carefully dovetailed with the formal lectures.”¹³</p>
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⁵ Council on Higher Education (CHE) *The National Review of Bachelor of Law (LLB) Programmes 2016-2017 HEQC Draft Report NMMU 8.*

⁶ Council on Higher Education (CHE) *The National Review of Bachelor of Law (LLB) Programmes 2016-2017 HEQC Draft Report NMMU 23.*

⁷ Council on Higher Education (CHE) *The National Review of Bachelor of Law (LLB) Programmes 2016-2017 HEQC Draft Report NMMU 6.*

⁸ Council on Higher Education (CHE) *The National Review of Bachelor of Law (LLB) Programmes 2016-2017 HEQC Draft Report NMMU 12-13.*

⁹ Council on Higher Education (CHE) *The National Review of Bachelor of Law (LLB) Programmes 2016-2017 HEQC Draft Report NMMU 19.*

¹⁰ Council on Higher Education (CHE) *The National Review of Bachelor of Law (LLB) Programmes 2016-2017 HEQC Draft Report NMMU 19.*

¹² Council on Higher Education (CHE) *The National Review of Bachelor of Law (LLB) Programmes 2016-2017 HEQC Draft Report NMMU 10.*

¹³ *Ibid.*

		“The panel is of the view that improvement is needed in the approach adopted by the Faculty to assignments as an important assessment method for the reading, writing and research skills of its students.” ¹¹	
GAPS IDENTIFIED IN THE CURRENT LLB CURRICULUM	Logical sequencing and increasing complexity of module content and assessment throughout the curriculum.	The setting of assignments and other writing tasks (e.g., drafting) throughout the curriculum that definitively addresses the poor research, writing and reading skills of law students.	Tutorials that are skills-based, compulsory, and linked to assessment

¹¹ Council on Higher Education (CHE) *The National Review of Bachelor of Law (LLB) Programmes 2016-2017 HEQC Draft Report NMMU 20.*

EXTRACT FROM:

**REPORT TO THE ACADEMIC PROGRAMMES COMMITTEE
(APC) FROM THE FACULTY OF LAW**

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1.	MATTERS REFERRED TO APC FOR APPROVAL	
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Extract contains pages 9 – 14 of the Report dated 13 November 2018. The Report was approved by the APC, the Executive Senate Committee and Senate.

MOTIVATION FOR CHANGES: (Please include data informing reasons for changes)

The LLB programme offered by the Faculty of Law at the Nelson Mandela University underwent a review as part of the National Review conducted by the Council on Higher Education (CHE) in 2016. In terms of the National Review process, the Faculty was required to compile and submit a Self-Evaluation Report (SER), undergo a peer-reviewed Desktop Evaluation as well as a Site Visit by representatives of the CHE accompanied by peers selected from the academic legal fraternity. The Faculty received the Final HECQ Report on 07 April 2017, in which specified conditions and recommendations were stipulated. Careful consideration was given to each of the specified conditions listed as well as the recommendations and suggestions / comments made by the panel that were detailed in the report. The report concluded that the LLB programme offered by the Faculty had been re-accredited subject to meeting two specified conditions, namely:

- “The Faculty must report on a review of the curriculum that ensures adequate sequencing, and horizontal and vertical progression, in the modules of the programme. The review should include attention to the development of adequate reading, writing and research skills.
- An improvement plan must be produced to address current imbalances in staff demographics.”

As part of the overall National Review process, the Faculty was required to develop an Improvement Plan, which was to be submitted to the CHE by 6 October 2017, setting out the actions and resources required as well as the timeframes within which the Faculty intended to address the specified conditions set and recommendations made.

Seven recommendations were included in the 07 April 2017 report (two of which were

reiterated as specified conditions) and an additional fourteen suggestions / comments were also listed (all of which relate to either the specified conditions or recommendations). Following extensive consultation and deliberation, the Faculty identified seven clear themes from the specified conditions, recommendations and suggestions / comments listed in the report:

- (a) Sequencing of modules
- (b) Research, reading and writing skills
- (c) Africanisation of the curriculum
- (d) Language modules
- (e) Non-law modules
- (f) The mix of elective modules
- (g) Semester- vs year-modules

The Faculty of Law immediately embarked on a process to draft the required improvement plan, which focused on addressing the seven themes. The process adopted included the following:

Departmental workshops (there are four departments, namely the Department of Criminal and Procedural Law, the Department of Mercantile Law, the Department of Private Law and the Department of Public Law) were arranged for department members to focus on the first part of the first specified condition, namely the sequencing and horizontal and vertical progression of modules in the programme.

The Postgraduate Associates (hereinafter referred to as “PgAs”, who are masters students assisting with teaching- and learning-related tasks) were invited to participate in the departmental workshops, in order to ensure student input in the process. The PgAs also held additional workshops with undergraduate student representatives and interested students to obtain their input. The department and student workshops took place during the first two weeks of May 2017. Department members and students were asked to consider all the current (compulsory and elective) modules within the respective departments as well as any new / proposed modules and answer the following questions:

- Where is the ideal place for this module (in which year should the module be taught)?
- Do the modules build on each other / any modules hosted by other departments within the Faculty (are the modules required to follow on from each other / build on complexity and is this achieved with the present curriculum)?
- Should the modules remain as semester modules or are there modules that would be better suited as year modules?
- Should a module be combined with another module to make it a year module?
- Are modules pitched at the appropriate level?

Department members and students were also requested to be mindful of the second part of the first specified condition, namely the development of adequate reading, writing and research skills, and to consider any changes to assessment frequency or methodology in order to improve the reading, writing and research skills of students. Given previous Faculty initiatives and experimentation in respect of transformation, Africanisation and decolonisation of the curriculum (discussed below), and student interest in this particular area, such matters were also considered and discussed as part of this process. In order to ensure consistency, the chairperson of the Faculty Teaching and Learning Committee (FTLC) attended each of these departmental workshops. The information from each departmental workshop was collated and a revised LLB programme, incorporating the input from each department, was drafted.

A Faculty Workshop was held at the end of May 2017 where the revised LLB programme was presented to all members of the Faculty of Law. The PgAs were invited to participate in the Faculty Workshop in order to ensure continued student input in the process. Faculty members and PgAs were required to consider the revised LLB programme in light of seven themes identified. Participants considered whether the revised LLB programme would sufficiently and adequately address each of the themes. The revised

LLB programme was amended to incorporate additional input from the participants.

The Faculty's approach regarding each theme was then included in the Improvement Plan and is detailed below:

(a) **Sequencing**

Careful consideration was given to each module situated in each department in respect of the sensible progression of the modules from semester to semester and year to year. The Faculty was cognisant of the credit values per module and per year, as well as the NQF level 8 and the Bloom's Taxonomy descriptors. Changes to the LLB programme were identified and included as part of the revised LLB programme. Proposed changes, and the rationale therefor, included the following:

- The Computer Literacy module is to move from semester 2 in year 1 to semester 1 in year 1. Students require exposure to Computer Literacy as early as possible in their academic programme.
- The Introduction to Law modules (semester 1 and semester 2 in year 1) to become a year module and to undergo a complete overhaul by adding module content that emphasises the development of South African law leading to the Freedom Charter, the Interim Constitution and ultimately the Constitution, and emphasising the notion and underlying values and mindset of transformative constitutionalism. This content change results in a module move for year 1, namely, Constitutional Law, which will move from year 1 to year 2 and will be taught as a year module.
- The Legal Interpretation (currently called Interpretation of Statutes) module is regarded as a skills-based module and requires a module move from year 2 to year 1 in order to equip students with interpretational skills from year 1.
- All procedural modules will be taught at the same time, namely year 3 and as year modules. This allows for co-teaching and aligning / sequencing of content of the modules. Criminal Procedure moves from semester 1 in year 2 to year 3 and, likewise, Civil Procedure moves from semester 1 in year 4 to year 3, both as year modules. The Law of Evidence remains in year 3 but as a year module. The Legal Practice modules combine to form a year module in year 4 in order to students to attend the Law Clinic throughout the year and not merely for a semester.
- The Private International Law module moves from semester 2 of year 3 to semester 2 of year 2. The module is presented earlier in order to follow on from Family Law and Law of Succession, and to align with the content of the Law of Contract and Law of Property (previously called the Law of Things) modules.
- Labour Law changes to a year module to allow for space for students do deal with the complexities of the module.
- The Payment Instruments module moves from a compulsory module to an elective module in year 4 (it will be offered as an elective module in 2019). The Faculty is of the view that the content of the module has changed significantly over the years and leans more to an elective module than a compulsory module.
- Changing the ICT Law module to a compulsory module in year 4 (it is currently offered as an elective module and will change to a compulsory module in 2019) due to the need for all students to be exposed to ICT Law.
- Introducing Law and Regional Integration in Africa (currently African Regional Law), a compulsory module, in year 4 (it will be introduced as an elective module in 2019), as part of efforts to transform and Africanise the curriculum, discussed in greater detail, below.
- Introducing new elective modules in year 4, linked to each department, for example, Advanced Mercantile Law: *Capita Selecta*. The module content of each elective has been designed to focus on selected topics (*capita selecta*), in order to afford students the opportunity to begin specialising in a particular area of interest.

This theme does not only address the sequencing and horizontal and vertical progression of modules on paper, but also relates to the content and credit value of each of the modules. The details pertaining to the module purpose, learning outcomes and core content were also scrutinised with regard to sequencing and progression of

modules. Likewise, the module outcomes for each module in the LLB programme were interrogated and amended to incorporate the sequencing and progression of modules with specific reference to transformative constitutionalism, the primacy of the Constitution and the place and function of the Constitution in the substantive content of the module.

Workshops in each department were held in March and April 2018, which focused on course content and module outcomes per year of study (utilising the revised LLB programme as a frame of reference), ensuring standardisation, coherent and consistent interrogation of the notion of transformative constitutionalism and to avoid unnecessary duplication.

(b) Research, Reading and Writing Skills

Consideration of the form of assessment was an integral part of the redesign of the LLB programme and aligned to the sequencing and vertical and horizontal progression of the modules. The Faculty, during the departmental workshops and the overall Faculty workshops, specifically considered how to improve the research, reading and writing skills of graduates. Various initiatives were identified, namely:

- The introduction of tutorials for modules such as Legal Interpretation (previously called Interpretation of Statutes), Labour Law and the procedural modules. The tutorials assist students in preparing / drafting assignments, and provides extra opportunity for them to engage with the material presented during lecture periods.
- The change of presentation / offering of certain modules from semester modules to year modules, discussed in greater detail below. Some of the year modules would generally retain the same credit value while extending the same notional hours over a longer duration of time and allowing more time for students to attend to the drafting of assignments, providing further opportunities for research, reading and writing skills to be integrated into the programme.
- Some modules, such as Consumer Protection and Credit Law, Jurisprudence, Private International Law, Business Entities Law and Legal Interpretation, will change from an examinable module to continuous assessment to accommodate the submission of assignments. Consumer Protection and Credit Law and Jurisprudence are final year modules and will require external moderation of the assessments used as part of the continuous assessment process.

(c) Africanisation / transformation of the curriculum

The Faculty had already, during 2016, embarked on a process whereby six modules were analysed (with the assistance of external facilitation) in light of the need to Africanise, decolonise and transform the curriculum, and to ensure the relevance of the content of the modules. The process adopted included workshops where faculty members and student representatives engaged with the module purpose, outcomes and content in order to provide meaningful input with a view to transforming the module, and to enhance its relevance for present-day students. The Faculty has continued the process of analysing modules for this purpose, so that the content of all modules is considered by staff and student representatives through a transformative lens.

A Transformation Forum (TF), the first in the institution, has also been established in the Faculty of Law and approved by Faculty Board. The TF is made up of representatives of Faculty management, academics, administrative staff, PgAs and student societies. The TF serves as a platform where matters pertaining to transformation (including curriculum transformation) may be tabled and discussed on an ongoing basis. The Faculty has identified the importance of such a structure because transformation is in reality a complex issue that requires continuous reflection and deliberation by various interest groups.

Furthermore, the Faculty identified the need to introduce a module in year 4 called “African Regional Law” as an elective module as from 2019 and this module will change to a compulsory module (and will undergo a name change to Law and Regional Integration in Africa) as part of this re-curriculum process to specifically deal with the relevant regional laws of the African continent.

(d) Language modules

The consideration of additional language modules also forms an integral part of the redesign of the LLB programme. The need to have English modules as compulsory modules in the LLB programme was emphasised by the departments as well as the Faculty in the various workshops previously discussed. Currently, students can choose between English and Afrikaans modules. The revised LLB programme retains an Academic English (Law) module (which focusses specifically on the language and writing requirements for law graduates and includes aspects of the Rhetoric and Language (Law) module). A tailor-made module specifically for law students, called “Language and the Law in a Multilingual Society”, will be introduced in year 2 and will address linguistic and language diversity and discourse in a legal context.

The Faculty has further identified the need to introduce elective language modules (students to choose one) such as Conversational isiXhosa for Law and Conversational Afrikaans for Law. The modules are to be presented at a conversational level in year 2 and assessed by means of continuous assessment.

(e) Non-law modules

The current LLB programme contains very few non-law modules (only skills-based modules, computer literacy and language modules). The Faculty considered the introduction of two non-law elective modules. In order to provide students with an opportunity to pursue a wide choice of non-law modules, students should be able to choose any two modules offered at the institution provided there are no lecture or examination timetable clashes. It will be the students’ responsibility to ensure that there are no lecture or examination timetable clashes when registering for the additional non-law elective modules. The Faculty Administrator and Faculty Academic Advisor will be available to point out linkages between non-law elective modules and law modules for specific career choices. For example, students wanting to specialise in Commercial Law could elect, for example, Introduction to Micro-Economics and Introduction to Macro-Economics, or Introduction to Business Management and Entrepreneurship and Introduction to the Business Functions, as their non-law electives.

(f) The mix of elective modules

As suggested above, it has been decided that each department should present an elective module focussing on selected topics (*capita selecta*) in their respective areas. The following electives are introduced:

- **Advanced Mercantile Law: *Capita Selecta***
- **Advanced Private Law: *Capita Selecta***
- **Advanced Public Law: *Capita Selecta***
- **Advanced Criminal and Procedural Law: *Capita Select***

The Advanced Criminal and Procedural Law module is already offered as an elective. The content of this module will be amended and will align to the notion of focussing on selected topics (*capita selecta*) in the area of Criminal and Procedural Law.

An Advanced Property Law module will be introduced, this module will combine some of the content of three electives namely, JJQV401 Law and Urban Development, JLTV402 Land Tenure and Eviction Law, and JMPV402 Property and Agency Law.

In terms of the revised LLB programme, and following the recommendations received during the CHE Review process, the Payment Instruments module becomes an elective module in year 4 as from 2019 and the ICT Law module becomes a compulsory module in year 4 as from 2019.

(g) Semester vs Year modules

The move from semester modules to year modules for some of the modules of the LLB programme was highlighted at the departmental and the Faculty workshops. Some modules contain complex and / or lengthy material and require a longer duration for students to engage with the content. The overall notional hours remain the same, but spread over a longer period. The Faculty identified the following:

- Some modules retain their credit value and will be presented over a year so that students are afforded a longer duration to engage with the content and / or to draft assignments. For example, African Customary Law and Law of Taxation change from semester modules to year modules, retaining 12 credits with one double lecture per week over a year, instead of 2 double lectures per week in a semester.
- Some modules require the introduction of tutorials as well as the change from semester modules to year modules in order to deal with certain content in more detail and to apply the content in practical scenarios. The credit values will remain the same over a longer duration and the self-study notional hours will be reduced, as more contact hours in the form of tutorials will be introduced. Examples of such modules include Legal Interpretation and Labour Law, which have already introduced tutorials in semester 2 of 2017 and 2018. Likewise, the three procedural modules (Criminal Procedure, Civil Procedure and Law of Evidence) change from semester modules to year modules and will also introduce tutorials aimed at preparing students to draft important documents and enabling their full participation in a Mock Trial as a form of assessment.
- Some modules have been combined to form year modules, for example, the current Law of Contract modules, and the Business Entities Law and Company Law modules. These modules retain their combined credit values (i.e. 24 credits). The combined year modules, allow lecturers more flexibility within the module to deal with content in more detail and to introduce assignments as assessments. Large class sizes and a high student : staff ratio sometimes creates a barrier for staff in respect of setting assignments during a semester module, because of the pressure associated with marking large numbers of assignments timeously.