

TAU INDIVIDUAL PROJECT REPORT

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Redesigning the LLB curriculum to enhance writing skills of law students

1. Introduction and Aim of the Project

Curriculum is described as the “‘heart’ of any learning institution” and “a dynamic process due to the changes that occur in our society”.¹ Young states that “there is no more critical educational issue today than the curriculum”.² There are numerous definitions of ‘curriculum’ ranging from narrow interpretations such as the instructional plan or the disciplinary content to be learned, to broader interpretations such as psychological processes of learners as they acquire educational experiences.³ These broader philosophical debates do not form part of this project and can be taken up elsewhere. For the purposes of this project, the focus is on curriculum redesign as a contextualised and collaborative intellectual endeavour.

This project is a curriculum-analysis project aimed at determining whether a newly redesigned LLB curriculum addresses the gaps as identified in the current LLB curriculum that relate to the development of writing skills of law students.

The four-year undergraduate LLB degree was introduced in 1997.⁴ In 2002, the Standards Generating Body for Legal Education and Training determined a set of exit level outcomes for the LLB degree (which were promulgated by SAQA) integrating skills and values into the degree outcomes.⁵ Exit level outcomes that relate specifically to writing skills provide *inter alia* that “learners who register for this qualification must ... possess or have sufficient potential to develop good communication skills, both orally and in writing” and that the “learner is able to

¹ Alviar “The Meaning and Importance of Curriculum Development” (2014) <https://simplyeducate.me/2014/12/13/the-meaning-and-importance-of-curriculum-development/> (accessed 2019-04-20).

² Young “Curriculum Theory: What it is and Why it is Important” *Cadernos de Pesquisa* 2014 44(151) 190 192.

³ Posner “Beauchamp’s ‘Basic Components of a Curriculum Theory’—A Rejoinder” 1973/1974 *Curriculum Theory Network* 4:1 56.

⁴ Qualification of Legal Practitioners Amendment Act 78 of 1997.

⁵ Greenbaum “The Four-Year Undergraduate LLB: Progress and Pitfalls” 2010 *Journal for Juridical Science* 35(1) 1 12.

demonstrate adequate legal writing skills to operate in a wide variety of legal environments”.⁶ A decade later, the legal professions and the Law Society of South Africa (“LSSA”) raised concerns regarding the quality of the LLB and the lack of basic skills of law graduates.⁷ In 2012, the CHE and the South African Law Deans Association (SALDA) extensively deliberated the matter of whether the CHE should undertake a national review of the Bachelor of Laws (LLB) qualification. At the LLB Summit held in May 2013, SALDA and the legal professions resolved that a threshold standard, that would serve as a national benchmark against which all LLB programmes are measured, should precede the start of the review. The LLB Standard was finalised in 2015 and the LLB national review was initiated in April 2015.⁸

The National Review of the LLB programme commenced in 2016. The LLB offered at the Nelson Mandela University was initially⁹ granted conditional re-accreditation subject to meeting specified conditions. These conditions included, *inter alia*:

“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.”¹⁰

A press statement released by the CHE on 23 November 2017 regarding the outcomes and findings of the national review of the LLB, indicated that a selection of the issues identified during the review process related to curriculum design and the compendium of skills and capabilities intended to be developed in the LLB programme,

⁶ South African Qualifications Authority (SAQA) “Registered Qualification: Bachelor of Laws” <http://regqs.saqa.org.za/viewQualification.php?id=22993> (accessed 07 February 2018).

⁷ Hawkey “Creating Well-Rounded Law Graduates” (Editorial) De Rebus (03 August 2012) www.derebus.org.za/creating-well-rounded-law-graduates/ (accessed 08 February 2018) 3; and Manyathi “Concerns about quality of LLB degree” De Rebus (08 August 2012) www.derebus.org.za/concerns-quality-llb-degree/ (accessed 08 February 2018) 8.

⁸ Council on Higher Education “Annual Report” (2015/16) http://www.che.ac.za/sites/default/files/publications/CHE%20Annual%20Report%202015_16.pdf (accessed 08 February 2018).

⁹ The LLB Programme offered at the Nelson Mandela University has subsequently received an “accreditation confirmed” status as a result of the planned actions set out in its Improvement Plan submitted to the CHE in October and approved by the CHE in November 2016 (CHE 2017 (HEQC Report); and CHE 2017 (Letter to DVC)).

¹⁰ Council on Higher Education (CHE) (2016-2017) *The National Review of Bachelor of Law (LLB) Programmes Final HEQC Report NMMU 23*.

which did not measure up to the LLB Standard.¹¹ It was, therefore, evident that there was a need for the LLB curriculum offered at Nelson Mandela University and other Higher Education Institutions to be redesigned in order for it to pay significant attention to the development of writing skills of law students.

The central research question of this project can therefore be formulated as:

How can the redesigning of the curriculum help to enhance the writing skills of law students?

The project aims to analyse the current curriculum by comparing it against the relevant graduate attributes, namely knowledge, skills and applied competence, as set out in the *Qualification Standard for Bachelor of Laws (LLB)*¹² (“LLB Standard”), and the specified conditions as required by the CHE that relate to the development of writing skills of law students.

2. Processes and methods

Analysis and evaluation of a curriculum requires the use of a system for evaluating the effectiveness and quality, and identifying the strengths and weaknesses of the curriculum.¹³ Analysis and evaluation of curriculum effectiveness cannot be done haphazardly. Curriculum analysis is done to assess the curriculum in order to improve it, identify problems and recommend solutions, determine future support required for the curriculum, establish whether the goals of the curriculum have been met, identify

¹¹ Council on Higher Education (CHE) “Press Statement: The CHE’s National Review of the LLB” (2017) <http://www.che.ac.za/sites/default/files/CHE%20STATEMENT%20-%20LLB%20REVIEW%20FINAL%2023%20November%202017.pdf> (accessed 08 February 2018).

¹² Council on Higher Education (CHE) (2015) *Qualification Standard for Bachelor of Laws (LLB)* www.che.ac.za/sites/default/files/LLB%20Qualification%20Standards_%20LLB%20final%20version_20150921_0.pdf (accessed 08 February 2018). See specifically Applied Competence: Communication Skills and Literacy, “The graduate is proficient in reading, writing, comprehension and speaking in a professional capacity, to specialist and non-specialist alike, and is therefore able to:

- (a) communicate effectively by choosing appropriate means of communication for a variety of contexts;
- (b) demonstrate effective oral, written, listening and non-verbal communication skills;
- (c) apply communication skills to situations and genres relevant to professional practice; and
- (d) engage with diverse audiences as identified by culture, language and gender.”

¹³ Committee for a Review of the Evaluation Data on the Effectiveness of NSF-Supported and Commercially Generated Mathematics Curriculum Materials *National Research Council of the National Academies* “On Evaluating Curricular Effectiveness: Judging the Quality of K-12 Mathematics Evaluations” (2004) 36 – 64. <https://www.nap.edu/read/11025/chapter/1> (accessed 08 February 2018) 36.

strengths and successes and to build on them, ascertain whether the underlying assumptions of the curriculum are valid, identify any weaknesses or failings, and to show the value of the curriculum to various stakeholders. The curriculum should be unpacked in order to understand it, evaluate the coherence of its component parts, check the underlying assumptions and beliefs, and seek justification of curriculum choices.¹⁴ For the purposes of this project, a qualitative analysis of relevant documentation was done by comparing the current curriculum against the relevant graduate attributes of the LLB Standard and the CHE specified conditions with emphasis on how the redesigned curriculum can help to enhance the writing skills of law students.

Before conducting a curriculum analysis, consideration should be given to various factors by answering the “who, what and how” questions such as what need is the curriculum responding to, for whom is the curriculum designed, what content areas does it focus on, who teaches the curriculum, what exposure time is allocated to the curriculum, how will the success of the curriculum be considered, and what resources does the curriculum need.¹⁵ This was done by considering the current LLB curriculum of Nelson Mandela University in light of university’s curriculum framework, known as the ‘Humanising Curriculum Framework’, which encapsulates the fundamental and deep questions to be asked when engaging in curriculum redesign.¹⁶ The current LLB curriculum was also viewed against the backdrop of the university’s ten curriculum statements. Central to these ten statements is the notion that a curriculum is more than the content being taught, as it extends to the purpose, environment, pedagogy and applications of knowledge. The ten statements offer guiding principles, linked to the university’s vision, mission, purpose and goals. The statements speak directly to the Humanising Curriculum Framework and provide context and guidance for

¹⁴ *Ibid* 4-5.

¹⁵ Jansen and Reddy (1995) “Curriculum Analysis: A Reference Manual” <http://www.pitt.edu/~ginie/ieq/pdf/curranal.pdf> (accessed 24 January 2018) 7.

¹⁶ Zinn, Geduld, Delpont, and Jordaan “‘Learning Walks’: Dialogic Spaces for Integrating Theory and Practice in a Renewed BEd Foundation Phase Curriculum” 2014 *South African Journal of Childhood Education* 4(3) 103-121 108 [<https://sajce.co.za/index.php/sajce/article/view/230/66> (accessed 26 April 2019)]. The questions include “what do we choose to teach or learn? (the content of the curriculum)”, “how will we do so? (the pedagogies)”, “where will this learning and teaching take place and be set up? (environments that are conducive to learning)”, “how do we know that learning has taken place? (the ‘so what?’ or assessment question)” and “integral to all of these questions is the most important one, the ‘who question’ (relating to the human beings being engaged in the educational interaction.”

understanding what issues curriculum (re)designers should be cognisant of, namely, the issues of context, transformation, knowledge(s), curriculum, innovation, ulwimi – language – taal, the voice of role players, relationships, the importance of space, and process.¹⁷

The Faculty of Law (the Faculty) embarked on an iterative, inclusionary and collaborative process of preparation / (re)design, development, implementation, and evaluation, through extensive document analysis, discussion and deliberation at departmental workshops. Numerous workshops¹⁸ were arranged for department members (academic and administrative staff), Postgraduate Associates (PgAs, who are masters students assisting with teaching- and learning-related tasks) and students. The PgAs held additional workshops with undergraduate student representatives and interested students to obtain their input. The current LLB curriculum was scrutinised at the various workshops by analyzing the following documents (See Appendix I):

- The LLB Standard which provides the purpose and level of the LLB qualification will have been achieved when the attributes are evident. These attributes include knowledge, skills (namely, critical thinking skills and research skills) and applied competence.¹⁹
- The Self-Evaluation Report (SER) template used by the CHE for the LLB review process. The SER template required institutions to assess their programme(s) against the benchmark of the qualification standard as well as the criteria referred for programme accreditation.
- The CHE report highlighting the specified conditions for Nelson Mandela University.

Through the redesign process, the Faculty (staff and students) identified seven themes, namely, (i) sequencing of modules, (ii) research, reading and writing skills,

¹⁷ Teaching & Learning “Curriculum Renewal and Development of Curriculum Statements” *Nelson Mandela University* (2018) <https://tl.mandela.ac.za/News/Curriculum-Renewal-and-Development-of-Curriculum-S> (accessed 26 April 2019).

¹⁸ Department and Faculty Workshops were held from May to October 2017 and February to March 2018, facilitated by the Chairperson of the Teaching and Learning Committee FTLC). The discussions at each workshop was captured by the FTLC Chairperson and consolidated into documents such as memoranda, module outcomes and reports.

¹⁹ See CHE (2015) www.che.ac.za/sites/default/files/LLB%20Qualification%20Standards_%20LLB%20final%20version_20150921_0.pdf (accessed 08 February 2018) 10 and 13.

(iii) Africanisation and decolonisation of the curriculum, (iv) language modules, (v) non-law modules, (vi) the mix of elective modules, and (vii) semester- vs year-modules. For the purpose of this project, attention has only been given to the themes having a direct impact on the development of writing skills of law students across the curriculum, namely (i), (ii), and (vii). Some of the questions posed included, for example:

- 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 requested to consider any changes to teaching and learning methodologies and practices, such as flipped classroom, online learning and specific tutorials related to drafting, and assessment frequency and methodology, such as the number of tests, mini tests and assignments, when answering the questions with particular emphasis on the improvement of the writing skills of our law students.

3. Outcomes

A redesigned LLB curriculum, incorporating the input from staff, PgAs and students, was developed. Faculty workshops (at a plenary level) were held where the redesigned LLB curriculum was presented to and deliberated on by all members of the Faculty, including academic staff, administrative staff, PgAs and students. The redesigned LLB curriculum was co-crafted through an inclusionary and collaborative decision-making process based on the findings of the document analysis.

Specific outcomes relating to the enhancement of writing skills of law students saw various improvement areas incorporated into the redesigned LLB curriculum (see Appendix II paragraphs 1(a), (b), and (g)), such as:

- the resequencing of modules to ensure sensible progression of the modules from semester to semester and year to year which also allows for the sensible progression of complexity of assessments (writing assignments),
- the introduction of tutorials for skills-based as well as substantive content modules to assist students in preparing / drafting assignments, and provide extra opportunity for students to engage with the material presented during lecture periods, and
- changing the presentation / offering of certain modules from semester modules to year modules, whereby some of the year modules would generally retain the same credit value while extending the same notional hours over a longer duration of time allowing more time for students to attend to the drafting of assignments, and providing further opportunities for writing skills to be integrated into the curriculum.

The redesigned curriculum has been approved by the university internal structures and will be offered as from 2020. The redesigned LLB curriculum will be monitored and evaluated in order to determine if the gaps in relation to the development of writing skills of law students identified in the current curriculum (see Appendix I) have been closed by the redesigned curriculum. Regular (re-)evaluation of the redesigned curriculum will occur after implementation in 2020.

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