

Developments in legal education

IN 1991, a committee of representatives of the Association of Law Societies, the Black Lawyers Association, the General Council of the Bar, Lawyers for Human Rights, the Legal Aid Board, the Association of Legal Aid Institutions, the Legal Resources Centre, NADEL and SUTL held an "Access to Justice" conference. This was chaired by Mr Justice JJ Trengove. At the end of the conference an Access to Justice Continuation Committee was formed to investigate certain issues, one being the proposal of a ladder system of qualification for legal practice in order to promote both access to the profession and access to justice itself.

The result was a report by a sub-committee urging law faculties to adopt a ladder system of legal education, involving a three-year B Iuris degree, a B Proc at a slightly higher level, and the LLB degree, all to form part of the integrated structure. The ALS was in favour; the GCB opposed it; the law faculties were lukewarm. Under the previous Minister of Justice there was no particular official interest.

Legal Forum

In November 1994, the first National Consultative Legal Forum took place. The ladder system was there strongly attacked by the BLA in a quondam alliance with ourselves, and in particular, Professor Carole Lewis, Dean of the Faculty of Law at Wits. A strong lobby thereafter developed in favour of one degree for legal practitioners, and one moreover which enabled lawyers to emerge ready from universities for practice.

Various proposals followed in the subsequent months. In April 1995 a Legal Forum devoted specifically to legal education took place in Cape

In his report to the Annual General Meeting of the General Council of the Bar in July 1996, Jeremy Gauntlett SC, of the Cape Bar, summarized developments in legal education.



Jeremy Gauntlett SC

Town. The upshot was the formation of a task committee, which did not particularly function before January this year. The National Conference of the Society of University Teachers of Law then took place at the University of the Western Cape, and I represented the GCB. The task group was then stirred into action (and I was co-opted to it).

Task group

The task group thereafter met at Wits on Saturday 24 May 1996. The current chairperson of SUTL, Professor Bongani Majola having accepted the post of National Director of the LRC, Professor David McQuoid-Mason is to take over as the chair of SUTL.

Although I refer to some of the negative aspects, in particular underlying currents in legal education as being a concern, the final document we were able to negotiate I believe is one with which the Bar can live.

Approach of the GCB

Shortly stated, it seems to me that the keystones of the GCB's approach to changes in the field of legal education should be these:

- Members will tend to look with scepticism at the ostensible reduction of a five-year (or six-year) LLB degree to a four-year purely legal degree. They will have to bear in mind, however, the fact that there are no strong academic voices raised against this on didactic grounds: indeed, many point to the fact that in a country such as the United Kingdom, it is possible to become a solicitor or a barrister on the basis of a three-year purely legal degree (followed by practical legal training).
- We must, however, continue to reiterate our concern that the degree be of one quality. In fact, the adjusted period and scope of the degree may, if anything, impose additional strains on students.
- Individual university autonomy is crucial. The pressures in certain quarters to push for a single prescribed degree, centrally regulated, must be resisted.
- We must retain our own control of practical legal training.
- We should point to unpalatable anomalies which, if legal education is properly to be overhauled, must be examined. In this regard the plethora of law faculties (five in the impoverished region of the Eastern Cape alone) as a legacy of the creation of universities for fundamentally non-pedagogical reasons have to be considered. 