



LAW SOCIETY
OF SOUTH AFRICA

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**LAW SOCIETY WELCOMES LLB CURRICULUM REVIEW – REPEATS
CONCERN AT LAW GRADUATES’ LACK OF BASIC SKILLS**

The Law Society of South Africa (LSSA) welcomes the findings on the LLB Curriculum Research, as presented by the Council on Higher Education (CHE) at a Colloquium on 11 November 2010.

However, the LSSA continues to express its concern that a substantial number of law graduates are lacking in a number of essential skills such as research, computer work, literacy and numeracy. ‘Graduates who lack basic skills – which they should already be equipped with when they enter the profession – place a great burden on the attorneys’ profession to provide training in these skills instead of using the time and funding to strengthen the legal transactional skills required in the attorneys’ profession,’ say LSSA Co-Chairpersons Peter Horn and Max Boqwana.

They add: ‘Clients in legal matters are placed at risk if new legal practitioners are not properly equipped to assist them. This, in turn, impacts negatively on access to justice in our country.’

It appears that, in general, law graduates are not adequately equipped for the practice of law. A gradual decline in skills over time also appears to have taken place.

The LSSA made extensive submissions to the CHE during the research phase. Respondents to the CHE research survey – which included the LSSA as well as other stakeholders in the legal profession – generally agreed that the most crucial abilities that should be attained by law graduates include problem solving, English language proficiency, understanding the application of legal principles and research skills.

In terms of legal topics, most faculties include in their curriculum the theoretical learning areas that are regarded as necessary for attorneys by the LSSA. However, there appears to be a lack of consensus on the skills that are needed. The need for a core curriculum has been raised.

Nic Swart, the LSSA’s Director of Legal Education and Development (LEAD), indicates that the LSSA is concerned about the fact that, even if consensus is reached about the focus certain content should enjoy at all law faculties, this still does not guarantee the

quality of tuition. 'This is a very high priority which the CHE, the Department of Higher Education and the law faculties must address,' says Mr Swart.

He adds that the LSSA is also concerned about the disparity between faculties, in particular as far as the *depth* of tuition is concerned. Some law faculties offer eight times more practical skills training than others, and only 10 of the 17 law faculties offer language courses.

'The LSSA trusts that these issues will be addressed by the relevant authorities without delay. For its part, the LSSA – with the financial assistance of the Attorneys Fidelity Fund – will continue to make meaningful interventions to the quality of academic tuition of those law graduates who enter the ranks of the attorneys' profession. The LSSA is confident that the profession will continue to be acknowledged as a partner in the process of review of the LLB curriculum,' says Mr Swart.

Some technical highlights from the LLB Curriculum Research presentation:

As far as tuition is concerned:

Although it would appear that a core minimum curriculum exists in name at all law faculties, there are significant differences in content, structure and requirements between the LLB curricula at the various law faculties. These differences may be highlighted by a large number of examples relating to admission requirements, the amount of time and number of credits allocated to similar subjects, exposure to other disciplines contextualising law, mandatory or elective courses, semesterisation and curriculum design.

The review identified, among other, the following disparities:

- A wide range of admission requirements (Admission Points Score or APS) ranging from 21 to 42, English from level 2 to level 6; Maths from a pass to level 4; and Maths Literacy from level 3 to level 6.
- According to the survey all faculties offer mandatory courses in the same subject areas. However, there is a wide discrepancy in the credits and duration, and consequently in the methodology of these courses
- LLB course credits range from 450 to 752, with five faculties offering over 600 credits. For example:
 - Civil Procedure credit range from 12 to 32;
 - Property Law ranges from 12 to 32 credits; and
 - Constitutional Law ranges from 12 to 48 credits.
- A wide range of mandatory courses versus elective courses are offered by different faculties. Elective course credits range from 24 to 170.
- All law faculties have some form of mandatory skills requirement; some are stand-alone programmes and others are integrated, the credits ranging from 12 to 93.

- Only 10 of the 17 law faculties require mandatory language courses (12 to 36 credits). [NB: Proficiency in reading, writing and speaking English has been identified as the second-most important skill required for law graduates.]
- Law faculties display a similar pattern in curriculum design. However, the design differs materially during the first year when some law faculties pursue courses outside the field of law, whereas others offer a large number of law courses.

ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE LAW SOCIETY OF SOUTH AFRICA, MAX BOQWANA AND PETER HORN

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Editor's note:

The Law Society of South Africa brings together its six constituent members – the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces, the Black Lawyers Association and the National Association of Democratic Lawyers – in representing South Africa's 20 100 attorneys and 5 000 candidate attorneys.