

DEFENCE LEGAL SERVICES DIVISION SUBMISSION ON THE LLB CURRICULUM PROJECT

MAIN PURPOSE OF THE LLB

1. The main purpose of this degree is to furnish a platform of academic knowledge and practical skills sufficient for the student to cope at base-level legal employment in any sector of field. The platform ought to be of such a standard that the graduate can immediately specialise. It ought also to be of such weight that all employers would recognise it for the rare achievement it is.
2. The employer must be confident that the LLB graduate can comfortably handle front-line duties in their organisations without further training on general requirements, and the only remaining task is to expose the graduate to the unique experience and in-house intricacies of the particular field chosen.

KNOWLEDGE, SKILLS AND ABILITIES REQUIRED OF LLB GRADUATES

3. In the field of criminal law, the graduates should have sufficient knowledge to assess routine dockets and the evidence contained therein in terms of relevance and admissibility of evidence, identification of suspects, offences and specific elements of offences.
4. He or she should subsequently be capable of formulating a coherent workable investigation and/or trial plan, frame correct charge sheets, and either draft proper instructions to the investigator or conduct the trial, whether the trial is that of Not Guilty or Guilty. He or she should also be able, at the investigation and trial phase, to anticipate and handle pre-trial and post-plea objections and issues (e.g. admissibility of confessions, pointing out etc) normally administered by the procedure of a trial-within-a-trial. The graduate should be able to handle the case as either prosecutor or defence counsel through to findings and sentence.
5. For more complex cases e.g. multiple fraud counts, these would be left for when the graduate has completed a relatively short spell of routine cases and the degree of difficulty should be raised successively in a short period of time.
6. It is deemed essential that criminal and investigative skills be imparted to graduates during their training as the success of prosecutions rest on these.
7. The graduate ought to have sufficient theoretical knowledge of the law to at least identify an issue of possible legal contention (possible argument of violation of right to be tried within a reasonable time) and conduct the necessary research to argue or counter it where applicable. Fields of particular necessity are criminal law, criminal procedure, constitutional law and law of evidence.

8. The graduate ought also to possess a sound knowledge concerning legal ethics.

TO WHAT EXTENT DOES THE LLB PROGRAMME PERMIT THE ACQUISITION OF THE REQUIRED KNOWLEDGE AND SKILLS

9. Theoretical knowledge is made available to students and it is believed that exercises in trial advocacy, mock trials etc are indeed conducted. It may be that the lack of practical knowledge is more prominent amongst students who make use of correspondence universities, but a greater focus on practical application is definitely required to imprint certain skills. A broader variety of tasks from the familiar such as closing addresses and leading evidence-in-chief, to other exercises such as docket management and formulation of trial plans are needed.

10. Other skills lacking at present are consultation skills with clients involved in criminal, civil and any other cases. The absence of Latin from all law curricula is problematic as it is required from law practitioners to understand all the Latin phrases used in legal documents.

11. One can modify curricula repeatedly, but the quality of LLB graduates will not improve if the knowledge and experience of those passing the examinations is not enhanced. This will require that the standard of the examinations has to be raised.

CHALLENGES AND DIFFICULTIES FACING UNIVERSITIES

12. There is doubt if the school system is producing students with the basic skills necessary to undertake tertiary studies. The discipline and systematic approach needed to cope with the pressure of a much greater burden of work is something that has to be entrenched in high school.

13. Likewise, basic reading and writing skills are essential. The argument that English is a second or third language to many students only goes so far when the deficiency identified in the university and employment sector is comprehension, syntax and drafting skills. It can be said that even in many student's home language, their drafting skills are inadequate simply because the written expression of concepts in black and white, while maintaining a coherent logical flow towards the formulation of one or many objectives, is not instilled in the student at secondary level.

14. If the student is not properly taught in subjects such as language and history, end even the sciences, where the student's reasoning and problem-solving processes as well as general knowledge is enhanced through debate and discussion, he or she will struggle with the law. The law requires a student to have garnered a body of knowledge that he or she can exploit in attempting to identify educated options and make value judgements regarding new variables to familiar situations.

15. The universities are faced with these challenges at the outset and have to accommodate their approach in the curriculum accordingly.

CHALLENGES AND DIFFICULTIES FACING STUDENTS

16. The above section on challenges for universities applies here equally. The student nowadays lives in a consumer-driven technological society where reading, reasoning and emotional intelligence are not inculcated at home or in school.

RECOMMENDATIONS

17. It is recommended that the curriculum of law practitioners is extended to cover the following subjects and enabling them to acquire the necessary additional critical skills for the workplace:

- a. Criminal investigative skills;
- b. Interviewing/consultation skills;
- c. Basic accounting and bookkeeping;
- d. Court procedure and etiquette;
- e. Legal ethics;
- f. Latin for law practitioners; and
- g. English written and verbal skills.

18. The proper use of spoken and written English is of the utmost importance for the success of any career. Training students in the proficient use of English is thus an essential requirement. In the case of law practitioners it even more critical as comprehension and interpretation can affect the lives of people. Testing the prospective students is required and those not making the grade must be compelled to follow an additional English course.

19. Greater emphasis must be placed on practical exercises and experience in the real execution of work required. This can be achieved by adding a further study period. During the first six months the student completes the Law School curriculum as presented by the Law Society. Thereafter students who wish to become attorneys complete the 12 months of compulsory practical experience as an attorney. At this stage the student can be awarded his or her degree and be allowed to sit for the exams to be admitted as a fully fledged attorney. Students who choose to become advocates after completing the Law School must first complete their compulsory 12 month pupillage before being awarded their degree and being allowed to sit for the bar exam.