

SUBMISSIONS ON THE FUTURE OF THE 4-YEAR UNDERGRAD LLB DEGREE

- ❖ The **main purpose** of the **LLB programme** is to equip law students to think critically; to have developed their legal research skills and to have a sound knowledge of the South African legal system
- ❖ It is vital that law graduates are able to communicate effectively both verbally but especially, their written skills should be sufficient to allow them to draft legal documents and papers with ease. Furthermore LLB graduates should have attained research skills as this is imperative for those who choose to practice law, in whatever field they choose to specialize.
- ❖ The current 4-year undergraduate LLB programme does not adequately equip LLB graduates with the requisite knowledge, skills and abilities necessary to practice as a capable legal practitioner. Current law graduates in this country are ill-equipped to offer the best professional advice to members of the public and it appears that the LLB curriculum is not adequate in providing law graduates with the skills and knowledge to practice law properly, either on their own or as a partner in a law firm. Also, because of a lack of basic numeracy and literacy skills law graduates make errors eg. Oversights made by prosecutors on dockets they may handle; mistakes in drafting by practitioners which affects the reputation of the entire law profession.
- ❖ What are the **challenges and difficulties facing the universities in adequately preparing LLB graduates** for the different professional career paths?
 1. Educational standards of the entrants to the law profession are undoubtedly in decline
 2. Inadequate literacy; oral; critical reading and writing skills of school-leavers
 3. Insufficient basic numeracy skills instilled at pre-tertiary level
 4. Inadequate preparation of school-leavers for tertiary education – OBE education is failing matriculants to be “tertiary-ready”
 5. Poor General knowledge and knowledge of fundamental concepts eg. some matriculants don’t know what a cheque is
 6. Poor work ethic amongst students – lack of competitiveness and hunger to succeed. This is coupled with a general “attitude” problem – discipline in law is paramount.
 7. Public perception of the integrity of the law profession at present
 8. The LSSA should be more involved in setting the curriculum content of LLB degree.
 9. Large disparity between the various universities law faculties in the courses they offer
 10. There appears to be a wide gap between the theory taught to students and the way law is practiced in this country
 11. There should be some linkage with pro bono work for LLB graduates
 12. The questioning of the independence of the judiciary by members of the public

- The **challenges and difficulties facing students** enrolled in the LLB programme, which **impedes their development of the necessary knowledge, skills and abilities?**

- i. Loss of real academics to industry, lured by better financial prospects
- ii. There is no “exit strategy” for students who perhaps decide that Law is not for them in 2nd/3rd year. If they drop out, they will not have any qualification at all. However if they did an undergraduate degree and then change their mind about studying law, they will at least graduate with that degree and not have wasted valuable time/money.
- iii. There is an oversupply of students wishing to study law and not enough positions available for them in practice
- iv. Too many graduates wishing to practice in the same field eg. The field of criminal law is over-subscribed possibly due to unrealistic expectations of how law operates in practice, fueled by current tv series.

❖ **Recommendations** to address the issues raised above:

To better equip students for practice as the current system is clearly failing, Varsity College submit that we revert to an undergraduate degree (BA; B Com or B Soc Sc degree), followed by a 2 year post-graduate LLB degree (total of 5 years of study). With the additional year of study, students will be that much more emotional mature and better able to deal with how law works in practice. We also suggest that some sort of standardized admission exam be written by all LLB applicants. This will afford the opportunity of extracting those students who are basically illiterate or unable to solve arithmetical problems from those that can.

In addition, the CHE might look at introducing some sort of “Pre-law/qualifying year”, like those students in the US who study medicine. General subjects should be undertaken in such a year eg. subjects that develop some sort of business acumen; philosophy (to encourage critical thinking); English; numeracy/Accounting; An Introduction to South African Law. There should thus be a minimum entrance standard and a pre-literacy programme. The inadequate writing; reading and numeracy skills of school-leavers needs to be addressed .

A way of introducing some practicality into the LLB degree, could be to implement “practical training” hours that are to be fulfilled by 1st to 4th year LLB students:

Eg:

1 st year experience documents	-	Introduction to law: Students Gain at least four weeks of in a Law Firm; drafting bills, filing documents, serving and issuing the same.
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- 2nd year and - Four weeks of drafting experience, with contracts, applications actions; purely exercises given by the law firms-use of Amlers etc
- 3rd year - Research and heads of argument drafting.
- 4th year - Preparation for trial; indexing court files, drafting opinions and briefing council.

Total of 16 weeks.

Submissions made by:

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