

Need for Training Law Teachers on Teaching Skills – Indian Perspective

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ABSTRACT

This paper intends to identify the expectations on Legal Education in general and Law Teachers in specific; problems associated with lack of training of law teachers on the skills required; the need for training law teachers in India on teaching skills and concludes with few suggestions to provide training to law teachers in India to hone up their skills.

EXPECTATIONS ON LEGAL EDUCATION

The National Knowledge Commission,² a high-level advisory body to the Prime Minister of India, constituted with the objective of transforming India into a knowledge society submitted around 300 recommendations on 27 focus areas including legal education during its three and a half year term. In its report to the National Knowledge Commission, the Working Group consisting of eminent law professionals submitted that:

Legal education should aim to prepare legal professionals who will play a decisive leadership role in meeting these challenges, not only as advocates practicing in courts, but also as legislators, judges, policy makers, public officials and civil society activists as well as legal counsel in the private sector. Legal education should also prepare lawyers to meet the new challenges of working in a globalized knowledge economy in which the nature and organization of law and legal practice are undergoing a paradigm shift. Original and path breaking legal research is needed to create new legal knowledge and legal ideas that will help us.

The Working Group is of the opinion that the vision of legal education is to ensure justice oriented legal education to contribute to the realization of values enshrined in the Constitution of India. Legal education must also inculcate the need to observe the highest standards of professional ethics and a spirit of public service. In order to achieve these goals legal education needs to be broad based, multi disciplinary, multi functional and contextual. The phenomenon of globalization provides an important context in relation to which the vision and goals of legal education have to be concretized.

An important aim of legal education is also to meet the growing demands of the legal services market without undermining the public service character of the law school/university. Legal education must cater to a wider audience than only provide personnel for the purposes of the administration of justice in courts. The new developmental agenda needs knowledge of international practices and transcends the

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² The National Knowledge Commission (NKC) was constituted on 13th June 2005 with a time-frame of three years, from 2nd October 2005 to 2nd October 2008.

established view that the purpose of legal education is only to generate practicing lawyers.

The aim of legal education also should be to create lawyers who are comfortable and skilled in 'dealing' with the differing legal systems and cultures that make up our global community while remaining strong in one's own national legal system.³

A number of law schools have been offering quality legal education. However, the most immediate challenge is to improve the quality of legal education in a vast majority of law schools in the country. This task entails a range of measures including reforms in the existing regulatory structure, significant focus on curriculum development keeping in mind contemporary demands for legal services, recruitment of competent and committed faculty, establishing research and training centers, necessary financial support from the State, and creating necessary infrastructure, especially a well endowed library.

The syllabi of law courses have to be carefully designed.⁴ Law teaching must be interwoven with related contemporary issues, including international and comparative law perspectives. The curricula and syllabi must be based in a multidisciplinary body of social science and scientific knowledge. Curriculum development should include expanding the domain of optional courses, providing deeper understanding of professional ethics, modernizing clinic courses, mainstreaming legal aid programs and developing innovative pedagogic methods. Legal education must also be socially engaged and sensitize students to issues of social justice.⁵

Legal education must equip the student with the necessary theoretical and practical skills to deal with the diverse and expanding world of legal practice. For example, the law graduate must be able to deal with and respond to a range of complex legal issues and problems, even as he or she chooses to specialize in a particular area of law; he must possess basic "legal" skills including negotiation, advocacy, drafting, counseling and research skills; the law graduate must be in a position to identify, analyze, and synthesize a vast array of legal materials and present it in a concise and logical manner; he must be sufficiently acquainted with the procedural aspects of the legal system so as to be in a position to give practical advice to clients; he must be trained to respond to new/novel problems that call for practical solutions; he must be able to contribute creatively to the range of social problems and challenges that face the nation; he must be trained to research independently so that he/she can contribute to the total pool of legal ideas through research publications; he must be able to read and analyze judicial decisions that are typically long, verbose, complex and difficult to understand, and should possess an ability to skim through passages, understand the relationship between the parts of the passage and also read between the lines — all of which are integral to a lawyer's tasks; he must also be grounded in ethical issues governing the legal profession.⁶

³ Para 1.2, Report of the Working Group On Legal Education, National Knowledge Commission, India

⁴ Para 2.2.4, Report Of The Working Group On Legal Education, National Knowledge Commission, India

⁵ Key Reform Proposals of National Knowledge Commission submitted by its Chairman Sam Pitroda to the Prime Minister of India on October 15, 2007.

⁶ Para 2.2.6 Report Of The Working Group On Legal Education, National Knowledge Commission, India

A plain reading of the above discloses in unambiguous terms the high level of expectations of the Working Group on Legal Education. Ideally, Legal Education must ensure all the above. The thrust is on imparting skills which are integral to a lawyer's task. But how do we do it?

Over one hundred years ago, Oliver Wendell Holmes commented that the business of legal education is not merely to teach law, or to make lawyers, but instead is ***“to teach law in the grand manner, and to make great lawyers...”***

The Carnegie Report on law school education⁷ as well as the recent recommendations of the National Knowledge Commission of India urges more emphasis on 'experiential legal education', where the student goes through the actual or simulated experience of acting as a lawyer. The report's premise is that although traditional methods may effectively impart legal knowledge and analytical skills, they tend to ignore or ineffectively transmit professional values and practical legal skills required to represent clients in transactions or dispute resolution. The Report argues that experiential legal education is the optimal technique for inculcating practical skills and ethical values to face the new challenges and dimensions of the internationalization of legal profession.

LACK OF TRAINING FOR LAW TEACHERS ON TECHNIQUES FOR TEACHING LAW:

How one can expect all this to happen, without the law teachers possessing these skills set? There are neither formal nor informal pre-recruitment /post recruitment training for law teachers in India on the techniques for teaching law. During their career as a law teacher, they have a negligible learning about law lecturing or imparting the practical skills.

Law Teachers in India are not exposed to the research, theories and models that provide a foundation about teaching and learning law. They are not explained the psychology and characteristics of adult learners and how to mould the teaching methods to reflect those characteristics. Law teachers still believe in “pedagogy” and are not exposed to “andragogy”.

They are not trained in the components of effective instruction, dimensions of exemplary teaching, planning the course objectives, the syllabus, course materials, teaching/learning methods, architecture and environment of the class, the openings and closings of class, discussion and questioning techniques, designing and using visual tools, use of overhead projectors, strategies for research seminars, concept mapping, theoretical bases for experiential learning, goals and benefits of experiential learning, maximizing the benefits of experiential learning, using simulations and role-playing, use of writing exercises, classroom assessment, evaluation instruments and techniques, etc.

NEED FOR TRAINING LAW TEACHERS

As a Law Teacher myself, I never felt the need for training since, like many of my colleagues in the legal academia, I took teaching for granted. Whatever I learnt about teaching

⁷ Released by the Carnegie Foundation for the Advancement of Teaching, a summary of which is available at http://www.carnegiefoundation.org/sites/default/files/elibrary/EducatingLawyers_summary.pdf

was on a trial and error method. After nearly 17 years of teaching, I got an opportunity of participating in a three week long training program on “Law Teaching and Legal Research Skills” conducted at and by Cardiff Law School, Cardiff University, U.K. in association with the British Council of India.

Until the start of the training program, I was highly skeptical as to what the program would do to improve the teaching skills of a law teacher of 17 year standing. Initial two days, I had to spend only on unlearning those skills which I had learnt the wrong way. Whatever I learnt at the training program was completely new to me and I felt that every law teacher must have this opportunity either before beginning his/her career or at least at the very beginning of his/her career.

A formal training on those skills is absolutely necessary for every law teacher and certainly do magic in transforming them as great teacher. After the training program at Cardiff Law School, along with few of my fellow trainees from India and with financial support from British Council of India, I conducted few cascade programs on “Law Teaching and Legal Research Skills” at different cities of India by inviting law teachers from the region. The response to the call for attending the training program was phenomenal and every participant without exception thoroughly enjoyed participation and were highly appreciative of the impact of the training on them. But such cascade programs ended with the withdrawal of support from British Council of India. It’s my humble personal opinion that Law Teachers in India need a rigorous training on teaching skills, especially those part time teachers from the Bar.

FEW SUGGESTIONS

The Bar Council of India, a statutory body created under the provisions of Advocates Act, 1961, which is bestowed with statutory obligations⁸ to promote and to lay down standards for legal education may immediately take some pro-active steps to create an institutional mechanism (National Law Teachers Academy) on the lines of National Judicial Academy⁹ and the National Academy of Administration¹⁰ for conducting a rigorous training for potential law teachers as well as for the law teachers in service.

The Training Program for Law Teachers shall cover the components of effective instruction, dimensions of exemplary teaching, planning the course objectives, the syllabus, course materials, teaching/learning methods, architecture and environment of the class, the openings and closings of class, discussion and questioning techniques, designing and using visual tools, use of overhead projectors, strategies for research seminars, concept mapping, theoretical bases for experiential learning, goals and benefits of experiential learning, maximizing the benefits of experiential learning, using simulations and role-playing, use of writing exercises, classroom assessment, evaluation instruments and techniques, etc. Undergoing such training may be made mandatory for Law Teachers immediately after recruitment. This mandatory clause may be implemented by the Bar Council of India by making it as one of the conditions for granting or extending approval to the Law Schools for offering a Law Degree Course and for recognition of degree awarded by such Universities.

⁸ See Sections 7, 10, 24 and 49 of the Advocates Act, 1961.

⁹ An Academy chaired by the Chief Justice of India to train Judicial Officers on administration of Justice.

¹⁰ This Academy named after one of the Prime Ministers of India Mr. Lal Bahadur Sastri trains civil service officers immediately after recruitment as well as conducts Mid Career Training Programs for those officers.

Bar Council of India may also prescribe participation and successful completion of this Training Program as a mandatory pre-requisite qualification for appointment as a law teacher. If this is made, Bar Council of India can identify and maintain a database of qualified and trained teachers as well as help law schools recruit competent and trained faculty members as and when need arises from this pool of trained law teachers.

The Bar Council of India may publish a monthly newsletter containing articles on teaching techniques and innovations in teaching techniques and send it to all law teachers across the country, which will enable the law teachers to update their knowledge and skills.

The Universities may also make participation in such mid career training program as a mandatory requirement for career advancement of Law Teachers. Currently Universities conduct UGC¹¹ sponsored Refresher Courses on specific branches of law without having modules on teaching techniques. The Universities while conducting such refresher course for law teachers may set apart few days for training or updating teachers on the latest techniques in teaching law.

The International Association of Law Schools may help the Bar Council of India by extending all possible support by providing the Bar Council with information from its rich resource base on teaching techniques as well as by identifying and providing experts / resource persons who can travel to India and train a group of master trainers, who may in turn train their colleagues in the teaching profession.

Such rigorous training programs for law teachers on teaching skills might transform the entire future of the legal profession, since the profession heavily depends ultimately on the students who pass out of these Law Schools.

¹¹ University Grants Commission was formally established in November 1956 as a statutory body of the Government of India through an Act of Parliament for the coordination, determination and maintenance of standards of university education in India. See www.ugc.ac.in