

‘I don’t want to be a lawyer’ – redefining success metrics in legal education *via* holistic development and diverse career pathways

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1 Introduction

Much is to be said and has been said, about redefining success metrics in legal education.¹ For example, Modiri comments on rote learning in legal education with reference to tests, assignments, and examinations.² The goal of this chapter is not to rehash *how* or *why* we should move away from, for example, memory-testing,³ and reimagine assessments in light of critical thinking and problem-solving (in order to redefine success metrics in legal education) – but rather to explore *if*, in addition thereto, holistic development and diverse career pathways may be used to redefine success metrics in legal education. This chapter does not dive into whether legal education purposefully equips law graduates for practice, etc.⁴ The goal of this chapter is to inspect *if* holistic development

1 See, J Modiri ‘The crises in legal education’ (2014) 46(3) *Acta Academica* 1-24; L Greenbaum ‘Legal education in South Africa: harmonizing the aspirations of transformative constitutionalism with our educational legacy’ (2015-2016) 60 *New York Law School Law Review* 463-491; DL Borman & C Haras ‘Something borrowed: interdisciplinary strategies for legal education’ (2019) 68(2) *Journal of Legal Education* 357-391.

2 See Modiri (n 1) 10; Greenbaum (n 1) 482.

3 See WR Klemm ‘What good is learning if you don’t remember it?’ (2007) 7(1) *The Journal of Effective Teaching* 61-73.

4 For additional reading on this point, refer to Modiri (n 1) 2: ‘As evidence for this ‘crisis’, the ‘stakeholders’ at the summit pointed to the waning quality of law graduates leaving universities, noting specifically a pattern of inadequacy and incompetence in numeracy, literacy and computer skills, a dearth in critical thinking, analysis and reasoning ability, and a poor grasp of legal ethics together

and diverse career pathways can be used to redefine success metrics in legal education.

Before delving into how holistic development and diverse career pathways may fit into the picture of reassessing and redefining success metrics in legal education, it is apt to first explore what these terms mean for purposes of this chapter. In the following sections, this contribution unpacks the terminology used in this chapter.

2 Legal education

Sheridan and Alford view legal education primarily as professional preparation, reflecting a traditionalist stance still common in many curricula.⁵ Similarly, legal education may generally refer to the system of instruction and training of aspiring legal professionals.⁶ Watson and Douglas mention that ‘the goal of a legal education is to inculcate within students the norms and principles of the prevailing legal system.’⁷ This seems plain enough, but it is worth highlighting that the objectives and approaches of legal education are subjects of an ongoing debate.⁸

with patent immaturity and unawareness when dealing with complex cases.’ See also C Marumoagae ‘Legal education for modern lawyers’ April 2023, <https://www.lssa.org.za/wp-content/uploads/2023/04/Legal-Education-Clement-Marumoagae.pdf> (accessed 21 January 2025); Greenbaum (n 1) 471-487: ‘Criticisms of LLB graduates have grown over the past few years from all stakeholders in legal education, including the judiciary, the legal profession, employers of law graduates, and academics’; R Madlalate ‘Legal education in South Africa’ in B Garth and G Shaffer (eds) *The globalization of legal education* (2022) 173. See also P Maisel ‘The education and licensing of attorneys and advocates in South Africa’ (2010) *The Bar Examiner* 23; F Rabkin ‘Quality law graduates preferred to large numbers of ill-equipped graduates’ 16 January 2014 <https://www.ru.ac.za/law/latestnews/newsarchive/2014news/qualitylawgraduatespreferredtolargenumbersofill-equippedgraduates.html#:~:text=It%20is%20more%20important%20to,required%20to%20become%20a%20lawyer> (accessed 21 January 2024).

5 LA Sheridan & WP Alford ‘Levels of study in legal education’ (n.d.) <https://www.britannica.com/topic/legal-education/Levels-of-study> (accessed 21 January 2024).

6 MA du Plessis ‘Forty-five years of clinical legal education in South Africa’ (2019) 25(2) *Fundamina* 12-15 with reference to clinical training.

7 N Watson & H Douglas (eds) *Legal education through an indigenous lens* (2025) 25.

8 Greenbaum (n 1) 464, 478, 486 & 487; Du Plessis (n 6) 15; Modiri (n 1) 2-3; Madlalate (n 4) 173; C Gane & RH Huang (eds) *Legal education in the global context* (2017) 201.

Sheridan and Alford note the criticism levelled against legal education as a ‘mere trade school and being a citadel of pure theory.’⁹ Du Plessis also highlights the debated status of legal education in South Africa, with reference to Professors Kahn and Dugard, and the notions that legal education should continue promoting academic training versus clinical law (e.g., law clinics) as an educational tool.¹⁰

In view of these ongoing debates, one may be inclined to agree that the goal of legal education is not only to teach the theoretical knowledge of the law (and how to critically assess, interpret and apply it) but to – more importantly – equip students with the ‘historical, comparative and jurisprudential background that is essential for a critical understanding of law and legal institutions.’¹¹

The key components of legal education may entail theoretical knowledge of the law;¹² practical skills training;¹³ general education beyond specific legal knowledge;¹⁴ ethical and social justice considerations;¹⁵ and critical thinking and analytical skills.¹⁶

Legal education in South Africa usually takes shape in one of three programmes (and upon successful completion thereof, an undergraduate degree): a Bachelor of Laws (LLB) programme;¹⁷ a BCom LLB

9 Sheridan & Alford ‘Levels of study in legal education’ (n.d.) <https://www.britannica.com/topic/legal-education/Levels-of-study> (accessed 21 January 2024); see also du Plessis (n 6) 19: ‘Over the last century, a marked change in the definition of CLE occurred, shifting the focus from an access-to-justice driven perspective to teaching students lawyering skills in a live-client clinic.’

10 Du Plessis (n 6) 19: ‘Clinical legal education focuses on teaching lawyering skills in live-client clinics.’ See also C Marumoagae ‘Progressive legal education for candidate legal practitioners: what role should universities play?’ 1 June 2023 *De Rebus* <https://www.derebus.org.za/progressive-legal-education-for-candidate-legal-practitioners-what-role-should-universities-play/> (accessed 21 January 2024).

11 See University of Cape Town ‘Why study law – and why study law at UCT?’ (n.d.) <https://law.uct.ac.za/undergrad-info/prospective-students> (accessed 21 January 2025).

12 Du Plessis (n 6) 16.

13 Greenbaum (n 1) 479, 486 & 487; Du Plessis (n 6) 16 & 20; Madlalat (n 4) 173; Borman and Haras (n 1) 381-384.

14 Du Plessis (n 6) 16.

15 Greenbaum (n 1) 486-488; Madlalat (n 4) 175; Du Plessis (n 6) 20; Greenbaum (n 1) 469; Modiri (n 1) 9.

16 Greenbaum (n 1) 469 & 487; Madlalat (n 4) 175; Modiri (n 1) 2; Borman & Haras (n 1) 382.

17 Madlalat (n 4) 171: ‘registrations data [2005-2018] suggest that the LLB is the preferred route into the legal profession among students.’ The University of Pretoria (UP), offers an LLB programme to be completed within a

programme;¹⁸ and a BA LLB programme.¹⁹ Legal education in this chapter thus includes references to the LLB modules taught in either the LLB, Ba LLB, or Bcom LLB programmes, and the various components that comprise those modules and their teaching and learning activities (e.g., contact lectures, formative- and summative assessments, coursework materials, independent study, peer collaboration, feedback, virtual and hybrid learning, etc.).

Hence, legal education for purposes of this chapter means an education in law (specifically the LLB modules) that is generally geared towards imparting legal knowledge and preparing students for legal practice (and/or other law-related careers or pathways)²⁰ by teaching the necessary values and skills to critically assess, interpret, and apply the law, and critically assess legal institutions. The relevant skills that law students require to not only function effectively but also succeed are rooted in teaching and learning activities,²¹ which form part of legal education. The Council on Higher Education's qualification standard for the LLB (2015) also emphasizes these dimensions, including the development of critical thinking, legal reasoning, and ethical engagement

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- minimum of 4 years, full-time (see UP 'Bachelor of Laws [LLB]' 2024 <https://www.up.ac.za/faculty-of-law/programmes/programme/04130012/year/2025> (accessed 21 January 2025), hereinafter referred to as UP 'Bachelor of Laws [LLB]').
- 18 UP offers the option to attain a Bachelor of Commerce *Law* degree (3 years), and thereafter a Bachelor of Laws (LLB) degree (2 years), resulting in 2 degrees over a minimum of 5 years. See UP 'Bachelor of Laws [LLB]' 2024 <https://www.up.ac.za/faculty-of-law/programmes/programme/04130012/year/2025> (accessed 21 January 2025). See also Stellenbosch University 'Faculty of Law' 2024 <https://blogs.sun.ac.za/law/files/2024/06/LawFacultyBooklet062024.pdf> (accessed 21 January 2025) 9; University of the Witwatersrand (WITS) 'Studying law at Wits' <https://www.wits.ac.za/law/undergraduate-programmes/studying-law-at-wits/> (accessed 21 January 2025): 'If you want to work in corporate law, either for a law firm or in the legal department of large organisations, you should do a BCom(Law).'
- 19 UP 'Bachelor of Laws [LLB]' 2024: UP offers the option to attain a Bachelor of Arts *Law* degree (3 years), and thereafter a Bachelor of Laws (LLB) degree (2 years), resulting in 2 degrees over a minimum of 5 years. See WITS <https://www.wits.ac.za/law/undergraduate-programmes/studying-law-at-wits/> : 'If you want to work in human rights law, family law, constitutional law, or international law, you should begin your legal studies with a BA(Law).'
- 20 These may also be referred to as non-traditional career paths, where 'traditional careers' refer to traditional lawyer careers (i.e., attorney, advocate, etc.). See (n 120) below.
- 21 See Marumoagae (n 10) with reference to G Quinot & L Greenbaum 'The contours of a pedagogy of law in South Africa' (2015) *Stellenbosch Law Review* 38.

Although legal education is generally geared towards imparting legal knowledge and preparing students for legal practice, other law-related careers or pathways are not excluded,²² and some graduates may find themselves in other diverse career spaces. Therefore, it is worth exploring the ‘other law-related careers’ in the following section, to ultimately inspect if these diverse career pathways together with holistic development can be used to possibly redefine success metrics in legal education.

3 Diverse career pathways

Seeing as the goal of legal education is usually to prepare the student for practice, it makes sense that the intended career path of an LLB graduate is then usually to be admitted as an attorney and advocate and to practice law. However, not all law graduates pursue a career in practicing law,²³ as it has been ‘estimated that no more than fifty per cent of law graduates enter the legal profession.’²⁴

Some institutional websites perpetuate this expectation and merely list the career fields or opportunities for an LLB (and Bcom LLB) graduate as ‘lawyer.’²⁵ To note, ‘lawyer’ may denote ‘basically almost anyone that operates in the legal profession,’²⁶ and the Legal Practice Council mentions that ‘[a]ll people who earn their living by practicing the law are called lawyers, including judges, magistrates, advocates, attorneys, and university lecturers.’²⁷ Although the term ‘lawyer’, in South Africa, may

22 Greenbaum (n 1) 487; Borman and Haras (n 1) 384.

23 Greenbaum (n 1) 487; Borman and Haras (n 1) 384: ‘While some of our students may ‘never enter a courtroom as advocates, ... they will counsel clients, devise strategies for legal challenges, draft legislation, advise state and federal lawmakers, or run businesses.’

24 Greenbaum (n 1) 487. See also C van Niekerk ‘The four-year undergraduate LLB: where to from here?’ (2013) *Obiter* 543.

25 See Nelson Mandela University (NMU) ‘Qualification details’ (n.d.) <https://www.mandela.ac.za/Study-at-Mandela/Discovery/Qualification-details?appqual=LL&q=54110&faculty=1500&or=A1&cid=72> (accessed 21 January 2025). See also Law Society of South Africa (LSSA) ‘Career guide to the legal profession’ (n.d.) https://www.justice.gov.za/juscol/docs/2016-LSSA-Career_Guide_to_the_Legal_profession.pdf (accessed 21 January 2025) 5.

26 See M van der Merwe ‘The difference between a lawyer, advocate and attorney in South Africa’ (n.d.) <https://www.gawielerox.co.za/blog/difference-between-lawyer-advocate-and-attorney-south-africa> (accessed 21 January 2025).

27 See LSSA ‘Career guide to the legal profession’ (n.d.) https://www.justice.gov.za/juscol/docs/2016-LSSA-Career_Guide_to_the_Legal_profession.pdf (accessed 21 January 2025) 5.

refer to someone with a legal education, it does not necessarily imply the authority to practice law.²⁸

This chapter submits that if it is expected that LLB students enter practice and be successful legal practitioners, then the success metrics in legal education are centered around what a successful aspiring practitioner is. If we acknowledge that the LLB may prepare students for practice (to a limited extent as the criticism of practice-ready graduates is noted elsewhere) one can conclude that it is not only the goal of the LLB to at least prepare the student (and graduate) to embark on practical vocational training (PVT),²⁹ but to also teach students how to critically assess and interpret the law and legal institutions, and critically interpret and apply the law. If the goal of legal education is broader than merely preparing students for embarking in PVT, then the career opportunities are also broadened, and evidently so.

One institutional website mentions that legal education (specifically the LLB degree) ‘prepares students for entry into the legal professions, [and] *for a wide range of careers* which require the application of law, and for postgraduate studies in law’,³⁰ and that a ‘successful candidate’ will be able to ‘explore educational and career possibilities and develop entrepreneurial skills.’³¹

Another institutional website refers to a variety of career opportunities for LLB graduates (‘preferably after admission as an attorney or advocate’), like attorney, advocate, court manager, clerk of the court, etc.,³² and lists ‘other areas’ like the ‘Law Reform Commission [SALRC]; NGOs; legal advisers; [’³³ South African Police Service [SAPS]; Correctional

28 As above. See also Martin Vermaak Attorneys ‘The difference between a lawyer, advocate, and attorney in South Africa’ (n.d.) <https://www.martinvermaak.co.za/the-difference-between-a-lawyer-advocate-and-attorney-in-south-africa/#:~:text=In%20South%20Africa%2C%20the%20term,as%20an%20attorney%20or%20advocate> (accessed 21 January 2024).

29 See Legal Practice Council (LPC) ‘Practical Vocational Training’ (n.d.) <https://lpc.org.za/legal-practitioners/practical-vocational-training/> (accessed 21 January 2025).

30 See University of the Free State (UFS) ‘Undergraduate studies’ (n.d.) <https://www.ufs.ac.za/law/faculty-of-law-home/general/undergraduate> (accessed 21 January 2025) (own emphasis added).

31 UFS ‘Undergraduate studies’ (n.d.) <https://www.ufs.ac.za/law/faculty-of-law-home/general/undergraduate> (accessed 21 January 2025).

32 See UP ‘Bachelor of Laws [LLB]’ 2024.

33 See LSSA ‘Career guide to the legal profession’ https://www.justice.gov.za/juscol/docs/2016-LSSA-Career_Guide_to_the_Legal_profession.pdf (accessed 21 January 2025) 21.

Services, [and the] Military.’³⁴ Another institution at least acknowledges that an LLB degree ‘prepares students for entry into the legal professions, for a *wide range of careers which require the application of law, and for postgraduate studies in law*,’³⁵ and that a ‘successful candidate’ (LLB graduate), will be able to ‘explore educational and career possibilities and develop entrepreneurial skills,’³⁶ in addition to the traditional routes of practising law as an attorney or advocate.

Clearly, being admitted as an attorney or advocate allows for a broader range of career opportunities in law than merely being an advocate or attorney. In addition to, or instead of, these traditional careers, LLB graduates may decide to journey into the public sector (e.g., family advocate;³⁷ master of the High Court;³⁸ public prosecutor;³⁹ state attorney;⁴⁰ state law advisor;⁴¹ and magistrates,⁴² government legal services departments,⁴³ SAPS,⁴⁴ military,⁴⁵ etc.), NGOs;⁴⁶ NPOs (e.g., legal aid, human rights organisations, and community-based organisations); the corporate sector (e.g., in-house counsel, commercial law, etc.); legal academia; legal research; consulting; policy development; law reform;⁴⁷ alternative dispute resolution (ADR); business, etc.

34 See UP ‘Bachelor of Laws [LLB]’ 2024.

35 UFS ‘Undergraduate studies’ (n.d.) <https://www.ufs.ac.za/law/faculty-of-law-home/general/undergraduate> (accessed 21 January 2025).

36 As above.

37 See LSSA ‘Career guide to the legal profession’ (n.d.) https://www.justice.gov.za/juscol/docs/2016-LSSA-Career_Guide_to_the_Legal_profession.pdf (accessed 21 January 2025) 22.

38 See LSSA ‘Career guide to the legal profession’ https://www.justice.gov.za/juscol/docs/2016-LSSA-Career_Guide_to_the_Legal_profession.pdf (accessed 21 January 2025) 23.

39 See LSSA ‘Career guide to the legal profession’ https://www.justice.gov.za/juscol/docs/2016-LSSA-Career_Guide_to_the_Legal_profession.pdf (accessed 21 January 2025) 24; see also Greenbaum (n 1) 465.

40 See LSSA ‘Career guide to the legal profession’ https://www.justice.gov.za/juscol/docs/2016-LSSA-Career_Guide_to_the_Legal_profession.pdf (accessed 21 January 2025) 26.

41 See LSSA ‘Career guide to the legal profession’ https://www.justice.gov.za/juscol/docs/2016-LSSA-Career_Guide_to_the_Legal_profession.pdf (accessed 21 January 2025) 27.

42 Greenbaum (n 1) 465.

43 Greenbaum (n 1) 471: ‘Criticisms of LLB graduates have grown over the past few years from all stakeholders in legal education, including the judiciary, the legal profess.’

44 UP ‘Bachelor of Laws [LLB]’ 2024.

45 As above.

46 As above.

47 As above.

It is therefore evident that legal education is often employed as a stepping stone to venture into a variety of careers, without being confined to the traditional (and often 'expected') route of attorney or advocate.⁴⁸ Another institution lists some career pathways for law graduates, stating that most of the LLB holders will become advocates and attorneys and that some graduates may find passion in financial and commercial sectors whilst others (around 11 per cent) will provide legal services to government, and others may pursue academic life and NPOs.⁴⁹ Another institution incentivises studying law with reference to legal education, which develops 'a variety of different skills sought after by prospective employers'.⁵⁰

Yale Law School has been a forerunner in linking legal education and diverse career pathways *via* the launch of the Joseph C Tsai Leadership Program at Yale Law School in November 2021. This programme seeks to 'empower the next generation of leaders to effect powerful change in *any career path they choose*'.⁵¹ In other words, succeeding, and effecting change, in any career path (besides the traditional path of practicing law) is envisioned in this programme. Perhaps legal educators in South Africa should follow suit but instead of a separate programme, diverse career pathways can be linked to holistic education and holistic development in already existing law modules or subjects. In the following sections, this chapter unpacks what holistic development and education are to see if diverse career pathways in legal education, in conjunction with holistic education and development, can be used to redefine success metrics in legal education.

48 See LSSA 'Career guide to the legal profession' (n.d.) https://www.justice.gov.za/juscol/docs/2016-LSSA-Career_Guide_to_the_Legal_profession.pdf (accessed 21 January 2025) 5: 'The legal profession in South Africa offers a *variety of career possibilities* to the person interested in the field of law' (own emphasis added). See A Millmore *How to include employability in the law school* (2024) 16; Gane & Huang (n 8) 201.

49 See UCT 'Why study law – and why study law at UCT?' (n.d.) <https://law.uct.ac.za/undergrad-info/prospective-students> (accessed 21 January 2025).

50 See WITS 'Why study law?' (n.d.) <https://www.wits.ac.za/law/undergraduate-programmes/why-study-law/> (accessed 21 January 2025): 'Critical thinking skills; communication skills, both oral and written; an ability to analyse and solve problems logically; an ability to argue from a position of weakness or strength; an ability to work under pressure; and research skills.'

51 See Yale Law School 'Redefining the future of legal education' 18 February 2022 <https://law.yale.edu/yls-today/news/redefining-future-legal-education> (accessed 21 January 2025) (own emphasis added).

4 Holistic development, holistic education, and holistic educators

Building on the case for diverse legal career preparation, this section explores how holistic development – through integrated learning approaches – can be operationalised in legal education. Sindhuja explains holistic education as ‘a pedagogical philosophy that emphasises the [holistic] development of the *whole* individual – mind, body, and spirit.’⁵² Holistic education, and holistic educators, envision the holistic development of students.⁵³ Sindhuja notes that holistic education in higher education embodies ‘a paradigm shift from traditional, content-focused approaches towards a more comprehensive and integrated model that addresses the multifaceted needs of students,’⁵⁴ like cognitive-, emotional-, social-, moral-, and spiritual development,⁵⁵ – hence the term ‘holistic (whole) development.’⁵⁶ According to Miller, holistic education essentially embodies an effort to ‘embrace the organic wholeness of our human experience’ and to support these students on their existential journeys.⁵⁷

According to Miller, holistic educators emphasise that ‘every person intrinsically strives to participate in this journey of transformation, and requires a nourishing cultural environment to undertake this quest.’⁵⁸ With specific reference to legal education, Modiri notes that ‘law teaching does more than merely ‘teach’ students; it also plays some role in moulding their sensibilities and comportment and in constructing their overall consciousness and world view.’⁵⁹ Holistic education, therefore, transcends the traditional academic-based-achievement focus

52 See CV Sindhuja ‘Holistic education in higher education’ (n.d.) <https://www.cessedu.org/blog/holistic-education-higher-education> (accessed 21 January 2025)(own emphasis added).

53 M Vijayalakshmi & H Indu ‘Holistic education for holistic development’ in M Mahendraprabu & G Kalaiyaran (eds) *Holistic outcome based and multicultural education, Conference Monograph 1* (2023) 316.

54 See Sindhuja (n 52).

55 See Vijayalakshmi & Indu (n 53) 316.

56 As above.

57 R Miller ‘Higher education and the journey of transformation’ (2011) 4(3) *Journal of Pedagogy, Pluralism, and Practice* 2.

58 As above.

59 Modiri (n 1) 9.

to incorporate holistic development and focuses on more than mere intellect and intellectual development.⁶⁰

Holistic education consists of various focus areas like: (1) the whole (holistic) person;⁶¹ (2) experiential learning;⁶² (3) evolving consciousness;⁶³ (4) student transformation;⁶⁴ (5) balance;⁶⁵ (6) moral and ethical development;⁶⁶ (7) 21st Century skills;⁶⁷ and (8) integration of learning.⁶⁸ This chapter focuses on the integration of the learning aspect of holistic education and development, and how this possibly ties into redefining success metrics in legal education.

4.1 Integration of learning

As mentioned above, integration of learning is but one focus area or component of holistic education, and perhaps the most tangible for purposes of redefining success metrics in legal education, with reference to diverse career pathways. Although holistic education notes the vertical and horizontal dimensions of the human experience,⁶⁹ this article proposes that applying holistic education strategies within core law

60 Vijayalakshmi & Indu (n 53) 316.

61 As above. See also Miller (n 57) 8.

62 Vijayalakshmi & Indu (n 53) 319; Du Plessis (n 6) 12, 21 & 24. Experiential learning, therefore, encompasses learning through experience, reflection, and active participation.

63 Miller (n 57) 3: 'Considering the horizontal dimension of the human journey, we see that our consciousness evolves over time.' Evolving consciousness (under holistic education) thus refers to the acknowledgement that as consciousness evolves over time, and learning encompasses more than the acquisition of new knowledge and includes the transformation of individuals' way of being in the world.

64 Miller (n 57) 9: 'Holistic teaching aims to call forth the transformation of each of our students.'

65 Miller (n 57) 7: 'Holistic approach to higher education requires the same commitment to balance.'

66 Vijayalakshmi & Indu (n 53) 316 & 320.

67 Vijayalakshmi & Indu (n 53) 320; C Joynes, S Rossignoli, & EF Amonoo-Kuofi '21st Century Skills: Evidence of issues in definition, demand and delivery for development contexts' (K4D Helpdesk Report) 2019 https://assets.publishing.service.gov.uk/media/5d71187ce5274a097c07b985/21st_century.pdf (accessed 22 January 2025) 5: 21st Century skills include (1) communication skills; (2) collaborative skills; (3) individual learning approaches (including critical thinking); (4) individual autonomy; and (5) ICT and digital literacy.

68 Vijayalakshmi & Indu refer to this as 'integration of curriculum.' See Vijayalakshmi & Indu (n 53) 316-320.

69 Miller (n 57) 2-3.

modules offers a practical method to engage diverse student aspirations and career goals.

This chapter does not suggest that holistic educators in legal education list all possible career paths, and distribute a list, seeing as ‘[...] people with legal qualifications are found in almost all sectors of employment, [and] it will be impossible to discuss ALL the career possibilities available to them.’⁷⁰ Seeing as holistic education envisions the integration of learning, this chapter suggests that the key components thereof may be used to spark an interest in diverse career pathways. So, the goal is not only to inform the students of the diverse career pathways but to use integration of learning to teach students to look beyond what is traditionally expected of them as aspiring law graduates. If what we expect of our law students is wider than merely being practice-ready, our success metrics in legal education also shift.

The following section unpacks diverse career pathways and the core components of integration of learning, namely (1) curriculum integration,⁷¹ (2) pedagogical integration, and (3) skills integration.⁷²

4.1.1 *Curriculum integration*

Vijayalakshmi and Indu explain that curriculum integration takes place in one of three ways: first, within a subject (intradisciplinary);⁷³ second, between subjects (multidisciplinary or interdisciplinary);⁷⁴ or third, beyond subject areas (transdisciplinary).⁷⁵

70 See LSSA ‘Career guide to the legal profession’ (n.d.) https://www.justice.gov.za/juscol/docs/2016-LSSA-Career_Guide_to_the_Legal_profession.pdf (accessed 21 January 2025) 5.

71 Vijayalakshmi & Indu (n 53) 317.

72 Vijayalakshmi & Indu (n 53) 316.

73 Vijayalakshmi & Indu (n 53) 317: Intradisciplinary integration: ‘When a teacher integrates within a subject area under a theme, this is called intradisciplinary integration.’

74 Vijayalakshmi & Indu (n 53) 317: Multidisciplinary integration: ‘A teacher makes meaningful connections around a unifying or common theme between different subject areas.’ See also 317-318: ‘Interdisciplinary integration is also called horizontal integration. The teacher uses a common theme to connect different disciplines across subject areas.’

75 Vijayalakshmi & Indu (n 53) 318: 318: Transdisciplinary integration: ‘The teacher unifies the curriculum around student questions and concerns. Students develop life skills by applying academic and non-academic skills in a real-life situation.’ See also LA Khanh Minh ‘Transdisciplinarity in research – an overview’ 7 October 2021 <https://cepspartners.org/transdisciplinarity-in-research-an-overview/> (accessed

When teaching the law of delict, for example, one can incorporate all three components of curriculum integration into a lecture or class discussion. For example, when exploring the *essentialia* of damage or harm (in the law of delict), the lecturer can prompt the students to think of harms (damage) that are not recognised in South African law, like wrongful life claims⁷⁶

First, this is an intradisciplinary prompt: wrongful life claims are not recognised in the law of delict because there is no harm or damage (delictual *essentialia*), and therefore no delict (and no cause of action in delict).⁷⁷ This is purely a discussion and exploration within the ambit of the module or subject (i.e., the law of delict).

Second, this may be extended to a multidisciplinary prompt: ‘if a wrongful life claim is not recognised in the South African law of delict, perhaps we can look into breaches of contract for wrongful conception.’⁷⁸ Here, medical law, contract law, and the law of damages intersect with an original prompt in delict, and the lecturer can refer the students to other law modules that intersect with the topic.

Third, this prompt can be extended beyond the discipline of law, to social sciences (including political science, psychology, and sociology); natural and applied sciences (including biology, chemistry, and medicine); and humanities (including history, philosophy, and religion). For example:

We know that this claim (wrongful life) is not acknowledged in the South African law of delict; we know that (and why) wrongful conception falls under the law of contract, but should the current state of affairs change, i.e., should wrongful life claims be acknowledged and why? Should these claims sometimes be acknowledged and what are the exceptions then? Or, should the *status quo* be maintained, and why?’

22 January 2025): ‘Transdisciplinarity provides a way of looking at the research problem at hand as a complex system of inter-connected facets, instead of seeing them as belonging to a single branch of science.’

76 See A Mukheiber ‘Wrongful life – the SCA rules in *Stewart v Botha* (340/2007) [2008] ZASCA 84 (3 June 2008)’ (2008) 29(3) *Obiter* 515-523; *Stewart v Botha* 2008 (6) SA 310 (SCA); *H v Fetal Assessment Centre* 2015 (2) SA 193 (CC).

77 *Administrator, Natal v Edouard* 1990 (3) SA 581 (A); *Mukheiber v Raath* 1999 (3) SA 1065 (SCA); *Friedman v Glicksman* 1996 (1) SA 1134 (W); *Stewart v Botha* (n 76).

78 See *Administrator, Natal v Edouard* (n 77); *Mukheiber v Raath* (n 77).

Here, diverse career pathways can also come into play, by mentioning that if any students are interested in this, or similar topics, they may consider legal research, policy development, NGOs, etc.

Another example of teaching the law of delict, for example, and incorporating all three components of curriculum integration is when dealing with the quantum of damages. Here, we can move beyond the mere approaches to calculating damages and have a look at the mathematics, and why a certain approach to quantifying (or apportioning) damages is not employed,⁷⁹ *via* visually and/or practically illustrating mathematics. One can then move beyond merely sticking to the law of damages, and have a look at other law modules (like medical law, contract law, jurisprudence, criminal law, statutory interpretation, etc.) and look beyond to include references to math, science, biology, statistics, etc. Again, the lecturer can mention to the class that if anyone is interested in any particular parts of the work, it is open for further research, possible law reform, etc.

Employing curriculum integration is but one component of integration of learning, forming part of holistic education. Pedagogical integration, as mentioned above, also forms part of integration of learning.

4.1.2 Pedagogical integration

Pedagogical integration refers to combining different teaching methods to teach concepts effectively.⁸⁰ This could include storytelling-based, or technology-integrated approaches, which encourage active participation and exploration,⁸¹ which contribute to holistic education and holistic development. In legal education and the law of delict, this component may be realised by, for example, (1) asking students to think about other forms of harm that are not recognised in the law of delict; (2) prompting students to Google it whilst sitting in class (technology-integrated); (3) allowing students to share their findings in class (storytelling-based); or (4) by presenting short video clips to pique their interest (technology-

79 See *General Accident Versekerings Maatskappy SA Bpk v Uijls* 1993 (4) SA 228 (AD) and *Jones v Santam Bpk* 1965 (2) SA 542 (A) in the context of contributory negligence and the Apportionment of Damages Act 34 of 1956.

80 Vijayalakshmi & Indu (n 53) 318-319.

81 Vijayalakshmi & Indu (n 53) 319.

integrated and storytelling-based). Skills integration, as mentioned above, also forms part of integration of learning, and is discussed next.

4.1.3 Skills integration

Skills integration refers to ‘combining two or more skills to teach effectively. For example, life skills can be taught by combining personal, learning, career, and social skills.’⁸² Here, an educator can share with the students (storytelling-based, pedagogical integration) certain advice or skills. One could agree that legal educators must also ‘provide important generic skills that would provide law students with the greatest opportunity of succeeding in *all the spaces they will find themselves* in.’⁸³ In this context, skills integration under the auspice of holistic development gears students to obtain success in not only their academic endeavours but also their future careers and provides them ‘with the greatest opportunity of succeeding in all the spaces they will find themselves in.’⁸⁴

For example, when presenting lectures on legal research and writing, lecturers can share suggestions like, ‘Google “open access” instead of “free”, and mention that there are multiple online databases with open-access journals and books. Skills integration can also be linked to skill-sharing and referrals, as encouraging students to engage with institutional (university and faculty) support services is an additional ‘value-added boost’ to support students in their legal studies and eventual careers.’⁸⁵

4.2 Holistic development conclusions

Admittedly, the extent to which the integration of learning can be employed in each law module (or subject) will differ. Some law modules may accommodate a variety of pedagogical integration opportunities,

82 As above.

83 See Marumoagae (n 21) (Own emphasis added).

84 As above.

85 RR Detwiler ‘Assessing factors influencing student academic success in law school’ 2011 <https://shorturl.at/py9Hn> (accessed 21 January 2025) 80: i.e., students have higher chances of success in law school if they ‘are encouraged to get involved with faculty, ask questions in class, come to class prepared, and utilize career services, among other factors’; see also 87-89: ‘Law schools that provide excellent service and help students improve their skills are more likely to have students perform better in the classroom than law schools that do not provide the “added value” students need in order to be successful.’

and other modules may be better suited for curriculum integration. In conclusion on the integration of learning and its components, it is important to remember that each module should be taught in an integrated manner.⁸⁶ Instead of teaching a law module (like the law of delict) as a stand-alone or abstract concept,⁸⁷ legal educators should connect the dots, which may make learning easier, more interesting, and effective,⁸⁸ and, in turn, promote the holistic development of law students.⁸⁹

Holistic education in higher education has raised some concerns, which are worth noting here. One point of criticism levelled against holistic education is that it 'lacks rigour and fails to adequately prepare students for the demands of modern society, particularly in terms of academic achievement and technological literacy.'⁹⁰ Furthermore, Sindhuja mentions limited institutional resources, institutional resistance to change, and cultural hurdles as hindrances to the widespread adoption of holistic education.⁹¹ Sindhuja also highlights the 'dominance of standardised testing and performance metrics in higher education evaluation frameworks,'⁹² which may 'undermine efforts to promote holistic development among students.'⁹³ Criticism noted, Crutchfield mentions that if a holistic approach to higher education is not practiced, it may negatively impact the development and well-being of the student.⁹⁴

Holistic approaches such as integration of learning not only enhance development but create alternative indicators of student progress – shifting how we assess success.⁹⁵ If we accept that legal education is geared towards more than merely preparing students for PVT, then it is appropriate to reconsider what 'success' means in legal education.

86 Vijayalakshmi & Indu (n 53) 316.

87 See Greenbaum (n 1) 482: 'Subjects are typically taught as discrete units of knowledge, with infrequent attempts made to create links across modules.'

88 Vijayalakshmi & Indu (n 53) 316.

89 As above.

90 See Sindhuja (n 52).

91 As above.

92 As above.

93 As above. See also Modiri (n 1) 10.

94 FA Crutchfield 'Holistic student development in higher education: perspectives and practices of holistic student development at a public California university' Masters thesis, Humboldt State University, 2020 ii.

95 See Klemm (n 3) 61-73.

The following sections explore what success metrics in legal education are and if holistic development and diverse career pathways may potentially be used to redefine it.

5 Success metrics in legal education

‘Success’ is generally defined as achieving the results that were hoped for,⁹⁶ or obtaining the desired outcome.⁹⁷ ‘Metric’ simply refers to ‘a system or standard of measurement.’⁹⁸ So, ‘success metrics’ in legal education mean the system or standard of measuring the desired outcomes, or results. Success metrics in legal education may include a variety of components like pass rates and graduation rates;⁹⁹ curriculum quality and relevance;¹⁰⁰ diversity and transformation;¹⁰¹ clinical legal education;¹⁰² and the employability of graduates.¹⁰³

Although success in legal education is usually measured or based on academic achievement,¹⁰⁴ there is a growing recognition to include non-academic factors,¹⁰⁵ as these influence the success of law students (during their studies and in their careers) too. Although academic achievement is often used to measure success in legal education, ‘the activities a student participates in while in college (environmental factors) are also important in shaping the outcomes of a student’s college career.’¹⁰⁶

Without necessarily re-inventing the wheel (and summarising the arguments against rote-learning),¹⁰⁷ this chapter suggests that there is room for diversifying what we call ‘success’ in legal education. If legal educators measure the success of a student based on academic achievement¹⁰⁸ (and formative assessments) then this (academic) ‘success’ is limited to the

96 See Cambridge Dictionary (n.d.) ‘Success’ <https://dictionary.cambridge.org/dictionary/english/success> (accessed 22 January 2025).

97 See Meriam Webster ‘Success’ 14 January 2025 <https://www.merriam-webster.com/dictionary/success> (accessed 22 January 2025).

98 HC Warren *Dictionary of Psychology* (2018) 166.

99 See Maisel (n 4) 15–30.

100 See Marumoagae (n 21).

101 See Maisel (n 4) 15–30.

102 See Du Plessis (n 6) 12–34.

103 Greenbaum (n 1) 463–491.

104 Also referred to as ‘student academic success,’ see Detwiler (n 85) 26–27.

105 Detwiler (n 85) 40–42.

106 Detwiler (n 85) 42.

107 See Modiri (n 1) 10; Greenbaum (n 1) 482; Klemm (n 3) 61–73.

108 Detwiler (n 85) 26, also referred to as ‘student academic success.’

manner of assessment (e.g., a closed book exam). Without going into too much detail on what success metrics in legal education currently entail, this chapter supports moving away from, *inter alia*, rote-learning and memory testing, etc.¹⁰⁹ The reason is that these forms of assessment and hyper-focus on traditional (memory testing) academic success are not in line with the goals of holistic education or holistic development, nor do they adequately prepare students for practice. Perhaps this traditional assessment structure skews the notion of what ‘success’ in legal education means or should mean.

For example, a law student who is not ‘academically inclined’ (meaning, does not perform ‘well’ according to the academic assessment systems or structures) does not automatically mean that this student cannot be ‘successful’ in their career (be traditional (legal practitioner) or non-traditional).¹¹⁰

This chapter submits that – generally speaking – ‘success’ in legal education is a rather fluid concept and extends beyond academic success.¹¹¹ For example, student A obtains an average of 65 per cent in their final year of their LLB studies, and student B obtains 95 per cent. Detwiler comments that the 65 per cent of student A may not be considered ‘a success’ compared to the 95 per cent of student B, but student A

may be a first-generation college student with a lower socioeconomic status (SES) than the majority of law students at their school. This would clearly be a success story, and even more so if the student was able to pass the bar examination and have a successful professional career.¹¹²

Detwiler suggests that we consider alternative measures of student success, and this could include looking at (and perhaps scoring) the participation of students in the life of law school, students who utilise career services, students who engage in faculty research projects, and students who come to class prepared.¹¹³ This aligns with the CHE’s

109 See (n 107) above.

110 LSAT scores do not correlate to success in the legal profession. See Detwiler (n 85) 23.

111 ‘Legal education does not commence and end at university level.’ See Marumoagae (n 21).

112 Detwiler (n 85) 90.

113 Detwiler (n 85) 90, & 97: ‘... consider a class requirement of meeting with the faculty member more than once during office hours during the semester. Such a requirement would force a student to discuss career and academic questions with

expectation that LLB graduates should exit with a combination of theoretical, practical and ethical competencies. Perhaps there is room to holistically consider non-academic achievements in addition to academic achievements in order to rethink and reshape what success in legal education is. This brings me to the following point of discussion: tying holistic development and diverse career pathways to potentially redefining success metrics in legal education.

6 Redefining success metrics in legal education via holistic development and diverse career pathways

Without being optimistic to the extent of unrealistic, this chapter highlights two suggestions:

First, if it is determined that legal education should (even to the smallest extent) cater for law students (and graduates) who want to embark on diverse career pathways (i.e., non-traditional routes), then the success metrics in legal education should be diversified or broadened.

Second, if holistic education (specifically integration of learning) is employed in legal education, and legal educators focus on *more* than developing mere (academic) ‘intellect’, then the success metrics in legal education must be diversified (or perhaps even redefined). ‘Diversified’ in the context of these two suggestions includes a spectrum of diversification, from small changes to complete rehauling, and everything in between.

Having established the limits of traditional academic benchmarks, this chapter argues that embedding holistic education and supporting diverse career ambitions should not be supplementary but central to how success is defined in legal education. The CHE’s LLB review (2013) also highlighted the need to prepare graduates for multiple career paths and societal roles.¹¹⁴ This shift can begin modestly – through module-level redesigns that integrate reflective assessment, interdisciplinary

the faculty, thus perhaps getting a poorly performing student on the right track or helping a shy and lonely student find a trusted confidant. Increased involvement with a faculty member might help a student perform better in school and help them persist and graduate’.

114 See CHE ‘Manual for National Review of LLB’ August 2015 <https://www.ch.ac.za/file/7293/download?token=EDOJxEvT> (accessed 18 June 2025) at 27, 29, & 35 with reference to CHE ‘Higher Education Qualifications Sub-Framework’ (2013).

application, and soft skill development – gradually steering institutions toward a more inclusive metric of legal educational success.

Seeing as self-assessment and reflection form part of holistic education,¹¹⁵ this too may be incorporated into a specific module (and its learning outcomes) to promote holistic development and broaden the scope of what success in a specific module, or even career, means. Holistic education (and development) in the context of legal education and success speaks to more than merely ‘*redefining*’ how academic success in legal education is measured. Because ‘legal education does not commence and end at university level’,¹¹⁶ holistic education envisions providing students with the necessary tools to help them excel and succeed in both academic and non-academic activities¹¹⁷ – and equip them with the necessary skills to succeed in their careers (be it traditional or not).

This chapter suggests that in an attempt to achieve these goals, legal educators should move towards incorporating holistic education and development into their learning and teaching activities by providing students with the necessary tools to ‘connect the dots’, and nurture independent, creative, and critical thinkers. The goal is to inspire students to think beyond what is traditionally expected of them in their careers after law school and prompt exploration beyond the traditionally expected career pathways.¹¹⁸

Perhaps addressing diverse career pathways *via* a holistic approach to legal education and holistic student development (in addition to promoting critical thinking and moving away from rote-learning) may prompt legal educators to reassess their approach to success in legal education, and even spark a redefinition of what success in legal education means, and should mean.

7 Conclusion

This chapter submits that *if* law students are *only* coached and trained to enter legal practice (admitted as advocates or attorneys) then *legal*

115 See Vijayalakshmi & Indu (n 53) 319; Du Plessis (n 6) 12, 21 & 24.

116 See Marumoagae (n 21).

117 Vijayalakshmi & Indu (n 53) 316.

118 See Greenbaum (n 1) 487. ‘There seems to be an increasing acknowledgement among both academics and practitioners of the need for a broader-based qualification that prepares law graduates for a number of career opportunities and not just the legal profession.’

education is (predominantly) structured around preparing and delivering future legal practitioners. In turn, the success metrics in legal education, in this case, are then (directly and indirectly) structured in terms of what a ‘successful legal practitioner’ is.

From the above discussion, it is clear that legal education prepares students for a variety of careers in law, and beyond. The focus here is thus not *if* legal education (and the tertiary institutions presenting LLB courses) *should* cater for law students who want to embrace diverse career pathways,¹¹⁹ but if diverse career pathways and holistic development can aid legal educators in redefining success metrics in legal education. For example, inter-, intra-, and transdisciplinary teaching ties into holistic development and diverse career paths, and this may be used to ultimately reshape what ‘success’ means in legal education.

This chapter by no means suggests (at this stage) that the entire LLB curriculum be redesigned to accommodate every single possible career pathway for an LLB graduate. This chapter proposes that holistic education, holistic development, and diverse career pathways can be meaningfully employed to empower law students to succeed in their legal studies and any career path they choose.¹²⁰

Succeeding and effecting change, in any career path, is envisioned in addition to the student’s academic success in legal education. Legal educators should prompt the redefinition of success metrics in legal education by informing and inspiring their students about the non-traditional pathways and equipping students to think about, and even invent diverse career pathways.¹²¹

119 See C Reynoso & C Amron ‘Diversity in legal education: a broader view, a deeper commitment’ (2002) 52(4) *Journal of Legal Education* 491-505; NJ Dilloff ‘Law school training: bridging the gap between legal education and the practice of law’ (2013) 24(2) *Stanford Law & Policy Review* 425-456; Millmore (n 48) 16 & 60; Gane & Huang (n 8) 201.

120 See Yale Law School ‘Redefining the Future of Legal Education’ 18 February 2022 <https://law.yale.edu/yls-today/news/redefining-future-legal-education> (accessed 21 January 2025).

121 Some non-traditional law careers that lawyers may possibly explore: legal technician (law-and-tech); legal programmer (a person with legal knowledge that invents programmes to assist the legal profession, government, or general public; e.g., legal databases, legal interfaces, court online integrations, legal research assist, case law ‘research rabbit’, etc.); legal blogger/vlogger/influencer (e.g., using social media to educate the public on specific legal matters, updates, and interpretations on current cases and events; ‘how to’ for aspiring candidate attorneys, etc.); legal therapist (a person with a psychology- and legal education who provide therapy for

This chapter's concluding call to action for legal educators is: (1) start small, within your module; (2) employ holistic education and reference diverse career pathways (if and where appropriate) in the law modules or subjects you teach; (3) diversify assessments; (4) engage with students and their development holistically; and (5) inspire students to not only succeed academically and non-academically but also in their careers.

persons involved in litigation via explaining the processes, managing expectations, etc.); legal-AI (either inventing an AI to assist with law related issues (i.e., Robo-lawyer; Robo-drafting), or hosting workshops on how to use AI-in-law effectively, safely, and responsibly); legal linguist (a person who is fluent and proficient in more than one language, who is able to sit-in on consultations, meetings, drafting, etc., and either acts as an interpreter and translator, or effects change by using the law and our official languages to translate official documents, etc.); legal illustrator or animator (portraying/illustrating legal knowledge and concepts visually, audio-visually, etc., i.e., posters, sketches, paintings, sculptures, videos, etc.). Some futuristic lawyer careers may even include: space law litigator (working with multi-planet settlements, etc.); metaverse lawyer (and virtual reality identity disputes); sentient animal rights attorney; quantum contract lawyers (disputes over 'quantum contracts' that operate on probabilistic outcomes or multi-dimensional legal frameworks); or even a dream litigation (legal accountability for harmful actions committed during lucid dreaming).