

Empowering future legal professionals: A call for innovative assessment in legal education

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1 Introduction

The landscape of legal education in South Africa offers various pathways into the legal profession. Students can pursue a law degree through a Bachelor of Arts (BA), Bachelor of Commerce (BCom), or a direct Bachelor of Laws (LLB) degree. Beyond obtaining an LLB degree, aspirants aiming to become attorneys must undertake two years of practical vocational training known as articles or split this period between one year of articles and one year at a law school.¹ While a legal degree opens doors to diverse career opportunities, this chapter will primarily focus on the paths to becoming an attorney, with a particular focus on the LLB degree and assessment methods used to determine the competence of students to integrate into the working world. It will explore the necessity for innovative assessment methods within this program.

The LLB degree in South Africa was transformed from a postgraduate qualification to a four-year undergraduate program. This change was driven by a desire to democratise access to the legal profession,² thereby increasing the number of graduates who were Black³ This shift has

1 Legal Practice Act 28 of 2014 sec 26.

2 C van Niekerk 'The four-year undergraduate LLB: where to from here?' (2013) *Obiter* 534.

3 L Greenbaum 'The four-year undergraduate LLB: progress and pitfalls' (2010) *Journal for Juridical Science* 17; L Lutho 'Time on their side? A Review of the four-year LLB as a tool for the transformation of legal profession' (2017) *Speculum Juris* 108.

indeed contributed to a more inclusive legal sector, evidenced by the growing number of diverse law graduates and the progress toward equity within the profession.⁴ However, the prevailing structure of the LLB degree with its heavy emphasis on theoretical content often results in students retaining little of what they learn, given the short duration of the program.⁵ The call for innovative assessment is intrinsically linked to broader changes in the LLB degree structure, necessary to achieve more ambitious educational and professional objectives. There exists a pronounced discrepancy between the education received by prospective legal professionals and the practical demands they face upon entering the legal field.⁶ Graduates of the LLB program are reportedly ill-prepared for the professional tasks expected of them, a concern echoed by various organisations and stakeholders.⁷ These entities consistently report that candidate attorneys do not meet the expected standards of competency for young law graduates.

The reduction in the duration of the LLB degree was introduced as a bridge to facilitate access to the legal profession for lower to middle-class students in a democratic South Africa.⁸ However, this well-intended reform has inadvertently resulted in universities producing graduates who are not only underprepared but also struggle to secure articles either two years in a law firm or one year in conjunction with a year of law school.⁹ Consequently, many remain unemployed, unable to meet the practical requirements necessary to progress in their careers. This scenario highlights critical oversight: the bridge designed to connect aspiring legal professionals with the industry has become overwhelmed and, effectively, has collapsed. It is proving counterproductive to expedite the process of earning a legal degree when it does not lead to

4 Greenbaum (n 3) 17.

5 M Vanderstraeten 'The LLB in crisis' (2013) *Without Prejudice* 21.

6 M Welgemoed & D Erasmus 'The importance of graduate attributes in preparing law students for legal practice' (2023) *Obiter* 709.

7 IOL 'Lack of skill in law graduates says judge' <https://www.iol.co.za/news/lack-of-skill-in-law-graduates-says-judge-1351806> (accessed 4 December 2024).

8 HJ Moolman. 'The development of a Bachelor of Laws (LLB) curriculum change management model for South African universities' PHD thesis, University of Cape Town, 2023 38 (on file with the author).

9 Wits vuvuzela 'LLB graduates have mountain to climb to qualify as lawyers' <https://witsvuvuzela.com/2021/09/15/llb-graduates-have-mountain-to-climb-to-qualify-as-lawyers/>, <https://www.regenesys.net/reginsights/challenges-and-opportunities-for-law-graduates-in-south-africa> (accessed 4 December 2024).

actual employability in the legal profession. This situation is inequitable not only to the students, who find themselves unable to practice law, and to the law firms, which contend with a scarcity of adequately prepared entrants, but also to the broader South African public. It is the citizens who bear the consequences of reduced access to competent legal services, a critical component of justice and societal well-being.

There is a compelling case for reforming the assessment methods used in legal education to better align the LLB degree with the demands of legal practice, particularly for students who intend to pursue careers as attorneys. The traditional bifurcation of legal training into theoretical education, administered by universities, and practical training, administered through articles and law school, reflects historical policy decisions aimed at producing well-rounded legal professionals. However, the changing demands of the profession, combined with the increasing socio-economic barriers to entry, suggest that it may be time for universities to take on a bigger and integrated role in the professional preparation of law students.

This argument does not deny the value of the two-year articles system; rather, it questions whether the practical burden placed on law firms remains sustainable or equitable in its current form. Law firms are not merely sites of training. They are also commercial entities with economic pressures that may limit the amount of students able to receive this training and quality and scope of mentorship offered to all candidate attorneys equally. Embedding meaningful, structured practical experiences can help alleviate this tension. Such reforms would ensure that students gain exposure to the professional environment under the supervision of academic practitioners before entering formal employment, thereby reducing the steep learning curve many face upon graduation and possibly reducing the need for articles before admission as an attorney of the high court in the future.

This approach reconfigures the long-standing division of labor between universities and the profession, but it does so in response to evolving realities. It also enables a more equitable model of legal education, especially for students who may not have immediate access to well-resourced firms. Importantly, this proposal does not advocate for the complete dissolution of articles or law school, but rather supports the creation of a more seamless continuum between academic learning and practical readiness, specifically to assist students in acquiring substantial

practical training within the university setting, thereby ensuring equitable access to professional development opportunities.

Critics may argue that this approach risks tailoring legal education too narrowly toward a specific segment of the profession. However, the current system already privileges certain pathways, particularly those accessible to students with financial means and social capital. Reform, therefore, can function not as a narrowing but as a broadening. It can create more inclusive and adaptive routes into the legal profession while maintaining academic integrity and professional standards. In short, empowering universities to shoulder more responsibility for the practical training of candidate attorneys is not a departure from the profession's foundational goals. It is a recalibration necessary to meet the profession's future, profession and potentially increasing the overall quality and preparedness of law graduates.

2 The current methods of assessment in higher education institutions in South Africa

The Council of Higher Education (CHE) delineates qualification standards for the Bachelor of Laws degree, emphasising the need to scrutinise the parameters it sets for assessing LLB students. The CHE predicates appropriate assessment on several assumptions, among which are critical components that directly contribute to the development of an adequate legal education framework. These include: exposing students to a diverse array of assessment methods throughout their studies; encouraging students to engage in independent research; and incorporating authentic problem-solving tasks, which may be situated in either real-life contexts or simulated educational activities.¹⁰ Importantly, while the CHE provides examples of assessment methods,¹¹ it does not mandate specific types, suggesting that there is ample room for

10 Council on Higher Education 'Standards for Bachelor of Laws (LLB)' <https://www.chc.ac.za/publications/standard-reviews/standards-bachelor-laws-llb> (accessed 29 November 2024).

11 The following are provided as examples: written and oral assignments, tutorials, collaborative work, small group work through seminars, projects, case studies, portfolios, dissertations, directed research, presentations, independent study without supervision, moot courts, examinations, and tests, including short or long problem-solving questions, essays, and/or multiple-choice questions, role plays, mock trials, client counselling exercises, reflective journals, observation of real work in live client clinics, work done in live client clinics appropriately supervised,

institutional discretion within the assessment framework. This lack of prescriptive assessment criteria indicates that universities could creatively reconfigure traditional approaches. By integrating more practical, real-world legal challenges into the curriculum, universities can enhance the relevance and applicability of their teaching methods. This approach not only aligns with the CHE's standards but also actively responds to the evolving needs of the legal profession.¹²

Institutions often adhere closely to the commonly prescribed examples of assessment methods such as oral assignments, group work, moot courts, examinations, tests, and independent study. These traditional forms of evaluation are favored due to their histories in assessing the academic and practical skills of law students. However, this reliance on established methods may impede the adoption of more innovative and varied assessment techniques that could potentially offer a more comprehensive evaluation of a student's capabilities. The challenge lies in encouraging institutions to diversify beyond these conventional methods to include assessments that more accurately mirror the complexities and demands of legal practice today. By integrating a broader range of assessment types such as simulated client consultations, legal drafting under time constraints, or collaborative problem-solving tasks, universities can provide a more rounded and practical training environment. These methods of learning are not an anomaly from the current approach towards teaching and learning which maybe necessary to curb any drastic changes that may inadvertently lead to the failure of the program. This shift would not only align with the Council of Higher Education's flexible standards but also enhance the quality of legal education.

3 The need for transformative assessment approaches

The evolving complexity of the legal profession highlights the urgent need for transformative approaches in the assessment of law students. Traditional methods often fail to equip students with the essential

observation of real or simulated legal tasks, and other compulsory and voluntary activities.

12 The Council of Higher Education is not the sole body responsible for higher education, other bodies include South African Qualifications Authority, the National Qualifications and the Higher Education Qualifications Framework.

competencies required for success in legal practice,¹³ necessitating a reevaluation of how legal education is delivered and assessed. Among the critical competencies that students often struggle to master are advanced critical thinking, problem-solving in complex factual scenarios, legal reasoning under uncertainty, professional communication (both oral and written), ethical decision-making, client interaction skills, time management, and the practical application of legal knowledge in dynamic real-world contexts. Without meaningful opportunities to develop these skills during their studies, many graduates enter the profession underprepared for the demands of practice.

Success in the legal profession requires a diverse array of competencies that transcend basic legal knowledge. Modern legal professionals must possess advanced critical thinking skills, verbal and non-verbal communication skills,¹⁴ the ability to creatively resolve complex problems, and a profound understanding of ethical practices within the legal framework.¹⁵ These skills are crucial for navigating the complexities of law and for making informed decisions that are in alignment with both legal standards and ethical considerations. Employers increasingly demand a broad range of competencies, expectations that are challenging to meet within the traditional four-year LLB curriculum. Although the LLB program in South African universities is densely packed with essential modules, there is a professional consensus that some of these modules are either irrelevant in the practical world or insufficiently intensive.¹⁶ This situation means that students often do not acquire enough depth in certain areas to be beneficial in their subsequent professional activities. When discussing transformative assessment, it is important to recognise that academics and lecturers are constrained by the curriculum and time limitations, making it difficult to cover everything that law firms expect from their graduates.

The need for innovative assessment strategies becomes evident as it would be impractical to address all requirements of legal practice within a single semester. The question then arises: could students still be exposed to the necessary competencies demanded by employers and

13 Vanderstraeten (n 5) 21.

14 D Iyer 'Preparing law students for practice: a non-verbal developmental skill approach' (2019) *Obiter* 316.

15 Welgemoed & Erasmus (n 6) 741.

16 Vanderstraeten (n 5) 22.

law firms but in a different manner? The competencies required in legal practice, especially in corporate environments, vary widely and include areas such as ethics, a stronger emphasis on commercial law, and practical skills such as reading, writing, and comprehension.¹⁷ These competencies are often undermined by the educational system in South Africa, where students enter university from diverse educational backgrounds and with varying levels of ability especially in language.¹⁸ Without mechanisms like personal interviews, lecturers face the challenge of adapting to a wide range of student capabilities. By tailoring assessment methods to reflect and prepare students for the demands they will face in the legal profession, universities can bridge the gap between academic preparation and professional requirements more practically. This approach would not only enhance the quality of legal education but also ensure that graduates are better prepared to meet the expectations of their future employers, contributing to a more competent and ethically grounded legal workforce.

Critical thinking and ethical reasoning are foundational in the practice of law, enabling practitioners to analyse cases from multiple perspectives and anticipate the consequences of various legal actions. Equally important are professional skills such as effective communication, negotiation, and client management, which are vital for advocating successfully, managing complex legal transactions, and upholding professional integrity. These competencies are crucial for a well-rounded legal practitioner prepared to manage the multifaceted challenges of the legal profession.¹⁹ However, the prevalent passive learning approaches in legal education, which prioritise memorisation of overactive engagement, are severely detrimental to developing these necessary skills. Such educational methods fail to foster an environment where students can apply theoretical knowledge in practical situations, a critical aspect of legal training. The consequence is a workforce of graduates ill-equipped for the demands of law firms that require critical thinkers and ethical problem-solvers. As a result, graduates find themselves struggling to meet the expectations of potential employers, impacting their employability and overall career success in the legal field.

17 Vanderstraeten (n 5) 20.

18 Welgemoed & Erasmus (n 6) 710.

19 Welgemoed & Erasmus (n 6) 715.

In response to the educational shortcomings inherent in undergraduate legal training, graduates are compelled to seek further specialisation through Master of Laws (LLM) degrees. This 'great flight to LLM' is driven by the pursuit of deeper legal expertise and an attempt to enhance employability in a highly competitive job market. However, this phenomenon also highlights the deficiencies of the LLB degree, where students find themselves needing additional qualifications to meet the practical demands of the legal profession. Interestingly, many students enrolled in LLM programs do not necessarily have a genuine desire to specialise in their chosen area of study. Instead, their decision to pursue an LLM often stems from practical necessities such as the unavailability of articles or the challenges of securing a job without the requisite practical experience needed for admission as a professional. Thus, enrolling in an LLM program frequently serves as a stopgap measure, allowing graduates to bid their time and enhance their resumes while they navigate the obstacles of entering the legal profession. Admission into an LLM program does not address the core issue of the inadequacy in the training of legal graduates nor does it solve the problem of unemployment among them. Rather than equipping students with the necessary skills and competencies to thrive in the legal field, it merely postpones the confrontation with the systemic issues plaguing legal education and the job market. There is an urgent need for a fundamental reform in legal education that aligns more closely with the real-world demands of the profession and reduces the reliance on further academic qualifications as a substitute for practical readiness. The issue of unemployed law graduates presents a significant challenge. A particular concern that exacerbates this issue is the scarcity of articles available to recent graduates. This shortage has been a longstanding problem,²⁰ which has only worsened as the number of law graduates has increased. This situation significantly undermines the demanding work and rigor that students invest in obtaining their qualifications. As the gateway to professional practice, the lack of articles not only hampers the career prospects of new graduates but also calls into question the alignment of legal education with the realities of the legal field.

20 A Chaskalson 'Responsibility for practical legal training' (1985) *De Rebus*.

4 Proposal for innovative assessment

A pivotal innovation in legal education is the integration of more case-based assessments and practical exercises. This approach leverages authentic or carefully simulated legal scenarios, requiring students to apply their theoretical knowledge to address complex legal challenges. Engaging directly with real cases, crafting relevant legal documents, and formulating strategies for genuine legal issues allows students to gain practical experience reflective of actual legal practice. This form of experiential learning is essential for grasping the subtleties of legal processes and for cultivating a practical approach to solving legal problems. This form of training does exist in the form of moot courts and law clinics however it is often limited to a certain number of students due to lack of resources therefore not all students experience the benefit of these assessment methods.

The integration of technology, especially artificial intelligence, has significantly transformed educational approaches. This is evidenced by the use of chatbots by students and simulation and experiential learning. This is a transformation that is particularly pertinent when evaluating innovations in the assessment of legal graduates in South Africa. As the number of students pursuing law degrees continues to grow, conventional educational methods increasingly fall short of addressing the educational demands efficiently. While initiatives such as law clinics provide valuable practical experience, they are often insufficient to cater to the challenges posed by burgeoning student populations effectively.

In response, artificial intelligence offers innovative solutions that promise to enhance learning outcomes significantly. A standout example of such innovation is the deployment of virtual reality (VR) court simulations. These simulations represent a pioneering method to equip students with the necessary skills by providing a scalable and effective educational experience. VR technology enables the creation of immersive legal environments where students can engage with real-life legal scenarios in a controlled, interactive format. This not only helps bridge theoretical knowledge with practical skills but also enhances the depth and breadth of legal education by allowing students to experiment and learn from virtual consequences in real-time.

The University of Johannesburg has taken a groundbreaking step in this direction by developing a virtual courtroom.²¹ This virtual environment allows students to delve into complex legal scenarios using actual case studies, offering them a hands-on approach to learning that mirrors real-world legal practice. The VR courtroom, the first of its kind in Africa, has been championed by leading academics and attorneys in the field, marking a significant milestone in legal education. This innovative tool does more than just simulate the courtroom experience; it enables students to practice and refine their legal skills in a dynamic and interactive setting, preparing them more effectively for the rigors of professional legal practice.

Such advancements not only accommodate the increasing number of law students, but also enrich their learning experiences, setting a new standard for legal education on the continent. What makes this VR technology innovative is that it may be able to accommodate all students as opposed to specific numbers as is the case with traditional assessment methods such as moot courts and law clinics furthermore the use of this technology may make it possible to make the training period longer for students. This VR technology does not merely teach students about the law; it immerses them in the process of law, promoting a deeper understanding and superior application of legal principles in real-life contexts. This development displays a new era of legal education, where technology bridges the gap between theoretical knowledge and practical application, ensuring that graduates are not only well-versed in legal theory but are also competent at navigating the complexities of legal practice.²² This development serves as a compelling testament to the fact that legal academia and its students are not confined to traditional pen-and-paper methods. The introduction of advanced technologies like virtual reality in legal education offers a significant opportunity to deeply immerse students in the complexities of the legal world from the onset of their education until the completion of their degrees. Such technological

21 University of Johannesburg 'A first in Africa – UJ set to transform legal education with a virtual reality courtroom' 19 July 2024 <https://news.uj.ac.za/news/a-first-in-africa-uj-set-to-transform-legal-education-with-a-virtual-reality-courtroom/> (accessed 4 December 2024).

22 University of Johannesburg 'A first in Africa – UJ set to transform legal education with a virtual reality courtroom' 19 July 2024 <https://news.uj.ac.za/news/a-first-in-africa-uj-set-to-transform-legal-education-with-a-virtual-reality-courtroom/> (accessed 4 December 2024).

integration allows lecturers to engage students in real-life case scenarios, providing a mechanism to evaluate whether students meet the learning outcomes required for their modules.

This example displays an approach that facilitates a dynamic interplay between theoretical examinations and practical assessments. Students are not only exposed to practical legal scenarios for extended periods, but this hands-on experience also becomes integral to their learning process. By participating in these realistic simulations, students can apply theoretical knowledge in practical contexts, enhancing their understanding and retention of legal concepts. Moreover, this practical experience could potentially supplement, or even replace, the traditional requirement for articles, paving the way for direct admission to the high court upon the completion of one's degree, law school and writing their board exams

Such an innovative educational model not only prepares students more effectively for legal practice but also changes the way legal education is delivered. It supports a more integrated approach where theory and practice work together, ensuring that graduates are not just knowledgeable about the law but are also competent at applying it in real-world situations. This shift could significantly enhance the readiness of graduates for professional challenges, reducing the gap between academic preparation and the demands of the legal profession.²³

Technological advances can also address the pressing need for the integration of ethics and professionalism into legal assessments, new assessment models that explicitly incorporate ethical dilemmas and professional decision-making scenarios can profoundly impact how students perceive and prioritise ethical considerations in legal contexts. For instance, assessments could pose scenarios where students must balance legal strategies against ethical considerations or uphold professional standards in complex legal situations. This approach ensures that students graduate with a rich ethical framework, ready to uphold the integrity of the legal profession through sound judgment and ethical practices.

It is essential to recognise that the drive to revamp how universities assess law students should not narrowly focus on producing graduates primed solely for corporate roles, at the expense of a broader, more

23 Welgemoed & Erasmus (n 6) 710.

critical engagement with the law. Law is not confined to the private sector; it encompasses a vast array of disciplines within the humanities that demand equal attention and scholarly exploration. The push for innovative assessment methods is not intended to exclusively benefit those aiming for careers in private law, nor should it result in the marginalisation of other legal fields. While it is true that a significant portion of law graduates gravitate towards corporate law, due to its apparent prestige and lucrative prospects, this should not dilute the focus on areas such as legal jurisprudence and critical legal theory.²⁴ These domains remain crucial for a well-rounded legal education and are imperative for cultivating a rich understanding of law in its broader social, ethical, and political contexts.²⁵

Therefore, while universities must indeed address the needs of students entering the corporate legal sphere, they must also ensure that the curriculum fosters an ability to critically analyse and engage with a variety of legal theories and practices. This balanced approach not only enhances the versatility of law graduates but also enriches the legal profession by producing lawyers who are well-equipped to handle the diverse challenges of both the private and public sectors of law.

To truly align legal education with the real-world demands of the legal profession, a re-evaluation of existing assessment methodologies is necessary however this re-evaluation has to be on an institutional basis as the CHE already allows for innovation within its assessment protocol. This reevaluation would involve collaboration among universities, legal professionals, regulatory bodies, and the legal community at large to define essential competencies and devise assessment strategies that effectively measure these skills. Such collaborative efforts would help in creating a responsive and adaptive legal education system that not only tests theoretical knowledge but also evaluates practical abilities, problem-solving skills, and ethical acumen.

5 Implications for legal education and the legal profession

A holistic approach to assessment in legal education transcends traditional academic evaluation by integrating practical, ethical, and

24 Modiri (n 1) 4.

25 Modiri (n 1) 16.

professional dimensions. This comprehensive methodology enriches educational experience by reflecting the complexities of real-world legal practice, thus providing students with a well-rounded foundation. Graduates from programs embracing this approach are not only versed in foundational knowledge but are also proficient in critical thinking, ethical judgment, and practical skills. Such multifaceted preparation significantly boosts their employability and effectiveness across various legal contexts, enriching the broader legal system. Incorporating this holistic assessment method can also alleviate the traditional barrier of completing mandatory articles before admission as an attorney. By ensuring that graduates are well-prepared and competent, the need for additional training through articles could be reduced or even eliminated, allowing for direct entry into the profession. This shift would make the LLB degree more competitive, as graduates would be on par with or exceed the readiness of those in jurisdictions requiring postgraduate articles. Moreover, law firms would benefit from being able to assess the competencies of recent graduates more effectively, as these students have been evaluated on practical and ethical capabilities in addition to theoretical knowledge. This approach moves beyond the conventional reliance on academic transcripts that primarily focus on theoretical prowess, enabling employers to make more informed hiring decisions based on a comprehensive profile of each candidate's skills. This leads to more in-depth learning and better-prepared students, who are equipped to handle the demands of the legal profession right from the start of their careers.

While the shift towards innovative assessment methods offers significant benefits, it introduces a set of challenges that cannot be overlooked. One of the main obstacles is the entrenched resistance within traditional educational frameworks prevalent in many law schools. These institutions often encounter difficulties adapting to new methods due to deeply ingrained cultural norms, structural limitations, or resource constraints. Moreover, skepticism from faculty and practitioners, who are accustomed to conventional assessment methods, frequently emerges. They may express doubts about the validity and reliability of innovative techniques, reflecting a broader hesitance to depart from established practices. Addressing these challenges demands considerable effort, including extensive training, substantial investment in resources, and a fundamental cultural shift within educational institutions. Implementing

changes in legal assessment, particularly in a field as traditionally conservative as law, requires time and persistence. Legal academia has been notably slow in embracing technological advancements that could radically reshape educational paradigms. The journey towards integrating technology into legal education and rethinking traditional approaches is not merely about adoption but also about fostering an ongoing dialogue among academics to explore and embrace these changes.

Innovation in assessment within legal education is indeed crucial, but extending this innovation to reform the broader framework, including the requirements for admission as legal professionals, represents a more transformative challenge. Achieving such comprehensive reform necessitates a collaborative approach that spans across various bodies and institutions.

To effectively implement changes that not only alter assessment methodologies but also enhance the criteria for entering the legal profession, it is essential to establish partnerships among universities, legal councils, professional bodies, and governmental agencies. These stakeholders must work together to ensure that the reforms are not only academically sound but also practical and beneficial in producing the most capable legal practitioners.

Such collaboration would allow for a holistic reevaluation of what constitutes competence in the legal field, ensuring that new assessment strategies align with the real-world needs of the legal market. By integrating insights from all sectors of the legal community, these reforms can foster a more adaptive and responsive legal education system, enhancing the quality and readiness of graduates entering the profession.

The politics of implementing innovative assessment methods in legal education are complex, particularly when considering the financial constraints faced by students. Many students already struggle with the costs of university education, and while the ideal scenario would be that all law students excel and pass every assessment, the reality is often different. Innovative assessments, designed to be more rigorous and comprehensive, could potentially exacerbate these challenges by highlighting students who may not meet the higher standards, thereby affecting graduation rates. This raises concerns that such assessments could be perceived as excessively demanding and excessively exclusionary. Critics may argue that these assessments are too difficult, prompting discussions about whether academic standards should be adjusted to

accommodate a broader range of student capabilities. However, the primary goal of these innovations should not be to dilute academic rigor merely to increase pass rates. Instead, the focus should be on maintaining high standards that reflect the demands and complexities of real-world legal practice.

Furthermore, because innovative assessment methods often require significant financial investment in terms of both development and implementation there might be a need to reconsider the number of students admitted into law programs. This could lead to broader political and socio-economic discussions about inclusivity and access to legal education. Reducing the number of admissions to manage costs and maintain quality could have far-reaching implications for who gets the opportunity to pursue a law degree, potentially reinforcing existing inequalities. These are critical issues that need to be addressed as part of the conversation around innovative assessment in legal education. It is essential to balance the desire for high standards and the realistic capabilities of all students, ensuring that reforms in assessment do not inadvertently exclude capable but financially disadvantaged individuals from pursuing legal careers. This balance is crucial for fostering a legal education system that is both rigorous and accessible.

6 Conclusion

The debate surrounding the inadequacy of law graduates often gravitates towards proposals for extending the duration of the LLB degree. However, these discussions rarely address the core issues comprehensively. Rather than merely prolonging the length of the degree, which could impose further financial burdens on South African students, the focus should shift towards more radical innovation in higher education. The advent of artificial intelligence and technology presents an opportunity to rethink legal education fundamentally. Instead of entrenching the elitist approach of extending an already costly qualification, a move that may not necessarily enhance employment prospects, the conversation should pivot towards optimising the LLB degree to maximise its value, regardless of its duration. This means re-evaluating traditional educational models that rely heavily on lectures and written exams, which often do not correlate with the practical skills required in the legal field. Innovative educational tools and methods, such as interactive simulations, virtual reality courtrooms, and AI-driven case study

analyses, can more effectively bridge the gaps between academic learning and the practical demands of legal practice. Such technologies not only make legal education more accessible and engaging but also enhance the skill sets of graduates, making them better equipped for admission and subsequent employment. By integrating these modern approaches, the LLB curriculum can transform to produce not only well-educated but also highly employable legal professionals, ready to meet the challenges of the contemporary legal landscape.