

Integrating experiential learning in law curriculum: Prospects and pitfalls

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1 Introduction

Integrating experiential learning into law curricula has become a focal point in reforming legal education to better prepare graduates for professional practice. Experiential learning, which includes clinical legal education through university law clinics, internships, and simulation-based activities like moot courts, bridges the gap between theoretical instruction and the practical skills required in legal practice. In South Africa, where legal education has historically emphasised doctrinal learning, transitioning from student to practitioner remains a significant challenge.¹ This chapter analyses the prospects and challenges of incorporating experiential learning into South Africa's legal education framework, with objectives to evaluate current practices, draw lessons from international models like Australia, and propose strategies for effective integration, informed by the Council on Higher Education (CHE) LLB Review and National Qualifications Framework (NQF) level descriptors.

2 Theoretical foundations of experiential learning

Experiential learning is a process where knowledge is created through the transformation of experience, structured around a cycle of concrete

¹ M Du Plessis 'Forty-five years of clinical legal education in South Africa' (2019) *Fundamina* 1234.

experience, reflective observation, abstract conceptualisation, and active experimentation.² This model emphasises learning as an active, iterative process where students engage with real-world tasks, reflect on outcomes, and refine their understanding through practice.³ The study complements this by advocating for education that connects academic content to practical application, fostering deeper understanding through real-world engagement.⁴ Research further enriches this framework with the concept of the reflective practitioner, where professionals learn by reflecting on their actions in context, a process particularly relevant to legal education.⁵

In contrast, traditional legal education in South Africa has prioritised doctrinal learning, focusing on legal rules and principles with limited emphasis on practical application.⁶ This approach often leaves graduates unprepared for the dynamic demands of legal practice, such as client interaction and procedural navigation, which are better addressed through experiential methods. Law schools can seamlessly integrate theory and practice by grounding legal education in the Kolbs cycle, enabling students to develop competencies aligned with NQF level 8 descriptors, such as critical thinking, problem-solving, and ethical reasoning.⁷

3 Importance of experiential learning in legal education

Experiential learning addresses the critical gap between theoretical knowledge and practical skills in legal education, aligning with the evolving demands of South Africa's LLB curriculum as outlined in the CHE LLB Review.⁸ The review highlights progress in incorporating practical components, such as law clinics and moot courts, to meet NQF level 8 outcomes, including advanced problem-solving and professional

2 DA Kolb 'Experiential Learning: Experience as the Source of Learning and Development' (2015) *Pearson Education*.

3 C Azionya & A Oksiutycz 'A teaching model to promote learning agility in a university course' 795 *The Independent Journal of Teaching and Learning* 6-18.

4 J Dewey *Experience and education* (1938).

5 DA Schon *The reflective practitioner: How professionals think in action* (1983).

6 J Kroniek 'Integrating theory and practice in the LLB curriculum: Some reflections' (2008) *Journal of South African Law*.

7 Council on Higher Education *National Review of the LLB Programme* (2018).

8 'The importance of graduate attributes in preparing law students for legal practice' 2023 *obiter*.

communication.⁹ South African law schools have increasingly integrated practical learning to address historical deficiencies in preparing graduates for practice, a shift driven by the need to produce work-ready professionals.¹⁰

Unlike earlier critiques, which focused on the U.S. context and highlighted deficiencies in practical training, South Africa's legal education has evolved significantly. For instance, university law clinics provide hands-on experience in client representation, fostering skills in legal research, writing, and advocacy. These developments align with NQF level 8 requirements for applying knowledge in complex, real-world contexts.¹¹ Moreover, experiential learning enhances critical thinking and ethical decision-making. In addition, practical training improves students' ability to navigate complex legal scenarios, a finding particularly relevant to South Africa's diverse legal landscape.¹²

4 Benefits of clinical legal education

Clinical legal education, a core component of experiential learning, is widely implemented in South Africa through university law clinics, which serve as platforms for students to work on real cases under supervision.¹³ These clinics institutionalise community service by providing free legal services to underserved communities, aligning with universities' community engagement mandates.¹⁴ Law clinics contribute

9 SJ Rippenaar 'In pursuit of the workplace-ready graduate: Using the UWC Law Clinic's WIL project to prepare final-year law students for entry into legal practice' (2025) 29 *Law, Democracy and Development* 58-79. <https://doi.org/10.17159/2077-4907/2025/ldd.v29.3>.

10 AD Crocker 'Motivating law students to write like lawyers: contextualising learning in the "write it like a lawyer" case study' (2022) 43(3) *Obiter* 588-604. Retrieved 9 June 2025, from http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532022000300008&lng=en&tlng=en.

11 L Curran 'University Law Clinics and their value in undertaking client-centred law reform to provide a voice for clients' experiences' (2014) *International Journal of Clinical Legal Education*. 12. 105. 10.19164/ijcle.v12i0.73.

12 D de Klerk 'Academic advising and ethic of care: enabling belonging to enhance higher education students' prospects of success' (2022) 36(6) *South African Journal of Higher Education* 152-168, <https://doi.org/10.20853/36-6-5485>.

13 M Du Plessis 'Forty-five years of clinical legal education in South Africa' (2019) 25(2) *Fundamina* 1234. <https://doi.org/10.17159/2411-7870/2019/v25n2a2>.

14 D Holness 'Improving access to justice through compulsory student work at university law clinics' (2013) 16(4) *Potchefstroom Electronic Law Journal (PELJ)* 1-25. Retrieved 9 June 2025, from http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1727-37812013000400009&lng=en&tlng=en.

to public interest litigation, enhancing access to justice while developing students' practical skills and ethical responsibility.¹⁵

Students in clinical programs demonstrate significant improvements in legal writing, research, advocacy, professional judgment, and workplace readiness.¹⁶ Clinical education fosters a sense of professional identity and commitment to public service.¹⁷ However, challenges such as resource intensity persist, requiring substantial funding and staffing.¹⁸ Despite these costs, the long-term benefits of producing practice-ready graduates and serving communities justify the investment, particularly in South Africa's context of promoting access to justice.¹⁹

5 Simulation-based learning

Simulation-based learning, including moot courts and role-playing exercises, is a staple in South African law schools, particularly at the final-year level, to develop advocacy and procedural skills.²⁰ Simulations enhance students' understanding of courtroom dynamics and ethical reasoning by immersing them in realistic scenarios. However, while valuable, moot courts may not fully replicate real-world legal practice's complexities, as they often focus on controlled scenarios that lack the unpredictability of actual cases.²¹

To address this, simulations should be complemented by clinical legal education and internships to provide a holistic experience. The integration of simulations must also consider the South African Qualifications Authority (SAQA) credit limits for the LLB program, ensuring that

15 N Rusi & K Melo 'Clinical legal education: The role and challenges in enhancing access to justice' (2025) 15(1) *Journal of Educational and Social Research* 209, <https://doi.org/10.36941/jesr-2025-0016>.

16 MA du Plessis 'The role of clinical legal education in developing ethical legal professionals' (2021) *De Jure Law Journal* 54(1), 278-297. <https://doi.org/10.17159/2225-7160/2021/v54a17>.

17 A Evans and others 'Australian Clinical Legal Education: Designing and operating a best practice clinical program in an Australian Law School' (2017) ANU Press.

18 D Ortiz 'The need to make clinical teaching mandatory as part of the experiential methodology to prepare students for the practice of law in the twenty-first century' (2024) *UIC Law Review* 57, 697.

19 Holness (n 14).

20 M du Plessis & M Welgemoed 'Training for Legal Practice - Towards effective teaching methodologies for procedural law modules' (2022) 43(2) *Obiter* 1745.

21 YM Higgins 'The place and efficacy of simulations in legal education: A preliminary examination' (2011) 2(2) *All Ireland Journal of Teaching and Learning in Higher Education* 58, <https://ssrn.com/abstract=2532033>.

additional practical components do not exceed cognitive loading or curriculum constraints. Structured debriefing enhances learning outcomes by encouraging reflective practice, ensuring that simulations contribute to NQF level 8 competencies without overburdening the curriculum.²²

6 Challenges and critiques of experiential learning in law

Integrating experiential learning faces challenges, including resource constraints and institutional resistance. Establishing law clinics and simulation programs requires significant financial and administrative support, which can be a barrier for underfunded institutions.²³ However, the CHE LLB Review suggests methodologies like partnerships with legal organisations to mitigate these constraints, a practice already adopted by South African law clinics.²⁴ Resistance from faculty accustomed to doctrinal teaching further complicates the adoption process, necessitating targeted training. Additionally, assessing experiential learning outcomes requires innovative approaches beyond standardised tests, as traditional assessments may not capture practical competencies.²⁵

7 Comparative analysis: Lessons from Australia

Australia was selected for comparative analysis due to its well-developed clinical legal education programs and its shared common law heritage with South Africa, which facilitates the identification of relevant lessons.²⁶ Australian law schools have successfully integrated experiential learning through robust clinical programs supported by the Australian

22 P Kumar, N Harrison, K McAleer and others 'Exploring the role of self-led debriefings within simulation-based education: time to challenge the status quo?' (2025) *Adv Simul* 10, <https://doi.org/10.1186/s41077-025-00342-6>.

23 T Gkrimpizi, V Peristeras & I Magnisalis 'Classification of barriers to digital transformation in higher education institutions: Systematic literature review' (2023) 13(7) *Education Sciences* 746, <https://doi.org/10.3390/educsci13070746>.

24 N Swanepoel & R Bezuidenhout 'The institutionalisation of community service and community service learning at South African tertiary institutions: With specific reference to the role of university law clinics' (2012) *De Jure*.

25 R Schendel 'What you don't know (can hurt you): Using exam wrappers to foster self-assessment skills in law students' (2020) 40 *Pace Law Review* 154, <https://ssrn.com/abstract=3441382>.

26 CM Fombad 'Africanisation of legal education programmes: The need for comparative African legal studies' (2013) *Journal of Asian and African Studies*.

Law Schools Standards and Accreditation Standards for Australian Law Courses.²⁷ These standards ensure a balance of doctrinal and practical training, a model South Africa can emulate.

However, Australia's stronger economy enables greater investment in clinical programs, unlike South Africa, where resource constraints are significant.²⁸ Additionally, Australia's federal structure means legal education varies by state, requiring South Africa to adapt lessons contextually. By adopting Australia's faculty training and assessment mechanisms, South African law schools can enhance experiential learning while addressing local economic realities.

8 The future of experiential learning in legal education

The future of experiential learning lies in hybrid models that integrate doctrinal and practical training enhanced by technology.²⁹ The Fourth Industrial Revolution (4IR) offers opportunities through virtual simulations and online legal clinics, addressing resource constraints.³⁰ There is a need to incorporate technologies such as AI and legal tech platforms to prepare students for modern legal practice, addressing a gap in South Africa's LLB curriculum.³¹ Longitudinal studies can assess the long-term impact of experiential learning, ensuring alignment with the evolving needs of the legal profession.³²

27 F Cantatore 'Australian clinical legal education: Designing and operating a best practice clinical program in an Australian Law School' (2017) *Australian Journal of Clinical Education*.

28 D Ortiz 'The need to make clinical teaching mandatory as part of the experienced methodology to prepare students for the practice of law in the twenty-first century' (2024) 57 *UIC Law Review* 697.

29 R Mulenga & H Shilongo 'Hybrid and blended learning models: Innovations, challenges, and future directions in education' (2024) *Acta Pedagogica Asiana* 1-13.

30 C Maimela (ed) *Technological innovation (4IR) in law teaching and learning: Enhancement or drawback during the COVID-19 pandemic* (2020).

31 M Njotini & LG Mpedi (eds) *Law and industry 4.0 – selected perspectives on a new scholarship of teaching and learning* (2020).

32 M Rowe and others 'Professionalism in pre-practice legal education: An insight into the universal nature of professionalism and the development of professional identity' (2012) 46(2) *The Law Teacher* 120131. <https://doi.org/10.1080/03069400.2012.681242>.

9 Effective integration of experiential learning in law curricula

Integrating experiential learning into South African law curricula is a transformative approach to preparing law graduates for the complexities of legal practice. Experiential learning, encompassing clinical legal education through university law clinics, internships, and simulation-based activities such as moot courts, enhances practical skills, critical thinking, and professional readiness, aligning with the National Qualifications Framework (NQF) level 8 descriptors that emphasise advanced problem-solving, ethical reasoning, and professional communication.³³

However, effective integration requires meticulous planning to address resource constraints, curriculum redesign, faculty readiness, and institutional resistance while leveraging partnerships and technology to create a balanced and sustainable educational framework.³⁴ One of the primary benefits of experiential learning is its ability to bridge the gap between theoretical knowledge and practical application. The university law clinics in South Africa offer students hands-on experience in client representation, developing skills in legal research, drafting, and advocacy.³⁵

These clinics are developing technical competencies and cultivating professional identity and ethical responsibility as students engage with real-world cases under supervised conditions.³⁶ Similarly, simulation-based learning, such as moot courts and role-playing exercises, allows students to practice procedural and advocacy skills in a controlled environment, enhancing their understanding of courtroom dynamics

33 RK Yadav 'Essential skills for effective clinical legal education and their integration into the curriculum' (4 March 2025). Available at SSRN: <https://ssrn.com/abstract=5164165> or <http://dx.doi.org/10.2139/ssrn.5164165>.

34 J Olatunbosun & C Nwankwo 'Professional development for STEM Educators: Enhancing teaching effectiveness through continuous learning' (2024) 6 *International Journal of Applied Research in Social Sciences* 1557-1574, 10.51594/ijarss.v6i8.1370.

35 D McQuoid-Mason 'Law clinics at African universities: An overview of the service delivery component with passing references to experiences in South and South-East Asia' (2024) 33 *Journal for Juridical Science* 1-24, 10.38140/jjs.v33i.8779.

36 H Andersson and others 'Ethics education to support ethical competence learning in healthcare: an integrative systematic review' (2022) *BMC medical ethics* 29. <https://doi.org/10.1186/s12910-022-00766-z>.

and client interactions.³⁷ Practical experiences are particularly valuable in South Africa, where law clinics contribute to public interest litigation, thereby addressing access to justice while providing students with proper training. Despite these benefits, integrating experiential learning presents significant challenges. Resource constraints, including financial and staffing limitations, pose a significant barrier, particularly for underfunded institutions. Establishing and maintaining law clinics requires substantial investment in infrastructure, qualified supervisors, and case management systems, which can strain university budgets.³⁸

Additionally, curriculum redesign is essential to incorporate experiential components without compromising the doctrinal foundation required for a comprehensive legal education. South African law schools must balance practical training with theoretical instruction to meet SAQA credit limits and avoid cognitive overload, a concern echoed in the CHE LLB Review, which emphasises aligning experiential learning with NQF level 8 outcomes.

Faculty readiness is another critical factor. Many law faculty members, accustomed to traditional doctrinal teaching, may lack the training or inclination to adopt experiential methods.³⁹ Studies emphasise the need for faculty development programs to equip educators with the skills to effectively design and deliver clinical and simulation-based activities.⁴⁰ Such programs should include training in reflective practice to ensure that students engage in critical self-assessment during experiential activities.

Moreover, institutional resistance to pedagogical change can hinder progress. South African law schools face internal opposition due to entrenched academic cultures, necessitating leadership commitment to

37 TH Nhac 'Enhancing legal English skills for law students through simulation-based activities' (2023) *International Journal of Learning, Teaching and Educational Research* 22.

38 E Yorio & F Ye 'A meta-analysis on the effects of service-learning on the social, personal, and cognitive outcomes of learning' (2012) *Academy of Management Learning & Education* 927.

39 L Mantai & E Huber 'Networked teaching: Overcoming the barriers to teaching experiential learning in large classes' (2021) *Journal of Management Education*.

40 L Soni, R Ramachandran & V Rewari 'Faculty development programmes in simulation-based teaching: An exploration of current practices' (2024) *Indian journal of anaesthesia* 78-86.

drive curriculum reform.⁴¹ Strategic partnerships with legal organisations and government bodies are essential to overcome these challenges. These partnerships will facilitate professional networking, enhancing students' employability. Additionally, leveraging technology can address resource constraints and improve accessibility. Virtual simulations and online legal clinics offer cost-effective alternatives to traditional experiential programs, aligning with the Fourth Industrial Revolution (4IR) emphasis on technology-driven education.⁴² For instance, AI-based platforms can simulate client interviews or case management scenarios, allowing students to develop skills in a scalable and flexible manner.

Assessment of experiential learning outcomes also requires careful consideration. Traditional standardised tests are often ill-suited to evaluate practical competencies such as client interaction or ethical decision-making.⁴³ Studies recommend adopting competency-based assessments, such as reflective portfolios, case logs, and supervisor evaluations, as the Australian Law Schools Standards informed.⁴⁴ These mechanisms ensure students' practical skills are rigorously evaluated, providing actionable feedback to enhance their learning. Furthermore, structured debriefings following experiential activities can solidify learning outcomes by encouraging students to reflect on their performance and identify areas for improvement. This practice aligns with Kolb's experiential learning cycle.⁴⁵

Integrating experiential learning must also consider South Africa's unique socio-legal context. Experiential programs, particularly law clinics, are crucial in promoting constitutionalism and access to justice in South Africa by addressing the needs of underserved communities. This dual role, educating students while serving society, enhances the societal impact of legal education and aligns with universities' community

41 L Arendse 'The South African Constitution's empty promise of "radical transformation": Unequal access to quality education for black and/or poor learners in the public basic education system' (2019) *Law, Democracy and Development* 23.

42 D Mhlanga 'Digital transformation of education, the limitations and prospects of introducing the fourth industrial revolution asynchronous online learning in emerging markets' (2024) *Discov Educ.*

43 R Schendel 'What you don't know (can hurt you): Using exam wrappers to foster self-assessment skills in law students' (2020) *Pace Law Review* 154.

44 Cantatore above.

45 A Konak & T Clark 'Using Kolb's experiential learning cycle to improve student learning in virtual computer laboratories' *Computers & Education* 11-22.

engagement mandates.⁴⁶ However, law schools must develop scalable models that balance resource demands with educational outcomes to ensure sustainability. For example, modular experiential components can be integrated into existing courses, allowing flexibility within SAQA credit constraints.

Ultimately, the effective integration of experiential learning requires a holistic approach that combines clinical education, simulations, faculty development, partnerships, and technology to achieve optimal outcomes. By drawing on South African scholarship and international best practices, law schools can create a curriculum that prepares graduates for the dynamic demands of legal practice while meeting NQF level 8 standards. This approach enhances students' professional readiness and contributes to a more equitable and accessible justice system in South Africa.

10 Recommendations

To effectively integrate experiential learning into South African law curricula, the following strategies are proposed:

Expand clinical legal education through university law clinics: Law clinics should be scaled up by securing partnerships with legal aid organisations and government bodies. This approach leverages external funding and expertise to provide students with hands-on real-world experience, aligning with NQF level 8 competencies such as problem-solving and ethical practice. For example, clinics can prioritise public interest litigation to enhance access to justice while training students in practical skills, such as client interviewing and legal drafting.

Integrate technology-driven simulations: Virtual moot courts and online legal clinics, supported by 4IR technologies, can make experiential learning more accessible and cost-effective. Law schools should invest in platforms or tools that simulate courtroom dynamics and client interactions, ensuring alignment with SAQA credit limits. These tools can be integrated into existing modules to enhance advocacy skills without overloading the curriculum.

Implement faculty development programs: Faculty must be trained in experiential teaching through workshops and certifications. This training should focus on designing and assessing clinical and simulation-based activities, ensuring faculty

⁴⁶ CM Kell, F Haffeeje & JF Ducray 'Enhancing education through community engagement: Perspectives of student volunteers' (2023) *African Journal of Health Professions Education* 2-5.

can effectively guide students in reflective practice and meet NQF level 8 outcomes.

Develop robust assessment mechanisms: Drawing from Australian Law Schools Standards, South African law schools should adopt competency-based assessments, such as reflective portfolios and practical evaluations, to measure experiential learning outcomes. These mechanisms ensure consistent monitoring of student progress and provide actionable feedback to enhance professional readiness.

11 Conclusion

Integrating experiential learning into South Africa's law curricula is crucial for equipping graduates with the practical skills and ethical foundation necessary for professional legal practice. This study has demonstrated that clinical legal education, facilitated through university law clinics and simulation-based learning, such as moot courts, significantly enhances students' ability to bridge the gap between theoretical knowledge and real-world application. Drawing on the Council on Higher Education LLB Review and South African scholarship, the study highlights the progress in incorporating practical components while addressing challenges such as resource constraints through strategic partnerships and technology, informed by advancements in the 4IR. Lessons from Australia's robust clinical programs and assessment standards provide a roadmap for South Africa to adapt contextually, considering economic disparities and federal variations. By implementing comprehensive clinical programs, technology-driven simulations, faculty training, and innovative assessments, South African law schools can produce practice-ready graduates who contribute meaningfully to the justice system, addressing societal needs, particularly in underserved communities.