

# Enhancing legal education through community engagement: Merging experiential learning for comprehensive legal training

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## 1 Introduction

Community engagement is integrated into legal education and training in two ways at the School of Law, University of Limpopo (UL). The first is through an Alternative Dispute Resolution program to resolve disputes brought before the Small Claims Court in Mankweng, close to the University. The fourth-year law students at UL have an elective module called Alternative/Commercial Disputes Resolution. In this module, the students are divided into groups, and every Monday and Wednesday, they take turns to visit the Mankweng Small Claims Court to deal with matters on the court roll. Here, students mediate on matters that are due to be heard in court, and after a successful mediation session, they assist in concluding a settlement agreement, which then gets confirmed in court. This allows students to take what they have been taught in class and apply it to real-life situations. The second is through community engaged research in rural villages near the University by undergraduate and postgraduate students studying at the University. In a previous year, three fourth-year LLB students each conducted a community engaged research project in the communities where they lived. The role of the students was to act as bridge builders between the community members

and the University.<sup>1</sup> Students could listen to the community and discover its feelings. Their roles were to discover new knowledge and work with the community.<sup>2</sup>

The experiential learning movement in higher education aims to use improved methods to teach students and enhance their learning experience.<sup>3</sup> The theoretical framework that the University of Limpopo's School of Law applies to guide experiential learning through community engagement is anchored in a student-focused teaching and learning philosophy. This approach allows law students to be dynamic contributors in their educational journey, empowering them to question and analyse classroom content rather than adhere to a traditional linear method. Experiential learning is pivotal in merging academic theories with practical, real-world experiences, underscoring the critical link between legal practice and theory. It emphasises the importance of students understanding and accepting the societal realities in which they exist and study, especially given the institution's rural and less developed setting. The philosophy behind this blend of experiential learning and community service is driven by the University's motto, vision, and mission, positioning it as one of its strategic goals. The overarching aim of the University is to devise solutions for Africa with a vision and mission aligned to meet the community's evolving demands.<sup>4</sup>

The legal profession offers a wide range of career opportunities, including those of traditional legal practice of attorneys and advocates and also jobs in the judiciary and legal administration (judge, magistrate, judicial clerk and court reporter), in government and the public sector (legal advisor, public defender, policy analyst, diplomatic legal advisor), in companies (compliance officers, risk managers and company secretaries), as mediators and arbitrators and legal researchers for legal publications and think tanks and government bodies.<sup>5</sup> Law schools battle to integrate

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1 Du Plessis "Engaged Research Programme" (2021) presented by the Rural Development and Innovation Hub at the University of Limpopo 7.

2 Du Plessis 8.

3 Erickson "Experiential Education in the Lecture Hall" 2015 *Northeastern University Law Journal* 87; Porter "When Experiential Learning Takes Center Stage – Not Yet" 2015 *Journal of Experiential Learning* 79.

4 University of Limpopo "Strategic Plan (2024-2028)" <https://www.ul.ac.za/about-us/strategic-plan/> (accessed 31 May 2025). Goal 8 of strategic goals is to change and enhance the quality of lives in its surrounding societies.

5 Law Society of South Africa "Career Guide to the Legal Profession in South Africa Published by the Law Society of South Africa 2023" 2023 <https://www.lssa.org>.

experiential learning throughout the entire curriculum and culture.<sup>6</sup> Legal education involves lecturers who embrace experiential education, skills training, and other ways, and many full-time lecturers at law schools only teach traditional doctrine and legal analysis.<sup>7</sup> Law schools must adapt to changing times by training students for jobs and transferring the skills and values necessary to succeed in the legal profession.<sup>8</sup>

This chapter will examine the various forms of legal education, referencing traditional pedagogical approaches employed in law schools. It will critically analyse the distinction between simulated legal education and experiential learning facilitated through community engagement. Furthermore, the discussion will explore practical applications of experiential learning at UL, explicitly referring to initiatives in alternative dispute resolution and community engaged research. This study advocates using experiential learning through community engagement and community engaged research in legal education to establish a connection between legal studies and the legal profession. As such, this chapter evaluates whether experiential learning as a continuous process deepens students' understanding and knowledge of the law.

## 2 Legal education in South Africa

Previously, the syllabi and the policies regulating legal education were aimed at contributing to the preservation of apartheid ideologies.<sup>9</sup> The discipline was dominated by the interests of the minority, which

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za/news/career-guide-to-the-legal-profession-in-south-africa-published-by-the-law-society-of-south-africa-for-2023/ (accessed 5 August 2024); Law Society of South Africa "Career Guide to the Legal Profession" 2016 [https://www.justice.gov.za/juscol/docs/2016-LSSA-Career\\_Guide\\_to\\_the\\_Legal\\_profession.pdf](https://www.justice.gov.za/juscol/docs/2016-LSSA-Career_Guide_to_the_Legal_profession.pdf) (accessed 17 January 2025).

6 Porter 79.

7 Erickson 2015 *Northeastern University Law Journal* 87.

8 Porter 81.

9 Although this study does not adopt a decolonial theoretical approach and solely focuses on integrating experiential learning through community engagement, the authors acknowledge that some legal scholars still believe that the current curriculum reflects and reproduces exclusionary logics. See Sindane "The call to decolonise higher education: Copyright law through an African lens" 2020 (LLM dissertation at UNISA), J Modiri 'The crisis in legal education' (2014) *Acta Academica* 1-24; Mawere "Decolonising Legal Education in South Africa: A Review of African Indigenous Law in the Curriculum" 2020 *Pretoria Student Law Review* 31.

contributed to and reinforced societal inequality.<sup>10</sup> Only from the 1940s to the 1960s were African law students who had the necessary financial means accepted into universities to study the discipline of law.<sup>11</sup> Today, there has been a transformation in the legal education system to consider the principles and values cherished in the South African Constitution.<sup>12</sup> Access to legal education for all the differing demographics of South Africa has since improved to accommodate students from previously disadvantaged groups (through financial aid in the form of NSFAS, scholarships and study loans).<sup>13</sup>

Legal education is, in essence, the study of the law's theory, principles, and practices, a process in which students are taught and trained to become legal professionals. It is an academic qualification (LLB) undertaken by students intending to become admitted legal practitioners or any other law-related profession.<sup>14</sup> The general components of an LLB curriculum include academic study, which is the formal teaching of legal doctrines and principles (constitutional law, labour law, etc),<sup>15</sup> professional ethics, which is the study of how legal practitioners are expected to conduct themselves and the ethics they must uphold,<sup>16</sup> and practical training, which is engaging in simulated proceedings to practice litigation and other legal skills (moot courts, mock trials, etc). Although the practical training component, mainly simulated legal education, is conducted in most institutions of higher learning in South Africa, there is a level of ineffectiveness from this form of practice. This is mainly because simulation in legal education merely replicates or imitates factual legal

10 Whitear-Nel & Freedman "A Historical Review of the Development of the Post-Apartheid South African LLB Degree – With Particular Reference to Legal Ethics" 2015 *Fundamina* 238; Erickson "Experiential Education in the Lecture Hall" 2015 *Northeastern University Law Journal* 87.

11 Madlalate "Legal Education in South Africa: Racialized Globalization, Cries and Contestation" (2022) 160-161.

12 The Constitution of the Republic of South Africa, 1996.

13 Greenbaum "Re-visioning Legal Education in South Africa: Harmonising the Aspirations of Transformative Constitutionalism with the Challenges of our Educational Legacy" 2014 *SSRN Electronic Journal* 5.

14 Turyahabwe Allan Junior "A Paper Addressing the Challenges of Providing Legal Education in Uganda Whilst Recommending Appropriate Actions to Deal with Them" [https://www.academia.edu/79327718/LEGAL\\_EDUCATION\\_IN\\_UGANDA](https://www.academia.edu/79327718/LEGAL_EDUCATION_IN_UGANDA) (accessed 13 December).

15 Quinot "Transformative Legal Education" 2011 *SALJ* 411-412.

16 Stadniezenko "The Importance of Ethics in the Legal Profession (Selected Issues)" 2021 *Biuletyn Stowarzyszenia Absolwentów i Przyjaciół Wydziału Prawa Katolickiego Uniwersytetu Lubelskiego t. XVI* 280.

disputes with perceived desired learning outcomes.<sup>17</sup> Legal scenarios are created, and students are expected to play specific roles (for example, an attorney, a client, a presiding officer, etc) to apply specific legal skills to solve a problem, in which they are assessed on how well they perform.<sup>18</sup> We distinguish between simulation in legal education and experiential learning. We regard the latter as one of the examples of legal education through community engagement. Community engagement involves a reciprocal relationship with communities, often grounded in social justice aims. It positions students not just as learners, but as participants in transformative, often grassroots, processes.

The LLB curriculum should not be primarily focused on producing “workers for the labour market” to the exclusion of other foundational objectives. While equipping graduates with the skills necessary for legal practice and employability is undeniably important, the legal academy also carries the critical responsibility of fostering deep intellectual engagement with jurisprudence and legal theory. A law degree should cultivate critical thinkers, not merely technical practitioners. Theoretical interrogation of law enables students to question, reshape, and advance legal systems rather than operate within them. This is particularly important in jurisdictions facing deep socio-political transformations, where law must serve as a stabilising force and a tool for justice and reform.

Our ideological presumption about the LLB curriculum is that it should be pluralistic and critical. It must balance vocational preparedness with a robust commitment to academic inquiry, social justice, and the transformative potential of law. Legal education should empower students to become competent professionals and reflective, engaged citizens who can contribute meaningfully to the evolution of legal systems and the societies they serve.

In this study, we propose including experiential learning into the LLB curriculum in South Africa. This is because experience at UL has shown that theoretical study and simulation do not expose law students enough to the realities of the legal profession. We further propose that

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17 Leigh, Shepard, Davies & Tipton *A roadmap to simulation in education* 2023.

18 Walker “Characteristics of simulated teaching” 2024 <https://medium.com/@joe012745/characteristics-of-simulated-teaching-49db16948455> (accessed 5 January 2025).

community engaged research teaches students to look at the socio-economic status of the majority of previously marginalised people so that a system can be found and recommended that is committed to finding out the ability and perspective of the people to improve their lives, not theories and studies which end on papers and practicals or ends within the labs and university yards.

### 3 Traditional teaching and experiential learning in law schools

Traditionally, teaching law students did not involve the use of experiential learning.<sup>19</sup> The traditional way of teaching law was to focus on reading, listening to lectures and thinking like a lawyer.<sup>20</sup> People have accepted that law students could learn the skills and values needed to be a practising attorney or advocate from senior lawyers after university training.<sup>21</sup> Experiential learning is conceptualised as a methodology of education “which has a learning impact on the whole person, including feeling (affect) and behaviour, in addition to cognitive stimulation”.<sup>22</sup> Hoover emphasises the “whole-person learning” aspect of experiential learning that “functions integratively, combining the affective and behavioural domains with the cognitive domain always found in educational processes”.<sup>23</sup> According to Porter, the key elements of experiential learning in a law school curriculum are problem-centric teaching and self-learning; live client interaction; supervisor modelling and teaching; skills training; more writing and oral presentations; peer observation (evaluation); increased assessment points; feedback from a lawyer and constructive critique; reflection and journaling; and connections to practice, professional identity and development, and values.<sup>24</sup> We underwrite this approach of whole-person learning in legal education through community engagement.

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19 Porter 79.

20 As above.

21 Porter 80.

22 Hoover “Experiential learning: Conceptualization and definition” 1974 *Developments in Business Simulation and Experiential Learning: Proceedings of the annual ABSEL conference (Vol. 1)* 31; Illeris “What do we actually mean by experiential learning?” 2007 *Human Resource Development Review* 84.

23 Hoover 31.

24 Porter 89.

Apart from aiding in exposing students to the various ways of legal reasoning and training, as well as producing law students that have practical experience and are ready for the labour market,<sup>25</sup> experiential learning through community engagement ensures that members of the communities surrounding the University have increased access to justice, especially when destitute or rural communities still encounter systematic hurdles when needing to access legal services. Through this, the students are given an opportunity to reflect and appreciate the concerns of inequality and poverty.<sup>26</sup>

Postponing the exposure of law students to the first years after their formal legal training is no longer acceptable. The reasons for this are, firstly, the attacks on legal education to be in line with other professional schools, where experiential learning features an integrated curriculum and is part of the profession's culture. In these Schools, empirical evidence supports the view that through practical application, students connect to their profession, skills are transferred more effectively, and assessment and feedback to students improve their learning experience.<sup>27</sup> The second reason legal education should expose law students to practical learning is the changing landscape of the legal services industry, where legal employment opportunities expect potential employees to be taught to practise the law, either as attorneys and advocates or as in all the other jobs available in the legal profession.<sup>28</sup> Hard financial times in the legal profession require experiential learning in legal education.<sup>29</sup>

#### **4 Simulation of legal education compared to experiential legal education through community engagement**

##### **4.1 Simulation in legal education**

Simulation is a standard pedagogic instrument for teaching and learning various legal concepts and principles. It involves the usage of assignments,

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25 Greenbaum "Experiencing the South African Undergraduate Law Curriculum" 2025 *De Jure Law Journal* 111-112.

26 Greenbaum "Access to justice for all: a reality or unfulfilled expectations?" 2020 *ure Law Journal* 249-250.

27 Porter 79.

28 Porter 81.

29 As above.



tasks, and exercises to assess students on realistic or entirely fictional legal scenarios.<sup>30</sup> The rationale for incorporating this teaching and learning method into the law curriculum is that the knowledge of legal theory is as necessary as acquiring practice or advocacy skills.<sup>31</sup> This form of teaching and learning device resembles legal practitioners' work; its essence is to give students a perspective of what legal practitioners do.<sup>32</sup> Simulation's characteristics in legal education include role-playing, functioning in a controlled environment and the focus that students experience.

One of the essential elements of simulation in legal education is role-playing. Role-play is "the act of imitating the character or behaviour of someone different from yourself, for example, as a training exercise".<sup>33</sup> In legal education, fictitious or practical facts are provided to students, who each play the parties' roles in that particular legal dispute (for example, the clients, presiding officers, attorneys, etc).<sup>34</sup> In this instance, this form of teaching and learning is used to aid students in understanding the very complex or subtle aspects of a particular course or even to get them involved or more interested in a particular module theme.<sup>35</sup> Simulation through role-playing has assisted students with communication skills, event interpretation, correcting misunderstandings, developing their realities, and working with their peers.<sup>36</sup>

The most common ways in which simulation in legal education is conducted is through moot courts and mock trials, amongst other methods of practical training. These forms of assessments are conducted

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30 Strevens, Grimes, Phillips "Legal Education: Simulation in Theory and Practice" (2014) 1.

31 Snyder "Teaching Students how to Practice Law: A Simulation Course in Pretrial Practice" 1995 *Journal of Legal Education* 213.

32 Feinman "Simulations: An Introduction" 1995 *Journal of Legal Education* 469.

33 Collins [https://www.collinsdictionary.com/dictionary/english/role-play#google\\_vignette](https://www.collinsdictionary.com/dictionary/english/role-play#google_vignette) (accessed 20 January 2025).

34 Timothy C. Clapper "Role Play and Simulation: Returning to Teaching for Understanding" [https://www.researchgate.net/profile/Timothy-Clapper/publication/234567370\\_Role\\_Play\\_and\\_Simulation\\_Returning\\_to\\_Teaching\\_for\\_Understanding/links/00b4952cb9a268deae000000/Role-Play-and-Simulation-Returning-to-Teaching-for-Understanding.pdf](https://www.researchgate.net/profile/Timothy-Clapper/publication/234567370_Role_Play_and_Simulation_Returning_to_Teaching_for_Understanding/links/00b4952cb9a268deae000000/Role-Play-and-Simulation-Returning-to-Teaching-for-Understanding.pdf) (accessed 20 January 2025).

35 Craciun "Role-playing as a Creative method in Science Education" 2010 *Journal of Science and Arts* 175.

36 Nurhayati, Bahtiar & Hamka "The Influence of Role Playing and Simulation Learning on Critical Thinking Ability and Student Character Building" 2023 *Jurnal Penelitian Pendidikan IPA* 7571.



in a controlled environment.<sup>37</sup> A controlled environment refers to one wherein the instructors are in complete control of the design or realistic or fictional facts given to students, the specific learning outcome that they want the students to achieve, a particular legal concept that they want to assess the students on, as well as the behaviours of the parties (in this case the students) to that particular fictional dispute.<sup>38</sup> While a controlled environment may be advantageous to the instructors, it possesses certain limitations for the students. For instance, a controlled environment means that students would not have the opportunity to face real-world consequences, as they would with experiential learning. In addition, students are not exposed to working on real cases and actual clients. Their work is primarily based on simulated interactions with their peers. Furthermore, a controlled environment focuses on a specific concept, which lacks the unpredictability of dealing with real-life cases.<sup>39</sup>

Simulation in legal education is mainly used to assess students on a specific legal skill or concept. In the context of legal studies, the skills concerned could be how they draft legal or court documents, how they present statements or arguments during moot courts or mock trials, how they negotiate or mediate, or even the strategies they will use to solve a particular realistic or fictional legal dispute.<sup>40</sup>

## **4.2 Experiential learning through community engagement**

Experiential legal education is an essential component of teaching and learning the law. It refers to a teaching theory that relies solely on participation in real-life learning experiences. Unlike relying on lecture room instruction and theoretical study, experiential learning merges theoretical study with real-world legal practice into the LLB curriculum.<sup>41</sup>

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37 Gunnell, Madsen & Foley "Using Simulation to Implement Interprofessional Education" <https://www.myamericannurse.com/wp-content/uploads/2016/11/ant11-Interprofessional-1020-copy.pdf> (accessed 20 January 2025).

38 Walker "Characteristics of Simulated Teaching" <https://medium.com/@joe012745/characteristics-of-simulated-teaching-49db16948455> (accessed 20 January 2025).

39 Advantages and Disadvantages of Simulation <https://www.javatpoint.com/advantages-and-disadvantages-of-simulation> (accessed 20 January 2025).

40 Feinman 470.

41 Edu Wise Globe "Learning from Practice: A Text for Experiential Legal Education" <https://eduwiseglobe.com/2024/12/16/learning-from-practice-a-text-for-experiential-legal-education.html> (accessed 20 January 2025).

The rationale for this type of teaching and learning device is that conventional legal education and training have become inadequate for law students to respond and compete in modern-day practice. There is a need to expose students to the realities of the legal profession and ensure they gain practical experience.<sup>42</sup> Experiential learning provides a variety of advantages that can improve LLB students' training and readiness for the legal profession.

Active learning, in the context of legal education, is a lecture room technique that emphasises how legal knowledge is imparted to students and not necessarily what is being taught in class. It is an approach that ensures students are "actively engaged in learning" and motivates them to think critically.<sup>43</sup> With experiential learning, students can engage with the content they learn in conjunction with real-world experiences, which fosters hands-on experience in problem-solving and critical thinking.<sup>44</sup> Experiential learning aims to assist students in acquiring the necessary skills that will be essential when they begin their legal practice profession. This overarching objective includes gaining skills such as client interaction, legal research, drafting court documents, understanding unequal societal structures, and fostering professional and court ethics.<sup>45</sup>

As mentioned earlier in this chapter, law students are submerged into an experience reflecting legal practice's realities by infusing experiential learning into the LLB curriculum.<sup>46</sup> Students gain first-hand insight into the daily operations and routine of legal practitioners. This includes the admin work and challenges that legal practitioners take on daily. Through

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42 Feinman 469.

43 Cambridge "What is active learning and what are the benefits" <https://www.cambridge.org/us/education/blog/2019/06/25/what-active-learning-and-what-are-benefits/> (accessed 17 January 2025).

44 Flowclass "What is Experiential Learning? Insights into Active Learning methods" <https://flowclass.io/teachers-guide/what-is-experiential-learning-insights-into-active-learning-methods/> (accessed 17 January 2025).

45 Drake "The Need for Experiential Legal Research in Education" 2016 *The Law Library Journal* 520-522.

46 Bar and Bench "Experiential Learning Binds Theory and Practice in Legal Education" <https://www.barandbench.com/apprentice-lawyer/experiential-learning-theory-practice-legal-education#:~:text=Experiential%20learning%20immerses%20students%20in%20practical%20experience%20which,projects%20provide%20a%20hands-on%20learning%20of%20the%20law> (accessed 17 January 2025).

experiential learning, students can know how legal rules are applied and interpreted on a deeper, first-hand level.<sup>47</sup>

This advantage has been at the core of the need to integrate experiential into the LLB curriculum. This is because experiential learning shows the students the relevance of the content they are taught in the classroom.<sup>48</sup> Through experiential learning, students can apply the legal principles and content taught in class to actual access, which develops their understanding of how the law applies in practice. This bridges the gap between theoretical teachings and real-world experiences and allows students to have a competitive edge in the job market (when compared to students who do not have any real-world experience).<sup>49</sup>

The formation of a professional identity necessitates “a change from thinking like a student (where he or she learns and applies routine techniques to solve well-structured problems) toward acceptance and internalisation of responsibility to others (particularly the person served) and for the student’s pre-active development toward excellence as a practitioner at all of the competencies of the profession”.<sup>50</sup> Experiential learning ensures that students practically explore the differing areas of law to help them make a well-substantiated decision on the areas they wish to specialise in.<sup>51</sup> This also allows students to meet and interact with prominent legal practitioners, which is a stepping stone to creating professional connections and networking opportunities which could be valuable for future career prospects.<sup>52</sup>

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47 Federal Bar Association “The Lasting Benefits of Experiential Learning in Law School” <https://www.fedbar.org/blog/the-lasting-benefits-of-experiential-learning-in-law-schools/> (accessed 17 January 2025).

48 Mahapoonyanont & Gudmundsson “Experiential learning for Higher Education Students: Why, What, and How?” at 182. Presented at the ‘8th International Conference in Education and Social Science (ICESS-2023) “New Approaches in Education and Social Science” 4th November 2023 Faculty of Education Thaksin University’.

49 James, Humez & Laufenberg “Using Technology to Structure and Scaffold Real World Experiential Learning in Distance Education” 2020 *Tech Trends* 638.

50 Floyd & Kerew “Marking the Path from Law Student to Lawyer: Using Field Placement Courses to Facilitate the Deliberate Exploration of Professional Identity and Purpose” 2017 *Mercantile Law Review* 775.

51 Brooks “Meeting the Professional Identity in Legal Education Through a Relationship-Centered Experiential Curriculum” 2012 *Baltimore Law Review* 399.

52 Gibbs “Using Experiential Learning to Create an Inclusive Classroom, Promote Equity, and Develop Professional Identity” 2022 *Family Court Rev.* 716.

## 5 Ways to conduct experiential learning in the LLB Curriculum (testimonies from the University of Limpopo)

There is a disjunction between the skills taught in education and those demanded in the labour market. Exploring focused learning through connection, collaboration, and critical reflection can develop students' understanding of legal concepts. We advocate for community engagement in legal education to establish a connection between legal studies and the legal profession.

Community engagement can assist students through experiential learning to empower them with legal knowledge while collaborating with the community. In this way, students are taught multi-dimensional lawyering skills, and a commitment to social justice is installed in them.<sup>53</sup>

Authors like Porter criticise law schools where colleagues involved in experiential learning, such as law clinics, externships, and pro bono opportunities, are tucked away in the isolated parts of the law school.<sup>54</sup> A problem that is experienced is that experiential learning offerings are not a priority in legal education.<sup>55</sup> Many students who graduate do not have the fundamental skills to practice lawyering.<sup>56</sup> At the School of Law, UL, people from law clinics are not tucked away since the Law Clinic is an integral part of the school, represented in School Board Meetings, and well-respected. The Law School also boasts alliances with the Magistrate's Court in Mankweng, situated near the Law School, devoted to a collaborative improvement of students' experiential learning.

To effectively implement the key elements of experiential learning in Law schools and reinvent legal training in a meaningful way is to implement community engaged learning and research with undergraduate students. Experiential approach to legal education requires a teaching approach that emphasises hands-on, realistic learning experiences. It does not solely rely on traditional lecture room instruction and theoretical study but integrates real-world legal practice into the curriculum. The goal is to help students develop and gain practical

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53 Barry, Camp, Johnson & Klein "Teaching social justice lawyering: Systematically including community legal education in law school clinics" 2011 *Clinical Law Review* 401.

54 Porter 83.

55 Porter 85.

56 As above.

experiences and better understand the realities of legal education. Experiential legal education provides a variety of advantages that can improve LLB students' training and readiness for the legal profession.

As mentioned above, experiential learning is a pedagogical approach where doing is central to learning. It places learning as a constant process in which students bring the legal knowledge and practices obtained from classrooms into real-life situations. According to Porter, the key elements of experiential learning in a law school curriculum are problem-centric teaching and self-learning; live client interaction; supervisor modelling and teaching; skills training; more writing and oral presentations; peer observation (evaluation); increased assessment points; feedback from a lawyer and constructive critique; reflection and journaling; and connections to practice, professional identity and development, and values.<sup>57</sup>

Experiential learning in the LLB curriculum can be effectively conducted through various ways (field trips, compulsory legal clinical programmes, internships, etc). However, our study focuses only on experiential learning through community engagement and community engaged legal research.

### 5.1 Experiential learning through community engagement

Facilitators of law courses can partner with profit and or non-profit organisations to provide platforms for students to engage in client-based projects within the community in which the institution is based. These projects should involve doing pro bono/ non-paid and voluntary work to engage with legal disputes affecting members of the local communities.<sup>58</sup> In 2015, the Department of Mercantile and Labour Law (the Department) at UL partnered with the Mankweng Magistrate Court, particularly the Small Claims Court, to establish an alternative dispute resolution program that is aimed at resolving the disputes brought before the Small Claims Court.

This novel project arose from the realisation that although the School of Law offers an Alternative Dispute Resolution elective course to its

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57 Porter 89.

58 K Johnson "Creating experiential learning in the graduate classroom through community engagement" 2013 *American Journal of Business Education* 150.

fourth-year/final-year students, there was a need for the students to apply the theory that they are being taught in class to real-life situations. Before exploring the avenue of real-life exposure, the School of Law embarked on simulated situations to assess the understanding and knowledge of the students. As time progressed, this form of assessment became redundant as students were merely role-playing, and the assessment environment was managed and controlled based on specific dispute resolution concepts. In resolving this redundancy, the Department explored the possibility of assessing students on real-world disputes. During the investigation, the Department was informed of the burdened court roll at the Mankweng Small Claims Court, which prompted its interest in partnering with the court. Today, almost ten years later, the School of Law and the Mankweng Magistrate Court have been serving the Mankweng community by settling the disputes between community members and maintaining the relationships between these members.

The School of Law and the Mankweng Small Claims Court partnership is predominantly based on Court-Annexed Mediation. Students who have enrolled for the Alternative Dispute Resolution module visit the court weekly (every Monday and Wednesday evening) to mediate on matters on the court's roll and have been scheduled to be heard that day. The students are then assessed on how they apply the theory they learned in class to the dispute. Upon successful mediation, the students assist the parties in entering into valid settlement agreements. After that, the students appear before the Small Claims Court Commissioner on behalf of the disputing parties to have the settlement agreement confirmed and made an order of court. Through experiential learning, students learn to interact with people from differing backgrounds. Their learning is enhanced by being required to apply the law to any matter given to them, and they begin to gain the confidence to present matters before the court, all while having a sense of social justice and giving back to the community.

The most common cases the students are exposed to are disputes between stokvel or social club members. These organisations are very popular in the Mankweng area and surrounding villages because the standard of life in these places warrants social support and relief in the event of unfortunate circumstances (for example, death). In one of the cases in 2022, the ladies of the Makotopong Village (near Mankweng) approached the court regarding a dispute wherein one of the social club

members was denied relief after her newborn baby had passed on. The infant concerned was only a month old. The refusal is because their constitution only recognises children three months and above. Meaning that the mother of the newborn, in terms of their constitution, did not qualify to receive monetary relief for her loss. When approached with this case, the students gave the aggrieved mother and the social club representative a chance to explain their sides of the story, as required in mediation. After hearing both sides, the students thoroughly looked through the social club constitution, compared it with the Constitution and law of persons principles, and advised on the illegality of the provision that excludes certain children from protection. Through this process, the parties agreed to provide social relief to the aggrieved party, and a valid settlement agreement was entered into and endorsed by the court. Furthermore, after assisting with settling these disputes, the students (under the assistance and supervision of their facilitators) visited the ladies of Makotopong to assist with reviewing and amending their constitution to align with the country's legal rules. Since the interactions with the ladies of the Makotopong community, the social club concerned has not been to court due to any dispute arising from their founding documents. This is one of the many success stories that have come about from implementing experiential learning through community engagement.

## 5.2 Experiential learning through community engaged legal research

Community engaged research is an umbrella term describing various approaches in community-based participatory research that engage with stakeholders.<sup>59</sup> In community engaged research, community members are equal partners in the research process by selecting priority topics, identifying research questions, and disseminating the publication of findings.<sup>60</sup> Historically, researchers often employed community engaged

59 Luger, Hamilton & True "Measuring community-engaged research contexts, processes, and outcomes: a mapping review" 2020 *The Milbank Quarterly* 493 495.

60 Luger, Hamilton & True (2020) 496; Allen et al "Engaging with communities, engaging with patients: amendment to the NAPCRG 1998 Policy Statement on Responsible Research with Communities" 2017 *Family Practice* 313; Cashman et al "The power and the promise: working with communities to analyze data,



research in health-related studies.<sup>61</sup> We have incorporated it into legal research at the School of Law at UL. To incorporate experiential learning in the LLB curriculum, module facilitators can assign research projects requiring students to work on real legal issues using qualitative research in rural communities near the University. This aims to integrate research, student learning and community priorities.

### 5.2.1 *Illustration by final-year LLB students at the University of Limpopo*

In a previous year, three final-year LLB students each conducted a community engaged research project in the communities where they lived on the following topics: Understanding digital transformation in extension 73 Polokwane: A community perspective; mobile banking experiences of people living in rural Makoko; A critical reflection exploring ways to increase financial inclusion in Kamhlanga: an extended community perspective. The role of the students was to act as bridge builders between the community members and the University.<sup>62</sup> Students could have their ears on the ground and discover the community's feelings. Students' roles were to discover new knowledge and work with the community.<sup>63</sup>

The UL's Rural Development and Innovation Hub (RDIH) assisted the students from April to November of the year that the research was conducted. The role of the Hub was to facilitate community engaged scholarship. They presented workshops on various topics, such as guidelines for doing a literature study, the notion of qualitative research and a qualitative research proposal, how to introduce oneself

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interpret findings, and get to outcomes" 2008 *American Journal of Public Health* 1407; Concannon et al "A new taxonomy for stakeholder engagement in patient-centered outcomes research" 2012 *Journal of General Internal Medicine* 985; Mullins, Abdulhalim & Lavalley "Continuous patient engagement in comparative effectiveness research" 2012 *JAMA* 1587; Shippee et al "Patient and service user engagement in research: a systematic review and synthesized framework" 2015 *Health Expectations* 1151.

61 Mikesell, Bromley & Khodyakov "Ethical community-engaged research: A literature review" 2013 *American Journal of Public Health* e7; Barkin, Schlundt & Smith "Community-engaged research perspectives: then and now" 2013 *Academic Pediatrics* 93.

62 Du Plessis "Engaged Research Programme" (2021) presented by the Rural Development and Innovation Hub at the University of Limpopo 7.

63 Du Plessis 8.

to the community and recruit participants, ethical consent, and ethical engagement practices. They further presented workshops on participatory research data collection methods and basic interviewing techniques by developing semi-structured interview guides, observation guides, and community mapping and participatory data analysis methods. Lastly, they did a workshop on science communication and how research would be translated so that the community could understand and communicate back to the community. This platform is also handy to inform future research opportunities.<sup>64</sup>

In the community engaged research report, the second chapter is often devoted to a thorough literature review on the topic, indicating what was said and done and what was not said and not researched so that it could motivate the study to be undertaken.<sup>65</sup> Following the practical steps in the guideline from the RDIH at UL, students first used keywords to search the topic, then an initial scanning through articles and summarising it with the complete reference, theoretical framework, key findings and gaps or limitations in the study. Then, students would read the most relevant articles and summarise the information and the most recent theories.<sup>66</sup> In the literature reviews of the students, a substantial portion of the literature review was focused on exploring and analysing information related to financial inclusion.

An example of a questionnaire used:

FOR BANKED PARTICIPANTS	FOR UNBANKED PARTICIPANTS
1) Are there enough banks in Kwamhlanga?	1) Did you have a bank account before?
2) Are those banks (if there is any) accessible in terms of distance?	2) Why are you unbanked?
3) Do you utilise any services offered by the bank except for saving? If yes, what are those services?	3) What can any interested third party do to encourage you to open a bank account and use other financial services?
4) What is your experience with Banks?	4) Any comment about the South African Banking system as a whole?

<sup>64</sup> Du Plessis 11-12.

<sup>65</sup> Du Plessis 14.

<sup>66</sup> Du Plessis 16.

5) How do you find bank costs? (i) How can the bank(s) deal with its costs to a point where they generate reasonable profit and as well as being cost friendly to clients?	
6) Any comment about the South African Banking system as a whole?	
7) What are your community members saying about their banking experience in Kwamhlanga?	
8) What type of intervention can the state, private sector or community engaged organisations implement to encourage majority or full bank participation?	
9) If you were to close your bank account, what would be the reason?	
10) Do you think you qualify for a formal bank's loan? Reasons for your perspective?	

Semi-structured interviews were conducted with participants. Each interview tried to come to an understanding of the participant. Later, the contextualisation will be done, and the findings will follow. After the interviews, they had to be transcribed and organised according to themes and subthemes.

The Rural Development and Innovation Hub developed guidelines at UL that students can use to transcribe their semi-structured interviews. Students start by transferring their data to three tables. Students used Table A below to record the information applicable to the transcriptions of the interviews.<sup>67</sup> Table B is a reflection on the interview by the student, with the aim to identify inconsistencies in data and/or information that could be clarified and/or elaborated on in a follow-up interview or focus group discussion.<sup>68</sup> Table C is a technical guide on how to transcribe the data.<sup>69</sup> An example of a transcription follows the table.

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<sup>67</sup> Du Plessis developed this format.

<sup>68</sup> As above.

<sup>69</sup> As above.

<b>TABLE A: PARTICIPANT'S IDENTIFYING DETAILS</b> (a separate cover sheet will be completed for each participant)	
<b>Requirements</b>	<b>Student comments</b>
Participant: I.e., Participant A, B, C, or D	
Name, surname, student number of the person who conducted the interview	
Date of interview	
Duration of interview (Note that a 115-minute conversation usually amounts to +/- 95-110 transcribed lines – Semi-structured interviews are seldom less than an hour which should amount to a minimum of 500 + transcribed lines)	
Place/Village name/ of interview	
Describe the venue i.e. "The interview was conducted in the participant's room. We pre-arranged to meet at a quiet place with the minimum disturbances"	
Transcriber (Should be the student who conducted the interview)	
In what language was the interview conducted, and who translated it? (if translated, the translation must be done by the student who conducted the interview)	

<b>TABLE B: STUDENT'S REFLECTION ON THE INTERVIEW</b>	
<b>Requirements</b>	<b>Student comments</b>
What could you have done differently as the researcher to facilitate a richer discussion?	
What impacted the interview which could influence the truthfulness of the data?	
What data should be followed up on for clarification and/or more descriptive storylines?	

	<b>TABLE C: TECHNICAL GUIDE ON HOW TO TRANSCRIBE THE DATA</b>
1	First, complete the title page (see Section A above)
2	Put in a page break (go to a new page)

3	Activate the automatic line numbering on your computer (Automatic line numbering is very important when you do your data analysis. As you identify themes, sub-themes, categories, and sub-categories each such theme will be supported by direct quotes from participants (with literature control)
4	<p>Activate the automatic line numbering on your computer (Automatic line numbering is very important when you do your data analysis. As you identify themes, sub-themes, categories, and sub-categories each such theme will be supported by direct quotes from participants (with literature control)</p> <p>For the student and supervisor to verify and monitor quotes one needs to find it quickly therefore the automatic line numbering (It will only be omitted in the final report and upon completion of the study)</p>
5	Use words as participant use it (if it will not be clear to the reader insert explanation in brackets and indicate as “Inserted by researcher i.e., Participant: by the time I realised my boyfriend is using (drugs “Inserted by researcher”), you know, I never knew, now I feel guilty ...
6	Indicate when you, as the researcher, asked a question and when the participant responded. See the example below.

### Extract from a transcript:

**Researcher:** Koko ke rena bale ba maloba ba Unibesithi ya Limpopo, re nyaka go tseba ka maitemogelotiriso a lena ka di panka. Gore le a di shomisha di panka naa, le di berekisha go dira eng le gore e tswela mohola naa? (Granny, we are the ones from the University of Limpopo who were here the other day, we want to know about your experiences with banks, if you have one and if they are of good use to you?)

**Participant 1:** Ee, ga gona bothata. Nna ga kena panka ke tshaba go bea tshelete ka pankeng ka gore ge nka pinya tshelete nomoro yaka kgane ga se yona, motho a re wa nthusha, kgane o tshaba ka tshelete yaka that's why bakgekolo a ba sa gola pankeng. Mokgekolo o mongwe o kile a kanama pele ga ka mosimane a re wa mothusha, a sa mothushi a tsea tshelete ya gagwe. (Yes, no problem. I do not use banks because I am scared that if I go to the ATM to withdraw money and I put in the wrong pin and some guy decides to help me only to find that they are actually trying to steal all my money. I once saw an old woman faint in front of me due to a young man claiming to assist her with withdrawing her money only to find that he stole her money)

**Researcher:** Date of birth ya lena e reng? (What is your date of birth?)

**Participant 1:** Mhhmm (shrugs with indication that they do not know)

**Researcher:** Date of birth ya bone ba re ke eng Angie? (Angie what is your grandma's date of birth?)

**Participant 2:** (Grandchild assisting): 15 October

**Researcher:** Koko le akr le rile a lena karata ya panka jwale le reka le reka ka eng, ge le ya dishopong? (Granny as you had said that you do not have a

bank card, what do you use to buy when you are at the stores?)

**Participant 1:** Ke reka ka tshelete. (I buy with cash)

**Researcher:** Okay, le reka ka tshelete. Jwale le e tsea kae? (Okay, you buy in cash, so where do you get the cash?)

**Participant 1:** Tshelete ye? (This money?)

**Researcher:** Ee, le e ntsha kae? (Where do you withdraw it?)

**Participant 1:** Ga ke e ntšhe, ke no gola pheyi ka dula nayo. (I do not withdraw it, I get it from the SASSA pay points and keep it with me.)

**Researcher:** Le gola pheyi e sego posong? (So you get money from the SASSA pay points and not the post office?)

**Participant 1:** Ee (Yes)

**Researcher:** Okay. Peleng a sankha le ba le yona bank account? (Okay. Have you ever owned a bank account before?)

**Participant 1:** Ke nale yeo wena o ntshelago wena tshelete fela. (I have the one in which I only use to receive money)

**Researcher:** le nale yewe nna ke le tshelago ka gare ga yona mara ga le gole ka gare ga yona? (You have the one in which you only use to receive money from other in it, but you do not receive your pension money in it?)

**Participant 1:** Aowa, kamo a ke dumele. (No, there I don't agree)

Merely recording data collected and not doing anything with it has no use. Data needs to be set in order, making it worthwhile or enabling future researchers on the same subject to follow the information quickly. Data collected needs to be processed to a more meaningful idea and relate to theory and establish room for development in the study from the data collected and analysed. Coding is part of data analysis, when you group the data into themes and subthemes. When the data had been transcribed, students had to identify themes from the data collected. The themes that transpired included participants' understanding and experience of financial inclusion, accessibility of banks and distance to banks, bank costs and fees, financial education, lack of employment and mobile devices, and mobile banking.

Findings from these research projects included that mobile banking could be an essential aspect of improving the accessibility of banks for people living in rural areas and ensuring their financial inclusion. Furthermore, it was found that some people are financially excluded because of the lack of access to proper devices. Another finding was that financial exclusion is related to socio-economic injustices and geographical inequality, which requires the whole community, the private sector and the government to mitigate it.

Recommendations made by the students were that people need to receive more knowledge on digital financial services and skills on the

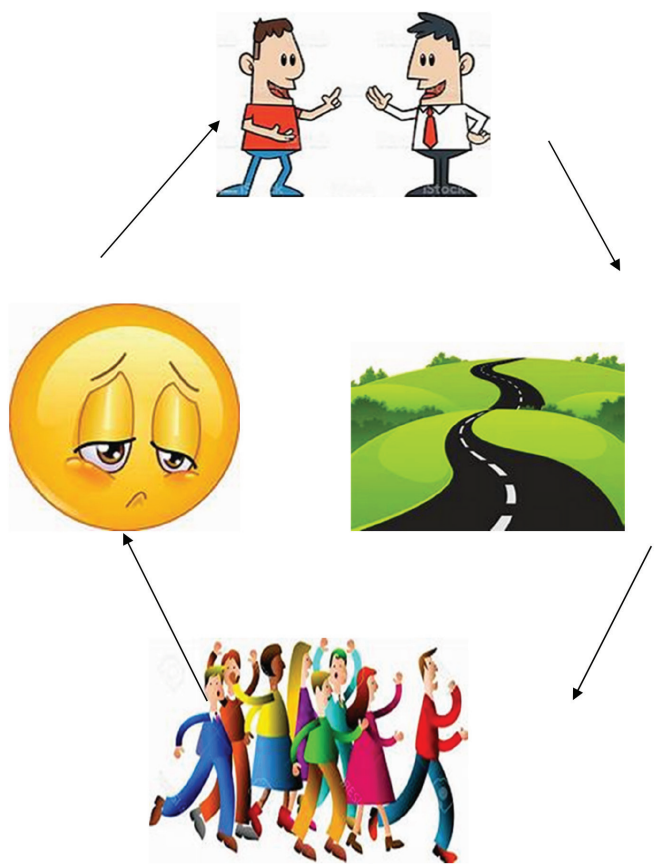
usage of mobile bank applications so that they can be financially included. People need financial education on the safety of online banking services.

### *5.2.2 Science communication*

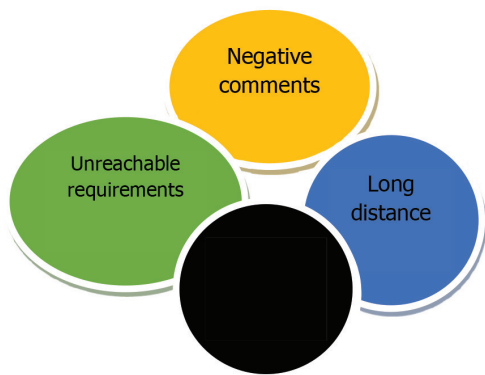
In qualitative research, which seeks to understand others' opinions through community engaged participation, it is crucial to give feedback to the participants in a manner that is equally understandable to all participants. Science communication uses virtual, artistic, audio, or graphical representations of information or data analysis. The data is simplified for everyone in the science communication in a clear virtual manner to cater to all participants, including those who are illiterate (cannot read and write). The contextualisation part of data interpretation has linked the participants' responses with existing literature. Viable solutions were presented to mitigate financial exclusion.

An example of science communication by a student about "The Common Banking Cycle". It depicts the Kwamhlanga banking experience. It starts with the community's negative perspective being passed on to the other community members. The distance one should take before reaching financial institutions. How congested the banks can be and the long queues. Ultimately, it is how they feel after they have undergone all the long queues and roads and are told they do not qualify for loans due to documentation.





**CIRCLE OF COMMON BANK EXPERIENCE**



The study shall be helpful to all interested in financial inclusion and understanding Kwamhlanga residents' perspective in their financial decision-making. What remained essential and worth noting was that financial exclusion is related to socioeconomic injustices and geographical inequality, which requires the whole community, the private sector and the government to mitigate it. Factors that hinder financial inclusion in Kwamhlanga are, to a large extent, the same issues that affect the nation. This calls for a national remedy in a single village even though the data was collected from one village.

### *5.2.3 Feedback from students*

This research method is a form of experiential learning. This can be seen from students' evaluation of the engaged research and an answer to whether such a programme should be voluntary or compulsory. The answer was that it should be compulsory because it brings practical solutions to everyday problems. Another student opined that the programme should be voluntary. The motivation was stated: "I believe that engaged scholarship programmes should be done by students who have a heart for it and are willing to put in the effort required. Students who are forced into something like this will normally partake to get the task done. Their aim won't be to get the best possible results that will benefit the community and open a door for future researchers to develop an issue a particular community faces." A third student said: "I think it should be voluntary because students must recognise the importance of engaging and being involved in engaged research to bring practical realities and experiences of communities into perspective and to bring about solutions."

On a question about their most significant experience participating in the engaged scholarship programme, a student answered: "Engaging with the community. The experience is priceless. I have never done something like this before. Engaging with the community has helped me understand the life experiences of people living in communities that differ from mine. It has helped me see things from a different perspective and be more understanding when it comes to daily decisions."

On a question about what the students learned from the community during their work with them, it was answered that they learned to break the fear of talking to people; not to undermine people based on their external looks, they think better than they look; and that people know

solutions to socio-economic issues even though they do not take a stand to resolve them. They further stated that they learned that things aren't always how they seem to be through your eyes and that people are going through a lot. They mentioned that they learnt and enhanced their interpersonal skills and also learnt that some people go through specific experiences that are not pleasant, and their concerns are not heard or dealt with; that is why engaged research is of paramount importance.

One student said that participation in this programme of engaged scholarship helped him on a personal level to gain specific skills that academics do not give, skills such as interpersonal skills and communication skills, which he believes are the skills required in many workplaces and job descriptions.

## **6 Conclusion**

This chapter shows that community engagement can be a form of experiential learning where participants observe, review, and reflect on their practised theory and connect it to authentic experiences. Experiential learning as a continuous process deepens students' understanding and knowledge of the law. From our practical experience and the literature studied, we recommend implementing experiential learning through community engagement and community engaged research in legal education to establish a connection between legal studies and the legal profession.

Because of the positive effects on students and the community when students are involved in community engagement and community engaged research, we recommend that the curriculum be transformed so that students are assessed on concepts theoretically and practically. We recommend curriculum transformation that creates more opportunities for students to reflect on their curriculum engagement experiences. These reflections should happen both in and out of the classroom.