

Reimagining legal education by engaging law students through innovative learning

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1 Introduction

This chapter reflects on our experience teaching substantive law modules in the LLB undergraduate curriculum, specifically focusing on the Law of Criminal Procedure. Both authors have extensive experience teaching, evaluating, and moderating this module across different tertiary institutions and levels. This shared experience allows us to identify common themes and challenges in teaching criminal procedure, particularly concerning resource limitations, pedagogical approaches, and student engagement.

A key challenge in legal education is the accessibility and suitability of prescribed learning sources. While essential, traditional materials such as textbooks do not always accommodate students' diverse learning styles and personality traits. Furthermore, legal education often occurs in isolated silos, with single-lecturer modules limiting exposure to diverse perspectives. To address these challenges, we propose an innovative approach integrating various sources, enhancing engagement through real-world examples, and fostering collaboration among law teachers. Moving beyond conventional teaching methods can create a more dynamic and inclusive learning environment.

Legal educators must balance theoretical instruction with practical application, which necessitates collaboration with legal practitioners and service sector partners. Embedding practical knowledge into the legal curricula should not be seen as an ancillary objective but as a fundamental component of effective legal education. This chapter

explores how leveraging digital platforms, such as Blackboard, can facilitate the creation of a shared repository of learning materials. Such a repository would enable law teachers across institutions to contribute, store, and access diverse legal content, including recorded lectures, case studies, and procedural demonstrations. This approach ensures a more adaptable and sustainable model for legal education while addressing constraints related to time and resource availability.

Collaboration is key to enriching legal education. While academic resources and instructional time may be limited, fostering partnerships with colleagues across institutions can significantly enhance the quality of teaching materials. Educators can encourage intellectual curiosity and develop more effective teaching methodologies through shared assignments, comparative assessments, and joint pedagogical initiatives. Additionally, recognising the impact of personality traits and conflict resolution styles on legal practice and education can further refine teaching strategies, preparing students for the complexities of the legal profession.

Against this backdrop, the chapter proposes a structured model for collaborative legal education. Apart from the introduction and conclusion, it consists of seven parts. The first part examines resource inequities and limitations in legal education and their impact on student learning. The next part explores how legal education can be enhanced by accommodating diverse learning styles and personality types. The third part discusses the importance of incorporating multiple perspectives and voices in legal education to mitigate the challenges of single-lecturer modules. Part four focuses on bridging the gap between theory and practice through collaborative approaches and practical experiences. Part five provides a practical perspective on fostering a sense of co-ownership in the learning experience. The next part considers the role of personality traits and conflict resolution styles in legal education and practice. The final part outlines a model for building a collaborative repository of diverse learning sources, demonstrating how this initiative can be scaled across multiple institutions to enhance the teaching and learning of substantive law modules.

2 Addressing resource inequities and limitations in legal education for optimal learning

Despite students having preferred learning styles, there are inherent limitations in the resources and module-specific materials available, which can significantly affect the overall effectiveness of their learning experience. The availability of resources is primarily dictated by economic constraints, which in turn influence the quality and accessibility of learning materials. Not all students have equal access to essential tools, such as personal computers or unlimited data plans, that would allow them access to resources anytime and from anywhere. This challenge is especially relevant in a large student body, where many depend on the resources provided by the institution, such as online textbooks, computers in university labs and campus-wide internet access.

From our experience, many students do not purchase the prescribed textbooks. Instead, they only access specific chapters or sections when required to complete assignments or assessments. Furthermore, due to copyright restrictions, institutions often impose limitations on the number of students who can simultaneously access a particular electronic resource, such as an online textbook provided by the library. Students are usually not permitted to download or copy these resources.¹ They are limited to viewing them online, further complicating the effective use of textbooks as primary learning materials. These limitations are seldom accounted for in the planning of curriculum delivery despite their potential impact on student engagement and learning outcomes.²

In the digital age, textbooks are no longer the sole source of information. Digital learning materials, such as instructional videos, podcasts, and voice recordings, are increasingly supplementing traditional

1 At the University of the Free State (UFS), copyright restrictions permit the copying of only 10% of a publication, or one chapter of a book or a single journal article, whichever is less. The Dramatic, Artistic and Literary Rights Organisation (DALRO) enforces this limitation and does not grant clearance beyond this threshold. DALRO is a multi-purpose collective management organisation responsible for licensing copyrighted works, facilitating permissions for reproduction, collecting usage fees, and distributing royalties to copyright holders. See the UFS website at <https://www.ufs.ac.za/library/library-information-services/unlisted-page/home/copyright> (accessed 17 May 2025) and the DALRO website at <https://dalro.co.za/> (accessed 17 May 2025).

2 Further, the references in prescribed textbooks are a selection by the author and do not always account for more apt and recently updated examples.

lectures. However, the creation and selection of these materials are typically within the control of the individual lecturer, who may choose resources aligned with their teaching style. This presents a challenge in ensuring that the material resonates with students' diverse learning preferences. Additionally, the availability of online legal precedents is often skewed towards jurisdictions with readily accessible resources, such as the United States. In contrast, the South African legal system remains underrepresented in these global databases. Consequently, the information provided through digital sources may not always be relevant or presented in a way that is easily comprehensible to all students, especially when the subject matter is complex or specialised.

3 Enhancing legal education by accommodating diverse learning styles and personality types

It is widely recognised that students exhibit diverse learning styles and personality types. In academic settings, considerable emphasis is placed on accommodating these differences through various assessment methods and teaching activities.³ While this approach is valuable, it often overlooks the potential benefits of providing students with more agency over their learning experiences, such as allowing them to choose who introduces a topic, how it is presented, and the materials used to teach it.⁴

The current teaching model frequently fails to account for the significance of students' personality types and learning styles concerning

3 The chapter does not explore learning theories but acknowledges that principles from theories like social learning theory could support the proposed approach by fostering student engagement through peer interaction. See, for example, the work of A Steel, J Laurens & A Huggins 'Class participation as a learning and assessment strategy in law: Facilitating students' engagement, skills development and deep learning' (2013) *University of New South Wales Law Journal* 32. More examples of different learning theories include what H Dawe 'Learning achievement goal theory and teaching students legal problem solving' (2020) *Law Teacher* 249-260 discusses as the 'Learning achievement theory' that is underpinned by the 'mastery goal theory' and the 'performance goal theory.' See also in this regard LM Christensen 'Enhancing law school success: A study of goal orientations, academic achievement and the declining self-efficacy of our law students' (2009) *Law & Psychology Review* 57-92.

4 Examples may vary in source and format, accommodating diverse learning preferences. While some students learn best through reading, others benefit from observing practical applications in courtrooms or video demonstrations.

the subject matter.⁵ By not diversifying the ‘human voices’ and experiences that act as learning facilitators, we miss the opportunity to cater to a broader range of learning preferences. More specifically, this approach limits students’ exposure to instructors with different personalities, which could enhance the learning experience by offering perspectives and teaching styles that may resonate more deeply with individual students.⁶

In the context of legal education, particularly in the study of criminal procedure, it is crucial to acknowledge that personality influences conflict resolution approaches.⁷ Not all individuals resolve conflicts in the same way, and understanding these differences is particularly pertinent when considering the potential impact of various conflict resolution strategies on the outcome of a criminal case.⁸ For instance, there is no obligation on a party to a criminal proceeding to take agency of the result of the case through formal plea negotiations under section 205A of the Criminal Procedure Act 51 of 1977 or by offering a plea explanation under section 115 of the Act. Similarly, the decision to close the defence case without calling witnesses after a failed Section 174 application for discharge

5 I Weinstein ‘Learning and lawyering across personality types’ (2015) *Clinical Law Review* 428-429 argues that legal education should extend beyond abstract reasoning to include an understanding of individual differences and the ‘social and emotional dimensions’ of legal practice. The author argues emphasises the importance of adapting classroom presentations to accommodate diverse personality types rather than focusing solely on the structural organisation of legal concepts. The approach requires law teachers to modify their teaching methods to better align with the varied learning needs of their students.

6 Seasoned practitioners often have invaluable practical experience that, if shared with our students, could spark interest in the specific procedural step of the process, help explain the interpretation and application of a specific section from legislation, or guide how the practice rules should be applied.

7 JK Elek ‘Judicial perspectives on emotion, emotion management, and judicial excellence in the USA’ (2019) *Oñati Socio-Legal Series* 10 underscores the significance of conflict management skills, particularly for judges who must navigate court room conflicts. The author highlights the need for judges to redirect attention from personal matters to the substantive legal issues at hand, requiring heightened social awareness and sensitivity to the emotions of those involved. The approach contrasts with the traditional approach in legal education, which often downplays the role of emotions, especially in courtroom settings.

8 B Cohen ‘Helping students develop a more humanistic philosophy of lawyering’ (2006) *Legal Writing: The Journal of the Legal Writing Institute* 146 critiques the traditional approach to legal education, which emphasises teaching students to ‘think like a lawyer,’ often reinforcing the notion of the lawyer as a ‘gladiator.’ The model, he argues, downplays the role of the lawyer as a collaborative, compassionate, and humanistic problem-solver, counsellor, advisor, or mediator.

illustrates how diverse legal practitioners may assess the strength of the state's case and strategically decide on the best course of action.

Unfortunately, these various options are not adequately illustrated to students in a classroom setting. Ideally, law teachers should incorporate various sources and presentation methods, ensuring that students are exposed to multiple viewpoints and allowing them to engage with different personality types and learning styles.⁹ This raises a critical question of how an individual law teacher's approach to sourcing module content influences what is available to students and how this affects their overall learning experience.¹⁰ By exploring this question, we can better understand the role of the instructor in shaping the student experience and the potential for more inclusive, diverse pedagogical strategies in legal education.

4 Incorporating diverse perspectives and voices in legal education to address the challenges of single-lecturer modules

Limited financial resources at tertiary institutions often result in a single lecturer being assigned to teach an entire module.¹¹ Consequently, students rely on one instructor to impart all the knowledge necessary to master the module, which restricts their exposure to diverse perspectives, sources, and presentation styles. While some universities with large student cohorts may assign multiple lecturers to a module, this remains

9 Although reading is often assumed to be the most effective learning method for students, digital platforms provide innovative opportunities for knowledge transfer through videos, podcasts, and other electronic media. These formats may be more suitable or appealing to students raised in the digital era.

10 I Styles & A Zariski 'Law clinics and the promotion of public interest lawyering' (2001) *Law in Context: Socio-Legal Journal* 66 highlight the significant influence legal education can have on students, particularly in shaping their values, attitudes, beliefs, and behaviour. They argue that legal education often presents a transformative experience that challenges students' self-conceptions, motivations and aspirations, at times leading to feelings of despair, disillusionment and disengagement.

11 To illustrate this point, the authors examined the Criminal Procedure module and used information from the staff pages of various law faculties across South African universities to determine how many lecturers are assigned to teach the module. The findings were as follows: University of the Free State (1), UNISA (3), North-West University (2) University of Stellenbosch (1), University of Johannesburg (1), and University of Cape Town (1). The following institutions were excluded from the analysis as relevant information could not be reliably obtained from their websites: University of Pretoria, Witwatersrand, Nelson Mandela University, Rhodes and University of Western Cape.

an exception rather than the norm. At many South African universities, for instance, the Law of Criminal Procedure is typically taught by a single lecturer who assumes full responsibility for content development and instruction.

The reliance on a single lecturer per module presents several pedagogical challenges, particularly concerning the selection of prescribed sources and how course content is conveyed within a constrained teaching period. To illustrate, a law teacher specialising in a particular area, such as bail proceedings, may, perhaps unconsciously, emphasise that aspect over others, such as post-trial appeal procedures. This inherent subjectivity means that no single lecturer is equally engaged with all thematic components of a module. Consequently, what is emphasised or deemed essential will vary between lecturers, potentially shaping students' understanding of the subject in a non-holistic manner.

It is generally advantageous for law teachers to have practical legal experience in procedural law modules. However, professional legal practice is not a prerequisite for an academic appointment, nor is it always feasible for lecturers to simultaneously engage in practice while fulfilling academic responsibilities.¹² The pressures of research commitments and large student cohorts often preclude academics from actively participating in legal practice, limiting their exposure to evolving practical trends and real-world case dynamics.

As a result, South African law teachers frequently rely on reported court judgments to illustrate criminal procedure rather than drawing on experiential insights gained from court proceedings or client interactions. While valuable, this reliance on case law means that procedural law lectures may become static, with the same illustrative examples being reused year after year. The challenge is continually sourcing and integrating new, relevant, and practice-oriented examples to contextualise theoretical instruction.¹³

12 J Carmichael '[P]lucky Jane et al: Ideal types in the legal academy' (2004) *Legal Education Review* 95 identifies three archetypal law teachers. The first type is the 'early career changer,' an individual who practiced law before entering academia. The second type is the retired judge who, after leaving the bench, dedicates themselves to legal education. The third type is the law teacher who, from the outset, consciously chose academia as a career path.

13 Following this question, how do we showcase practical examples of ethical lawyering within the subject field? See in this regard the work of R Moorhead and others 'The ethical identity of law students' (2016) *International Journal of the*

Ideally, multiple lecturers per module would offer students exposure to diverse perspectives, enhancing their engagement with legal theory and its practical applications. However, this ideal remains largely unattainable given many institutions' economic constraints. Instead, innovative teaching strategies must be explored to incorporate multiple instructional voices within a module.¹⁴ One such approach involves broadening the range of contributors to course content, enabling students to engage with various perspectives on a given topic.¹⁵

The presence of multiple voices in legal instruction could influence students' comprehension of the material and their overall engagement and career aspirations within the field. While we lack empirical data demonstrating a direct correlation between a lecturer's teaching style and a student's enjoyment of the module, anecdotal experience suggests that students' perceptions of a module are often shaped by their interaction with the instructor. Further research into the extent to which the relatability of their lecturers influences students' engagement and attitudes toward legal studies would be valuable.¹⁶

Increasing the diversity of voices in legal education, whether through team teaching, recorded lectures from multiple experts, practitioner contributions, or other innovative pedagogical approaches, has the potential to enrich student learning experiences. By exposing students to numerous interpretations and applications of legal principles, we can

Legal Profession 235-276 on the value of legal education to foster ethical values for law practice.

- 14 It is widely acknowledged that a lecturer's attitude and aptitude significantly influence students' perceptions of a module. The manner in which a module is presented is often shaped by the individual delivering it. In some cases, a student's negative perception of a particular lecturer may lead to disengagement, potentially resulting in a broader disinterest in the module as a whole.
- 15 M Teixeira de Sousa 'The law professor and the therapist: Beyond belonging there's a place (and need) for group solidarity among first generation and low-income students in the law school setting' (2023) *Roger Williams University Law Review* 166 and 173-174 argues that law schools reinforce social hierarchies rather than promote progressive thinking. The author highlights how first-generation students struggle to adapt to unfamiliar social and cultural environments, impacting their academic engagement. Furthermore, law teachers shape classroom discourse, often unintentionally marginalising diverse perspectives. Given time constraints, this is understandable, yet it risks making students feel their identities are minimised.
- 16 In T Massimiliano & P Vines 'Law students' attitudes to education' (2009) *Pointers to Depression in the Legal Academy and the Profession* 7, 'relatedness to others' is identified as a fundamental psychological need essential for wellbeing and a positive life experience, a factor particularly relevant to law students.

create a more dynamic, inclusive, and engaging learning environment that reflects the diversity of perspectives within the legal profession.

5 Bridging the gap between theory and practice through collaborative approaches and practical experience

The constraints of the academic calendar, coupled with module credit allocations, dictate the time available for classroom-based instruction in legal education. These time limitations often necessitate pragmatic decisions about content delivery, sometimes leading to an oversimplified approach prioritising efficiency over depth. This challenge is further compounded by students' varying levels of preparedness, making it difficult to ensure that all learners acquire and internalise the requisite knowledge within the prescribed timeframe.¹⁷

A frequently cited critique of legal education is that much of what practitioners know is acquired through courtroom experience rather than formal instruction. The concern is echoed in ongoing debates about the adequacy of the LLB curriculum in preparing law graduates for the realities of practice.¹⁸ While tertiary institutions often emphasise that legal education extends beyond practical training, leaving aspects of professional preparedness to the legal profession, this argument is cyclical and unlikely to be resolved definitively.

17 See, for example, the work of S Darling-Hammond & K Holmquist 'Creating wise classrooms to empower diverse law students: Lessons in pedagogy from transformative law professors' (2015) *Chicana/o-Latina/o Law Review* 1-90.

18 Criticism from the profession regarding the content of tertiary legal education is not unique to South Africa. Similar concerns have been raised in other jurisdictions, including the United States of America. See, for example, EM Bloom 'Creating desirable difficulties: Strategies for reshaping teaching and learning in the law school classroom' (2018) *University of Detroit Mercy Law Review* 115-152. The author highlights the deficiencies in essential skills that are not adequately developed prior to a law student's entry into law school, specifically identifying analytical, research, critical thinking, and writing skills as underdeveloped. The author further criticises millennial students for prioritising grades over learning, lacking listening and social skills, demonstrating low motivation, and failing to take responsibility for the work necessary to excel as law students and future legal professionals. F Cantatore 'Boosting law graduate employability: Using a pro bono teaching clinic to facilitate experiential learning in commercial law subjects' (2015) *Legal Education Review* 147-172 summarises legal practitioners' perspectives on the value of exposing law students to real-life cases, emphasising that such experiences enhance graduates' practice-readiness. Increased exposure to real clients and legal situations fosters confidence and better prepares students for professional legal practice.

As legal educators, we must continually reflect on how to bridge the divide between theoretical legal knowledge and its practical application. Later in this discussion, we illustrate this gap by providing examples of practical legal reasoning and decision-making that cannot be fully captured in textbooks or reported judgments. These examples underscore the limitations of conventional legal instruction and highlight the need for greater exposure to real-world legal processes.

We argue that the responsibility for producing well-rounded law graduates extends beyond the university classroom. Effective legal education requires collaboration between academia and the legal profession. Law teachers alone cannot fully prepare students for the demands of practice.¹⁹ Engagement with service sector partners, including seasoned practitioners, members of the judiciary, and even court functionaries, is essential.²⁰ These collaborations can enrich legal education, equipping graduates with the skills and insights to navigate complex legal environments.

Legal educators and practitioners are responsible for cultivating a new generation of competent legal professionals. If we, as scholars, embrace the principles of lifelong learning, then it follows that those engaged in legal practice should actively contribute to knowledge generation by sharing their experiences with both students and the academic community. This knowledge exchange can potentially enhance the quality of legal education and, ultimately, legal service delivery. Given South Africa's ongoing challenges in ensuring equitable access to justice, legal education cannot afford to operate in silos.

19 At the UFS, the law student will effectively have to rely on the theoretical instilling of the module content as a once-off opportunity before the student enters practice. Criminal Procedure is only offered in the module LCPR3705 as part of the formal and compulsory selection of modules for the LLB degree. It therefore leaves the responsibility on the lecturer to carefully craft the module content to best suit the need to have a thorough and adequate grounding of the theory that underpins this field of law for legal practice.

20 Styles & Zariski (n 10) 67 highlight the importance of law schools' collaboration with the legal profession in fostering professional identity and acculturation. They describe professional culture as a nexus of knowledge, values, and ideology that shapes individuals' self-perception within a social context. Law schools, as agents of socialisation, play a crucial role in transmitting professional values, particularly for students aspiring to legal practice. Citing Erlanger and Klegon, the authors emphasise that exposure to the profession is essential in reinforcing a commitment to public service, as value transmission is central to the justification of professional prerogatives and significantly influences practitioners' career trajectories.

Creating learning experiences that resonate with students is imperative to foster more profound engagement with legal content. Du Plessis, drawing on the work of John Dewey, highlights that education in its most effective form emerges from reflection on real-life experiences rather than mere rote memorisation of facts.²¹ This aligns with our proposition that legal education should be presented in ways that encourage students to relate to and engage meaningfully with the material. Content delivery tailored to a specific audience can foster a sense of affiliation with the subject matter, enhancing comprehension and enthusiasm for legal study.

The central question is how legal educators can practically incorporate multiple instructional voices without compromising the quality of academic instruction. Given the abovementioned constraints, innovative strategies must be explored to integrate contributions from practitioners and other legal professionals while maintaining rigorous academic standards. This requires a shift in approach that embraces interdisciplinary collaboration, experiential learning opportunities, and a more dynamic engagement between law schools and the broader legal community.

6 A practical perspective on fostering a sense of co-ownership of the learning experience

At the University of the Free State, the Law of Criminal Procedure (LCPR3705) module had 508 students enrolled in 2024, with student numbers exceeding 500 over the past four years. As a year-long module offered in the third year of the LLB program, it presents unique pedagogical challenges, particularly in ensuring meaningful engagement with such a large cohort within the constraints of an already congested academic calendar.

A significant limitation in teaching procedural law stems from the predominance of text-based learning materials over experiential learning opportunities. While students engage with prescribed readings and written case law, they have limited exposure to real-life courtroom proceedings or interactive discussions with legal practitioners.

21 MA du Plessis 'Forty-five years of clinical legal education in South Africa' (2019) *Fundamina* 12.

Furthermore, due to time constraints, procedural law instruction often does not seamlessly integrate theoretical explanations with practical drafting exercises, courtroom advocacy, or live legal problem-solving. Unlike clinical legal education or skills-based courses, procedural modules generally lack structured opportunities for students to draft legal documents, observe court proceedings, or interact with practitioners in real-time settings.

Beyond time constraints, legal academics may also lack access to diverse, practice-oriented materials that could enhance student engagement. Innovative pedagogical methods that can significantly improve student learning and practical engagement include live courtroom observations, practitioner-led workshops, and hands-on opportunities to assist legal counsel in drafting court documents. However, such methods are often difficult to integrate into conventional lecture-based curricula. Module content is predominantly sourced *ex post facto*, meaning students engage with case materials only after a judgment has been delivered and uploaded to a learning repository. Ideally, students should be involved in the real-time legal process, witnessing courtroom advocacy, procedural decision-making, and judicial reasoning as a case unfolds.

6.1 The case study: high court engagement in 2024

An example of an attempt to bridge this theory-practice divide occurred in 2024 when a judge from the Free State Division of the High Court invited UFS students in the Law of Criminal Procedure module to attend proceedings in a criminal trial. This opportunity, while invaluable, highlighted several significant logistical and structural challenges.

The first challenge was transport and accessibility. Facilitating student attendance at court sessions required coordination, mainly since most courtrooms have limited gallery space. Next was overcoming academic scheduling conflicts. Attending court proceedings necessitated time away from scheduled lectures, potentially disrupting other modules in the curriculum.

The final challenge surrounded the duration of the proceedings. While some trials, particularly those with a limited number of witnesses, may conclude within a short period (as was the case in 2024, where the defence successfully applied for a section 174 discharge, concluding the matter within a week), many trials extend over several weeks or months, making sustained student participation impractical.

Despite these challenges, the educational benefits of such experiences are undeniable. Observing courtroom dynamics firsthand allows students to appreciate the human element in criminal litigation – something written judgments cannot fully capture.²² For example, an accused, often portrayed as a faceless entity in legal texts, takes on a starkly different human dimension when seen in person, shackled in chains commonly used for industrial purposes.²³ Such observations' emotional and psychological impact deepens students' understanding of procedural fairness, judicial discretion, and the broader socio-legal context of criminal trials.

6.2 Innovative approaches to simulated courtroom learning

Given the practical difficulties of ensuring all students can attend live court proceedings, how can legal educators replicate the courtroom experience within academic settings? We propose enhancing criminal procedure education through structured, reusable, practical materials that capture real-world legal processes. There are several possible strategies for accomplishing this.

The first strategy involves recording and documenting courtroom proceedings (where permissible) and incorporating them into a digital case repository accessible for future cohorts of students to ensure

22 It is recognised that various effective approaches exist for cultivating the social skills essential to a law graduate's professional development. A Francis and I McDonald 'After dark and out in the cold: Part-time law students and the myth of equivalency' (2009) *Journal of Law and Society* 238 highlight various experiences that contribute to the development of the social and cultural skills essential for legal practice. Among these, they emphasise the importance of providing students with opportunities to engage with legal professionals and participate in mootings exercises.

23 Stigmatising a perceived offender is not uncommon. Goffman, as quoted by WR Calaway, T Callais & R Lightner 'Going to prison: The effect of a prison tour on students' attitudes toward punitiveness' (2016) *Journal of Criminal Justice Education* 433 argues that those with a stigma are often viewed as less than human, leading to discriminatory practices that diminish their life chances. The stigma is framed within an ideology that justifies their perceived inferiority and the threat they pose, often rationalising animosity based on social class or other differences. Calaway, Callais & Lightner further explain that increased contact with stigmatised individuals, such as through prison visits with students, can reduce prejudices toward the stigmatised group. They argue that greater exposure fosters a sense of safety and openness, encouraging more constructive thinking, an outcome that is often not evident during initial encounters with individuals who are typically stigmatised.

continuity in experiential learning.²⁴ Further, students must be provided with comprehensive case files, including charge sheets, trial transcripts, legal arguments, and judgments, allowing them to engage with cases as if they were practitioners. This strategy fosters critical thinking, strengthens legal reasoning skills, and bridges the gap between academic study and practical application in criminal procedure.

The second strategy involves partnering with the judiciary and legal practitioners to facilitate live-streamed hearings or virtual court visits to allow students to observe real-time litigation without the logistical constraints of physical court attendance. This approach allows for a more inclusive and immersive learning experience. Additionally, integrating recorded legal arguments and trial advocacy demonstrations into the curriculum provides students with practical exposure to litigation strategies, procedural intricacies, and courtroom dynamics.

Next, incorporating experiential learning into legal education can be enhanced by hosting guest lectures featuring judges, prosecutors, and defence attorneys who share real case experiences and procedural challenges. These engagements provide students with valuable insights into the complexities of legal practice. Additionally, developing simulation-based learning exercises where students assume the roles of different legal actors in a trial setting fosters critical thinking, procedural awareness, and advocacy skills. Moreover, by actively engaging in these exercises, students gain a deeper understanding of courtroom dynamics, strategic decision-making, and the procedural nuances that shape legal outcomes.

Locational constraints pose a significant challenge in legal education, particularly in ensuring student access to high-profile legal proceedings in, for example, the Supreme Court of Appeal and the Constitutional Court, which are geographically inaccessible to most students. Therefore, the last strategy requires universities to explore innovative ways to broaden access, including using digital resources and strategic

24 It is well established that a court has the discretion to permit the recording and broadcasting of proceedings. The leading case on the guidelines for audio and televised broadcasting is *Van Breda v Media 24 Limited* 2017 (2) SACR 491 (SCA). Although the application in this case concerned a general media outlet, we contend that a court could similarly consider applications made for academic purposes. The court emphasised that such applications should be assessed on a case-by-case basis. There appears to be no general limitation or restriction regarding the purpose for which the recording or broadcast is requested.

partnerships with judicial bodies. By leveraging live-streamed hearings, recorded case proceedings, and virtual court visits, students can engage meaningfully with landmark and appellate litigation, regardless of physical location.

While providing every criminal procedure student with direct courtroom exposure may not be feasible, legal education must evolve to incorporate more dynamic and practice-oriented learning methods. By sourcing and preserving practical legal examples, integrating digital courtroom experiences, and fostering stronger collaborations with legal practitioners, law faculties can bridge the gap between theoretical instruction and the realities of legal practice. In doing so, we enrich students' understanding of procedural law and better prepare them for the demands of legal practice and the pursuit of justice in South Africa.

7 Exploring the influence of personality and conflict resolution styles in legal practice and education

In his seminal work on litigation techniques, Morris²⁵ analyses how personality influences strategic decision-making and case outcomes. He introduces this topic as follows:

From the moment the client walks into your office, if you are at the Side-Bar, or from the moment that a brief is laid upon your desk you are engaged in an algebraic exercise with two unknown factors. Somewhat metaphorically, your problem can be stated as being to equate the one unknown factor (the opposition) to zero and to equate the other unknown factor (the tribunal) to the facts of your case... However, before you become concerned with practical matters there is the question of self-orientation to each new case as it presents itself and as it develops. This question pervades the whole life of any lawsuit because litigation is, perhaps, even more personalised than the practice of medicine. There is not only the personality or idiosyncrasy of the patient or client but also that of the practitioner. There is no question of standardised procedure because of the constant influence of the two unknown factors I have mentioned. If I may adopt a new simile I would say that, rather than being a river that flows in a predetermined channel (as with medical treatment in large degree), litigation is too like the lightning, whose path is affected by magnetic fields or ionised particles in the atmosphere. The magnetic field is the Bench, whose presence and personality must of necessity influence the course of every proceeding. The ionised particles form or constitute the opposition, and, like the ionised particles of physics, they are in a constant state of agitation, bombarding every atom of which your case is composed. Therefore,

25 E Morris *Technique in Litigation* 3rd ed (1969).

you, the practitioner, must learn how to approach your cases subjectively as well as objectively and from this you will develop your own power of influencing the course of the lightning.²⁶

In court, whether as an onlooker or through reported case law, what is observed is merely a distilled version of the legal process – an outcome shaped by extensive legal reasoning, drafting, and argumentation. Reported judgments reduce complex procedural and substantive legal matters to written summaries, often obscuring the nuanced strategies and decision-making processes that shape litigation outcomes.

Each legal practitioner develops a distinct style of drafting and argumentation, which becomes apparent only when one has direct access to legal documents and courtroom proceedings. However, legal education often neglects the development of what is commonly called ‘good judgment’ – the ability to assess situations holistically and make sound procedural and strategic decisions.²⁷ This gap in legal education is particularly evident in procedural law courses, such as the Law of Criminal Procedure, where theoretical instruction does not always reflect the diverse approaches practitioners take in resolving legal disputes.

A critical component missing from legal education is the systematic integration of social and interpersonal skills, which have been widely recognised as essential for effective legal practice since the 1990s.²⁸ Legal

26 Morris (n 25) 11.

27 Elek (n 7) 4. The author explores the concept of ‘judicial excellence’ and argues that, broadly speaking, ‘soft skills’ such as managing emotions and interpersonal skills, should not be underestimated in contributing to sound legal decision-making.

28 The American Bar Association Section of Legal Education and Admissions to the Bar ‘Legal education and professional development – an educational continuum: Report of the Task Force on law schools and the profession: narrowing the gap’ (1992), commonly known as the MacCrate Report, outlines the skills and values that lawyers should possess and advocates for their integration into law school curricula. See the discussion in A Carrel ‘Legal intelligence through artificial intelligence requires emotional intelligence: A new competency model for the 21st century legal professional’ (2019) *Georgia State University Law Review* 1170–1171. Fifteen years after the MacCrate Report, the Carnegie Report emphasised the need for ethical and social skills in law school curricula. Building on these reports, MM Shultz & S Zedeck ‘Predicting lawyer effectiveness: Broadening the basis for law school admission decisions’ (2011) *Law & Social Inquiry* 620–661 stressed the importance of professional effectiveness over academic performance, focusing on innovation, problem-solving, legal advice, professionalism and self-development. However, Carrel (1173–1174), argues that law schools still neglect emotional intelligence and behavioural skills, focusing instead on teaching students ‘how to think like a lawyer.’

practitioners differ in their approaches to conflict resolution, and these variations influence litigation strategies and case outcomes.²⁹ However, these differences are not adequately represented in the theoretical instruction provided in law curricula. Students must be exposed to various conflict resolution styles, allowing them to understand the impact of procedural decisions on the criminal trial process.

The challenge, then, is how to effectively teach legal communication, critical thinking, and argumentation in a manner that incorporates diverse perspectives and practical insights. Magaiza³⁰ reminds us that knowledge production is no longer the exclusive domain of university-based specialists. Knowledge has been democratised in an increasingly globalised world, and learning is evolving into a collaborative, interdisciplinary endeavour. As Kraak³¹ describes, knowledge production is no longer confined to traditional academic structures but is instead characterised by transdisciplinary, trans-institutional, and heterogeneous problem-solving approaches.

8 Building a collaborative repository of diverse learning sources for enhanced legal education

A fundamental responsibility of legal educators is to continuously update module content to reflect the latest developments in the field. This entails identifying new case law, legislative amendments, and theoretical advancements to ensure that course materials remain relevant

29 One often overlooked aspect of legal education is the role of emotions in the decision-making process. Should the ideal legal practitioner be seen as an emotionally neutral participant with the legal system? TA Maroney 'The emotionally intelligent judge: A new (and realistic) ideal' (2013) *Court Review: The Journal of the American Judges Association* 100-113 challenges the myth that judges must be dispassionate and that decisions should be entirely rational. She uses judicial discretion to illustrate Benjamin Cardozo's 1921 assertion that 'deep below consciousness are other forces,' such as instincts, emotions, and biases, that influence both litigants and judges. Maroney emphasises the importance of the 'affective sciences' in understanding how emotions impact decision-making, advocating for interdisciplinary insights. She concludes that modern research shows emotion and reason are intertwined, with reason being incomplete without emotion.

30 G Magaiza 'Community-engaged scholarship as pedagogy of possibility and knowledge enablement' in M Erasmus & R Albertyn (eds) *Knowledge as enablement – engagement between higher education and the third sector in South Africa* (2014).

31 Magaiza (n 30) 69.

and comprehensive. However, the rapid evolution of legal principles and procedural developments poses a challenge, as individual lecturers may struggle to keep pace with all emerging trends in their respective subject areas. Furthermore, the effective delivery of legal education requires diverse sources and pedagogical approaches to accommodate students' varied learning styles and preferences. The question is how law teachers can expand the range of learning resources without placing an excessive and often impractical burden on individual lecturers to develop new material annually.

One solution lies in fostering a collaborative approach to legal education by establishing a shared repository of subject content, drawing contributions from multiple institutions and legal professionals. Such a repository could house diverse learning materials, including pre-recorded guest lectures, practitioner insights, and thematic discussions tailored to specific areas of law. For instance, rather than inviting a guest lecturer to present the same discussion annually, institutions could record and store these lectures as podcasts or video presentations, making them accessible to future student cohorts. Similarly, law teachers could curate a collection of academic lectures on common themes within modules such as Criminal Procedure, where pre-trial, trial and post-trial procedures form the core structure of the subject. The repository would allow students to engage with multiple perspectives on a given topic by systematically compiling lectures from different institutions, fostering a richer understanding of legal principles and practice.

Participating in this collaborative model would not compromise the autonomy of individual educators or institutions. Each law teacher would retain responsibility for their modules while benefitting from a broader selection of supplementary teaching materials. The initiative would be particularly valuable for integrating diverse perspectives into legal education, addressing the reality that different students resonate with varying teaching styles. For example, a student may find a recorded lecture from a professor at another institution more accessible or insightful than the prescribed textbook discussion. They could select the materials that align best with their learning preferences by providing

students access to a curated selection of resources, ranging from academic articles to recorded lectures and case discussions.³²

Beyond lectures and discussions, collaboration could extend to drafting assignments and assessments on specific legal themes. Shared assignment frameworks would reduce the workload on individual lecturers and create opportunities to benchmark student performance across institutions. By incorporating established pedagogical frameworks such as Bloom's Taxonomy, educators could ensure that assessment methods remain aligned with appropriate learning outcomes and academic standards.

Ultimately, creating a shared repository of legal education resources represents a pragmatic and innovative approach to addressing the challenges posed by evolving legal curricula, diverse student learning needs, and the increasing demand for dynamic, practice-oriented legal education. Through cross-institutional collaboration and integrating multiple voices in legal instruction, this model can enrich the quality of legal education while simultaneously easing the administrative and pedagogical burdens on individual lecturers.

Implementing a collaborative legal education repository across institutions presents numerous challenges that must be addressed to ensure its long-term success and sustainability. These challenges can be broadly categorised into technological, administrative and financial challenges.

One of the primary technological challenges lies in ensuring interoperability between participating institutions' diverse learning management systems (LMS). These systems differ significantly in technical frameworks, hindering seamless integration with a shared repository platform. Furthermore, the repository must guarantee robust security and data-privacy measures, especially concerning student information and intellectual property rights. Given the dynamic nature of the legal field, the repository will require regular updates to incorporate new case law, legislative developments, and theoretical advancements,

32 Judge B, a member of the faculty board, could contribute directly to knowledge generation by sharing her most recent judgment on a case she presided over. She could engage in a brief discussion with lecturer H, who would record and upload the conversation to the designated online repository. Lecturer S could then review the discussion, provide commentary, and facilitate a joint classroom session, allowing students from various institutions to participate in the conversation.

thereby necessitating continuous technical support and infrastructure. Additionally, the repository must support reliable access to multimedia content, such as podcasts and video lectures, which demands adequate bandwidth, storage capacity and user-friendly interfaces for contributors and students.

Effective coordination of contributions and content curations across institutions is essential on the administrative front. This requires establishing a clear governance structure, defined roles and responsibilities, and consistent quality assurance protocols. Institutions must also agree on procedures for content approval, attribution and intellectual property management to ensure that contributors are appropriately credited and that all materials meet academic standards. A deliberate balance must be maintained between institutional autonomy and inter-institutional collaboration to ensure that participation in the repository does not compromise the curricular independence of individual educators or faculties. Moreover, mechanisms must be implemented to manage ongoing collaboration, including scheduling content updates, resolving disputes, and incorporating feedback from diverse academic stakeholders.

The financial implications of developing and maintaining such a repository are considerable. Significant upfront investment is required for platform development, staff training, and potential licensing fees for proprietary software or content. Beyond initial deployment, ongoing costs will be related to technical support, infrastructure maintenance, and periodic system upgrades. Developing an equitable funding model is also critical, as participating institutions may vary widely in their financial capacities and strategic priorities. Finally, the repository's success depends on sustained contributions from educators and legal professionals, which may necessitate providing incentives such as financial compensation or formal recognition.

In light of these considerations, the successful implementation of a collaborative legal education repository will require thoughtful planning, strong governance, and the establishment of sustainable funding mechanisms that promote equitable participation and long-term viability.

9 Evaluating the effectiveness of the collaborative repository

Various methods can be employed to evaluate the proposed collaborative repository's effectiveness to understand how students interact with and benefit from the repository and how it can be improved. Collecting student feedback includes online surveys, structured interviews, focus groups, and tracking empirical data such as access frequency, duration of use, and resource selection patterns. Individual students' performance can be measured through progression tracking, allowing lecturers to assess how the repository supports their academic development. Through the systematic collection and analysis of student feedback and empirical data, institutions can ensure that their collaborative repositories remain relevant, engaging, and pedagogically robust.

10 Conclusion

Our approach differs from traditional legal education in advocating for active collaboration with practitioners, service sector partners, and legal educators across institutions. Rather than relying solely on prescribed materials and conventional lecture methods, we suggest a more interactive and dynamic framework that integrates diverse learning sources and methodologies.

The motivation for this shift is to accommodate different teaching and learning styles and encourage legal educators to incorporate a broader range of learning resources, particularly interactive and practice-oriented materials. While legal education has traditionally focused on theoretical foundations, fostering a culture of agency and lifelong learning among students is equally critical. Law teachers cannot comprehensively cover every aspect of a subject or its practical complexities. However, exposing students to diverse perspectives and real-world applications can enhance engagement and interest, particularly for those who may not have initially been drawn to specific topics.

By incorporating a broader spectrum of resources, legal education can become more inclusive and adaptive to students' varied learning styles and cognitive approaches. Multiple examples of the same legal concept, presented in different formats, deepen understanding and provide a more nuanced interpretation of legal principles. This approach is a teaching aid and a method for equipping students with the analytical and problem-solving skills necessary for legal practice.

While graduates may develop critical thinking and adaptability through professional experience, there are no standardised metrics to determine when a legal practitioner has reached the expertise required to apply diverse perspectives to problem-solving effectively. Legal education should, therefore, take proactive steps in fostering these skills early in a student's academic journey. The collaborative model we propose, where educators share resources, engage in interdisciplinary dialogue, and create communal repositories of learning materials, offers a sustainable and scalable solution to these challenges.

Ultimately, rethinking legal education through collaboration, diverse learning resources, and practical engagement will better equip students to navigate the complexities of legal practice. By fostering intellectual curiosity, adaptability, and a commitment to lifelong learning, this model enhances student understanding and strengthens the quality of legal education.