

# Introduction

## 1.1 Introduction

We live in an ever-changing world, and it appears that change confronts and affects every aspect of our lives. Furthermore, the velocity, extent and complexity of change continue to increase, and there is no sign of this process relenting. Inevitable changes in the twenty-first century confirm the wise words of the Greek philosopher, Heraclitus of Ephesus, 500 years before the start of the Common Era: ‘Life is flux’. This means that we can be confident about only one constant in life: change will occur.<sup>1</sup>

Higher education is no stranger to change and certainly has not been immune to it. Higher education worldwide has recently been subjected to considerable pressure for change. Due to the accelerated pace of change within higher education,<sup>2</sup> it has become increasingly difficult for higher education institutions to fulfil their developmental role of delivering qualified graduates, producing new knowledge and addressing the complex challenges confronting societies.<sup>3</sup>

Legal education has not been excluded from these demands for change. Scholars worldwide have reported on the crisis threatening legal education over recent years.<sup>4</sup> Authors, specifically in the United States

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1 DW Graham ‘Heraclitus’ in EN Zalta & U Nodelman (eds) *The Stanford encyclopedia of philosophy* (2023), <https://plato.stanford.edu/archives/win2023/entries/heraclitus/> (accessed 29 November 2024).

2 PwC ‘The state of higher education: Challenges and opportunities in 2024’ (2024), <https://www.pwc.com/us/en/industries/health-industries/library/higher-education-perspectives.html> (accessed 31 July 2024).

3 N Cloete and others ‘The South African higher education system: Performance and policy’ (2014) 39 *Studies in Higher Education* 1.

4 RL Abel ‘You never want a serious crisis to go to waste: Reflections on the reform of legal education in the US, UK, and Australia’ (2015) 22 *International Journal of the Legal Profession* 3; D Yellen ‘Post-crisis legal education: Some premature thoughts’ (2016) 66 *Syracuse Law Review* 523; HP Baxter ‘At a crossroads: Where the indigent defence crisis and the legal education crisis intersect’ (2016) 18 *Berkeley Journal of African-American Law and Policy* 25; WM Treanor and others ‘The crisis in legal education’ (2016) 69 *Bulletin of the American Academy of Arts and Sciences* 9; M Tanaka ‘Japanese law schools in crisis: A study on the employability

of America,<sup>5</sup> the United Kingdom<sup>6</sup> and Russia,<sup>7</sup> do not equivocate that legal education needs to change.

Legal education in South Africa has not escaped the call for change.<sup>8</sup> Since the introduction of the South African four-year Bachelor of Laws (LLB) in 1998,<sup>9</sup> legal education has been subjected to fierce critique by the judiciary,<sup>10</sup> legal practitioners,<sup>11</sup> representatives of the Law Society of

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- of law school graduates' (2016) 3 *Asian Journal of Legal Education* 38; D Maleshin 'The crisis of Russian legal education in comparative perspective' (2017) 2 *Journal of Legal Education* 289; MN Kireev 'Foundational nature of morality within the value system of legal culture' (2019) 6 *Dilemas Contemporáneos: Educación, Política y Valores* 57; RF Moran 'The three ages of modern American lawyering and the current crisis in the legal profession and legal education' (2019) 58 *Santa Clara Law Review* 45; J Simard 'The recurrent current crisis in legal education' (2020) 56 *Willamette Law Review* 407; DM Vollweiler 'If you can't beat 'em, join 'em (virtually): Institutionally managing law students as consumers in a COVID world' (2020) 41 *Pace Law Review* 57; M Saula 'Crisis-induced innovation in US legal education' (2020) 69 *Journal of Legal Education* 689.
- 5 E Darian-Smith 'The crisis in legal education: Embracing ethnographic approaches to law' (2016) 7 *Transnational Legal Theory* 199; Yellen (n 4); Baxter (n 4); Treanor and others (n 4); M Minow 'Marking 200 years of legal education: Traditions of change, reasoned debate, and finding differences and commonalities' (2017) 130 *Harvard Law Review* 2279; E Wald 'The contextual problem of law schools' (2018) 32 *Notre Dame Journal of Law, Ethics and Public Policy* 281; NA Mirkay & PJ Strand 'Disruptive leadership in legal education' (2019) 130 *Richmond Public Interest Law Review* 366; Moran (n 4); Saula (n 4); Simard (n 4); Vollweiler (n 4); HK Gerken 'Will legal education change post-2020?' (2021) 119 *Michigan Law Review* 1059.
  - 6 J Webb and others 'The future of legal services education and training regulation in England and Wales' (2013), <https://letr.org.uk/wp-content/uploads/LETR-Report.pdf> (accessed 11 August 2024); J Ching and others 'Legal education and training review: A five-year retro/prospective' (2018) 52 *The Law Teacher* 384.
  - 7 Maleshin (n 4); Kireev (n 4).
  - 8 P Andrews 'Race, inclusiveness and transformation of legal education in South Africa' in R Dixon & T Roux (eds) *Constitutional triumphs, constitutional disappointments: A critical assessment of the 1996 South African Constitution's local and international influence* (2018) 25.
  - 9 See part 2.3.1.
  - 10 P Mojapelo 'Transformation, independence and poor "products" of the LLB' (2012) 525 *De Rebus* 56; LO Bosielo 'Crisis in legal education' 29 May 2013, <http://www.lssa.org.za/upload/Report%20on%20LLB%20Summit%2029%20May%202013amended.pdf> (accessed 15 May 2015); P Anetos 'Judge Ngoepe calls for "genuine" postgraduate LLB degree to make comeback' 14 August 2014, <http://www.bdlive.co.za/national/law/2014/08/15/judge-ngoepe-calls-for-genuine-postgraduate-llbdegree-to-make-comeback?service=print> (accessed 10 May 2015); D Davis 'Legal transformation and legal education: Congruence or conflict?' (2015) *Acta Juridica* 172.
  - 11 A Klaasen 'From theoretician to practitioner: Can legal education equip students with the essential professional skills needed in practice?' (2012) 19 *International Journal of Humanities and Social Science* 301; Professional Provident Society 'SA attorneys lose confidence in their profession: Survey' 4 October 2012, <https://>

South Africa and the General Council of the Bar<sup>12</sup> and law academics.<sup>13</sup> The critique culminated in the National Review of the LLB undertaken by the Higher Education Quality Committee (HEQC) of the Council on Higher Education (CHE) from 2015 to 2018.<sup>14</sup> The chronology in the annexure to this book arranges the events relevant to this book in the order of their occurrence.

In November 2018, the findings of the National Review of the LLB were published in ‘The state of the provision of the Bachelor of Laws (LLB) qualification in South Africa’ (‘Report on the National Review of LLB’).<sup>15</sup> The Report suggested ‘wide-ranging curriculum reform’ and stated that ‘it is doubtful whether the four-year first degree LLB programme is “fit-

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[www.pps.co.za/portal/docs/PR/Attorneys%20PCI%20\(Q3\)%20survey%20-%202017%20Jan%20202013.pdf](http://www.pps.co.za/portal/docs/PR/Attorneys%20PCI%20(Q3)%20survey%20-%202017%20Jan%20202013.pdf) (accessed 14 May 2015); A Pantazis ‘The LLB’ (2013) 26 *Advocate* 22; C van Niekerk ‘The four-year undergraduate LLB: Where to from here?’ (2013) 34 *Obiter* 533.

- 12 P van der Merwe ‘The trouble with LLB graduates’ (2007) 492 *De Rebus* 2; A Ndlovo ‘Law graduates “barely able to read”’ 23 February 2010, <http://www.timeslive.co.za/local/010/02/22/lawgraduates-barely-able-to-read?service=print> (accessed 8 May 2015); N Swart ‘Faculties have to address quality of training, which places a huge burden on the profession’ 23 December 2010, <http://mg.co.za/article/2010-12-23-graduate-attorney-skills-gap> Graduateattorneyskillsgap (accessed 30 November 2022); N Manyathi ‘South Africa LLB under investigation’ (2010) 530 *De Rebus* 8; N Jenvey ‘South Africa: Low-skilled lawyers prompt calls for law degree reform’ 15 June 2013, <http://www.universityworldnews.com/article.php?story=0130631558129258&mode=print> (accessed 30 November 2022); Law Society of South Africa ‘LSSA calls on CHE to consult the legal profession on issues related to the LLB degree’ 24 April 2017, <https://www.lssa.org.za/press-releases/lssa-calls-on-council-on-higher-education-to-consult-the-legal-profession-on-issues-related-to-the-llb-degree-2/> (accessed 14 November 2022).

- 13 S Scott ‘Knowledge production and transmission in a changing society: Challenges facing law lecturers in a distance education environment in South Africa’ (2006) 20 *South African Journal on Higher Education* 731; L Greenbaum ‘Current issues in legal education: A comparative review’ (2012) 23 *Stellenbosch Law Review* 17; K van Marle & J Modiri ‘What does changing the world entail? Law, critique and legal education in the time of post-apartheid’ (2012) 129 *South African Law Journal* 212; J Modiri ‘The crises in legal education’ (2014) 46 *Acta Academica* 1; A Bauling ‘Towards a sound pedagogy in law: A constitutionally informed dissertation as capstone course in the LLB degree programme’ (2017) 20 *Potchefstroom Electronic Law Journal* 3; D Colgan and others ‘Change to a skills-based LLB Curriculum: A qualitative study of participants in a family law course’ (2017) 20 *Potchefstroom Electronic Law Journal* 3.

- 14 CHE ‘The state of the provision of the Bachelor of Laws (LLB) qualification in South Africa’ (2018), <https://www.che.ac.za/publications/reports/state-provision-bachelor-laws-llb-qualification-south-africa> (accessed 15 September 2024). Also see part 2.3.2.

- 15 As above.

for-purpose”.<sup>16</sup> It proposed that the Department of Higher Education and Training, in consultation with all relevant stakeholders, extend the minimum duration of the LLB by an additional year.<sup>17</sup> The proposal was based on the complexity of the work that should be covered, the inability to develop the required graduate attributes in only four years,<sup>18</sup> and cohort studies indicating that students’ graduation rates improved if they had studied longer than the minimum four-year period.<sup>19</sup> Should it be decided to extend the LLB by one year, all universities offering a four-year LLB will have to engage in comprehensive curriculum change by developing new five-year LLB curricula as a minimum requirement.

One may argue that some institutions, in an attempt to retain their accreditation at the HEQC, may have introduced short-term and minor knee-jerk changes to their LLB programme to comply with the requirements of the Higher Education Qualifications Sub-Framework (HEQSF),<sup>20</sup> the Qualification Standard for the Bachelor of Laws (LLB) (LLB Qualification Standard)<sup>21</sup> and the outcomes of the National Review of the LLB. These faculties may now find themselves in a position to make comprehensive changes to their LLB programmes and curricula.

Furthermore, the dynamic nature of the higher education curriculum,<sup>22</sup> coupled with the law and its interrelatedness with the economic, political, social and cultural contexts,<sup>23</sup> implies that curriculum development or revision should never be perceived as a

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16 CHE (n 14) 50.

17 CHE (n 14) 50-51. Also, on 29 May 2013, the South African Law Deans’ Association, the Law Society of South Africa and the General Council of the Bar issued a joint statement in terms of which they confirmed that substantial consensus was reached to extend the four-year LLB to five years. However, no progress has been made in this regard. See South African Law Deans’ Association, Law Society of South Africa & General Council of the Bar ‘Joint statement: LLB summit charts the way forward’ 2014, [http://www.lssa.org.za/upload/JOINT%20PRESS%20STATEMENT%20ON%20LLB%20SUMMIT%206\\_13.pdf](http://www.lssa.org.za/upload/JOINT%20PRESS%20STATEMENT%20ON%20LLB%20SUMMIT%206_13.pdf) (accessed 14 August 2014).

18 The graduate attributes that LLB graduates should possess are prescribed by the CHE Qualification Standard for the Bachelor of Laws (LLB) (2015), <https://www.chc.ac.za/publications/standard-reviews/standards-bachelor-laws-llb> (accessed 10 November 2024). Also see part 2.3.2.

19 See Table 2.1 in part 2.2.6 and Table 2.2 in part 2.4.1.

20 The effects of the HEQSF on curriculum change are described in part 3.4.2.

21 CHE (n 18). The implications of the ‘LLB Qualification Standard’ on the LLB curriculum are highlighted in part 2.3.2.

22 RW Tyler *Basic principles of curriculum and instruction* (1949) 123.

23 CHE (n 18) 9.

once-off exercise. Curriculum change cannot be anchored merely on the curriculum change recommendations of the Report on the National Review of the LLB.<sup>24</sup> Complying with these recommendations does not guarantee that future curriculum changes will not be required. Higher education curricula require ongoing changes to ensure that they remain relevant and responsive. It is likely that internal or external LLB reviews, seven years after the Report on the National Review of the LLB, may require higher education institutions to change their LLB curricula.

Considering the multifaceted nature of the curriculum and curriculum change, higher education institutions require practical tools and strategies to assist them in dealing with the challenges of curriculum reform.<sup>25</sup> Change management models (CMMs) have significantly assisted higher education institutions in revising or reflecting on curriculum change.<sup>26</sup> However, such models to facilitate law curricular change are unavailable nationally and internationally. In this book, the central focus is on developing a curriculum change management model (CCMM) for facilitating comprehensive curriculum change of the LLB at universities in South Africa. The LLB CCMM proposed in this book will not merely assist higher education institutions in realising the four-year LLB curriculum reform recommendations and the development of a five-year LLB envisaged in the Report on the National Review of the LLB.<sup>27</sup> The model will primarily assist higher education institutions in changing their curricula to ensure continued relevance and responsiveness.

For the purposes of this book, a CCMM comprises guidelines, strategies, prescriptive outlines or principles for facilitating comprehensive curriculum change at South African universities. For the purposes of the Draft LLB CCMM, I will refer to these aspects as 'draft principles' (DPs), while the term 'final principles' (FPs) will be used for the Final LLB CCMM. Implementing these principles can assist law faculties<sup>28</sup> in creating an environment conducive to curriculum change

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24 CHE (n 14) 50.

25 J McKimm & PK Jones 'Twelve tips for applying change models to curriculum design, development' (2018) 40 *Medical Teacher* 253.

26 See part 4.3.

27 CHE (n 14) 50.

28 The terms 'law faculty' or 'law faculties' and 'law school' or 'law schools' are regarded as synonymous in this book.

and will enable faculties to carry out and sustain such change.<sup>29</sup> Each of these FPs is supplemented with recommended practices that can assist faculties in complying with the principles of the Draft and Final LLB CCMMs.

The initial focus of this chapter is on the need for an LLB CCMM to facilitate comprehensive curriculum change at South African universities. For the purposes of this study, curriculum change is synonymous with curriculum development, curriculum reform, curriculum renewal and curriculum innovation. I briefly explain how the LLB CCMM was developed over three phases by highlighting the research design and methods implemented. I cursorily describe how I enhanced the validity and reliability of quantitative research in Phase 2 and similarly address the trustworthiness of the qualitative research in Phase 3. To conclude, the chapter provides an overview of the subsequent chapters.

## 1.2 The case for an LLB Curriculum Change Management Model

At the end of 2014, the Faculty of Law, University of the Free State (UFS Faculty), confronted four critical challenges: first, the dire crisis that South African legal education faced;<sup>30</sup> second, the requirement to align its four-year LLB with the HEQSF, promulgated in terms of the Higher Education Act 101 of 1997.<sup>31</sup> Third, the UFS Faculty had to ensure that its LLB curriculum complied with the LLB Qualification Standard. Lastly, the looming National Review of the LLB could have had an impact on the accreditation status of the UFS LLB.

The UFS Faculty could have adopted one of two options to address the challenges above: introducing minor changes to its LLB programme; or implementing significant changes to its existing programme.<sup>32</sup> For the purposes of this book, minor changes are undertaken when less than 50 per cent of a programme is changed, and the structural integrity of the offering does not change significantly. Consequently, a minor curriculum

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29 See part 4.3.

30 See part 2.4.

31 Government Notice 928, *GG*, 5 October 2007, 30353 (The Higher Education Qualifications Framework).

32 CHE *Higher Education Qualification Framework handbook* (2011), [https://www.che.ac.za/sites/default/files/publications/HEQF\\_Implementation\\_Handbook.pdf](https://www.che.ac.za/sites/default/files/publications/HEQF_Implementation_Handbook.pdf) (accessed 29 October 2024).

change strategy is required. Significant changes to a programme include amendments to the purpose of the programme, its rationale, the exit level outcomes and changing the mode of delivery. Consequently, significant change is not limited to changes in the curriculum structure. Significant change usually results in a change of 50 per cent or more to the existing programme design. It requires a comprehensive curriculum change strategy and effectively implies the submission of a new programme and curriculum for registration at SAQA and accreditation by the HEQC.

In an attempt to align the UFS LLB programme with the HEQSF, 12 informal focus group discussions were held with employers, alumni, students and law academics.<sup>33</sup> Based on the findings of the focus group discussions, the Faculty Board agreed that 50 per cent or more of its existing LLB programme needed to change. The Faculty Board adopted a resolution in April 2015 to replace its LLB programme with a completely new initiative that was informed by the feedback collected during the focus groups, the HEQSF, the LLB Qualification Standard, outcomes of the National LLB Review and a critical reflection on the existing curriculum. Therefore, no changes were made to the programme prior to the National LLB Review. The Faculty Board decided to make no changes to the existing LLB programme but to submit a brand new LLB programme for registration at SAQA and accreditation by the CHE once the outcomes of the National Review of the LLB were available. The implications of this decision on the accreditation status of the UFS LLB are described in part 2.4.

The Faculty Board decision required implementing a comprehensive curriculum change strategy that had to be driven by an academic manager.<sup>34</sup> I took responsibility for managing the comprehensive LLB curriculum change. The prospect interested and excited me. I knew that the LLB curriculum change project would be a mammoth task. Consistent with scholars' observations, I realised that higher education curriculum change was challenging, multifaceted and complex.<sup>35</sup> Also, managing the

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33 See part 2.4.2.

34 Also see A Kolmos, RG Hadgraft & JE Holgaard 'Response strategies for curriculum change in engineering' (2016) 26 *International Journal of Technology and Design Education* 396.

35 PM Dwyer 'Transforming a core curriculum – and minimising the battle scars' (2017) 103 *Liberal Education* 46. Also see MS Andrade 'Innovations in higher education in a responsive higher education curriculum: Change and disruptive innovations in higher education' in D Parrish & J Joyce-McCoach (eds) *Higher*

process was tedious, sometimes frustrating, and notoriously challenging. It required considerable time and effort.<sup>36</sup>

It may be argued that managing an LLB curriculum change can be even more demanding than managing a business change. These challenges can be attributed to the culture of law schools, which has been described as non-collaborative,<sup>37</sup> conformist, conservative,<sup>38</sup> resistant to change, non-adaptive<sup>39</sup> and static.<sup>40</sup> In addition, law academics usually do not have qualifications in education and find the idea of curriculum change ‘frightening.’<sup>41</sup> Changing a curriculum requires that more role players be consulted; it demands a higher level of participative decision-making and staff member consultation; and, finally, it needs approval at various institutional levels and fora. Furthermore, the LLB curriculum has to balance the often-conflicting ideas of role players, which include government, university structures, academics, legal practitioners, employers, graduates and students.<sup>42</sup> The LLB curriculum also has to cater to the needs of a wide range of career opportunities for graduates.<sup>43</sup>

It was evident that the magnitude of the change would add significant complexity to the curriculum development process. Higher education institutions usually adopt a minor curriculum change strategy to change their curricula.<sup>44</sup> A minor curriculum change strategy does not modify

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*education – Cases on transforming and advancing practice* (2020), <https://www.intechopen.com/chapters/63117> (accessed 9 November 2022); T Gibbs ‘Curriculum development: A dynamic change inside the chrysalis’ (2018) 40 *Medical Teacher* 435.

36 Also see H Hubball and others ‘Supporting the implementation of externally generated learning outcomes and learning-centred curriculum development: An integrated framework’ in P Wolf & JC Hughes (eds) *New directions for higher education: Curriculum development in higher education: Faculty-driven processes and practices* (2007) 101.

37 MI Meyerson ‘Law school culture and the lost art of collaboration: Why don’t law professors play well with others’ (2015) 93 *Nebraska Law Review* 547.

38 SC Bennett ‘When will law school change?’ (2010) 87 *Nebraska Law Review* 104.

39 S Sturm & L Guinier ‘The law school matrix: Reforming legal education in a culture of competition and conformity’ (2007) 60 *Vanderbilt Law Review* 520.

40 E Rubin ‘The future and legal education: Are law schools failing and, if so, how?’ (2014) 39 *Law and Social Inquiry* 500.

41 DP Sklar ‘Implementing curriculum change: Choosing strategies, overcoming resistance, and embracing values’ (2018) 93 *Academic Medicine* 1424.

42 MJ Dednam ‘Knowledge, skills and values: Balancing legal education at a transforming law faculty in South Africa’ (2012) 26 *South African Journal of Higher Education* 926-927.

43 See the purpose of the LLB in part 2.3.2.

44 Kolmos and others (n 34) 396.

the curriculum structure. Examples of minor curriculum changes include changing the module content, teaching methods or assessment strategy. The minor change strategy can also tweak, rename or change the sequence of existing modules. Instead of a complete overhaul of the curriculum, incremental or isolated modifications are made to address specific areas or issues individually. The strategy can add new modules to the curriculum and is also known as an add-on<sup>45</sup> or additive<sup>46</sup> curriculum change strategy.

In the seminal review of American and Canadian legal education, Sullivan and others criticised the 'additive' strategy for law curriculum change:<sup>47</sup>

[E]fforts to improve legal education have been more piecemeal than comprehensive. Few schools have made the overall practices and effects of their educational effort a subject for serious study. Too few have attempted to address these inadequacies on a systemic basis ... To a significant degree ... [we] have treated the major components of legal education in an *additive* way, not an integrated way.

I believe that most South African law faculties<sup>48</sup> adopted minor curriculum change strategies by making hasty, minor or piecemeal changes in response to the HEQSF and the National Review of the LLB.

A comprehensive curriculum change strategy implies that 50 per cent or more of a curriculum has been or is being changed. This strategy requires the curriculum to be addressed as a whole, and the development of a new curriculum. Personal communication with Olivia Mokgatle, Director of the Directorate of National and Reviews at the CHE, confirmed that during the HEQSF alignment process,<sup>49</sup> most universities indicated that their LLB programmes required minor changes of less

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45 As above.

46 WM Sullivan and others *Educating lawyers: Preparation for the profession of law* (2007) 190.

47 As above. The authors criticised the following viewpoint of R MacCrate *Legal education and professional development: An education continuum* (1992) 150: 'Providing additional classroom coverage of professionalism issues will not be an easy task. Law school curriculum reform is a tedious and often frustrating task and seems to work best when modest changes are made at the margin by adding one or two additional courses.'

48 'Law faculties' and 'law schools' are considered synonymous for the purposes of this study.

49 See part 2.4.2.

than 50 per cent.<sup>50</sup> A few stated that their LLB programmes needed no changes. The University of the Free State (UFS) was the only university to acknowledge that its LLB programme had to be replaced by a new one. The UFS Faculty aimed to follow a curriculum change process that Kift describes as ‘systematic, coherent and comprehensive’.<sup>51</sup> The comprehensive curriculum change strategy that the UFS Faculty had in mind called for an ‘integrative’ rather than an ‘additive’ or ‘piecemeal’ approach to curriculum change.<sup>52</sup> It required the mapping and integration of graduate attributes across the different modules of the curriculum.<sup>53</sup> Instead of tweaking the curriculum, the emphasis was on integration and how the parts of the curriculum fit together.<sup>54</sup> It demanded changes to the curriculum structure and a complete rebuilding of the curriculum.<sup>55</sup>

Institutions or faculties are usually hesitant to adopt a comprehensive curriculum change strategy.<sup>56</sup> It is time-consuming and complex; it requires widespread participation of departments and employees who do not usually work together,<sup>57</sup> and passive resistance to change is often evident.<sup>58</sup> Consequently, comprehensive curriculum change often leaves ‘battle scars’ on those involved in the change process.<sup>59</sup>

Approximately three years after the Faculty Board’s decision on 21 April 2015 to comprehensively change the UFS LLB, the HEQC accredited a newly developed LLB programme on 19 November 2018.<sup>60</sup> The first year of the new LLB was introduced in 2020. In this book I will refer to the LLB programme, qualification and curriculum implemented

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50 Email from O Mokgatle, Director of the Directorate of National Standards and Reviews at the CHE, 26 October 2022.

51 S Kift ‘21st century climate for change: Curriculum design for quality learning engagement in law’ (2008) 18 *Legal Education Review* 6.

52 Also see Sullivan and others (n 46) 191.

53 Also see Kift (n 51) 17.

54 Also see SL Oliver & E Hyun ‘Comprehensive curriculum reform in higher education: Collaborative engagement of faculty and administrators’ (2011) 2 *Journal of Case Studies in Education* 1.

55 Also see Dwyer (n 35) 31.

56 Oliver & Hyun (n 54) 3; Kolmos and others (n 34) 396.

57 AR Cohen and others ‘Major change at Babson College: Curricular and administrative, planned and otherwise’ (2005) 7 *Advances in Developing Human Resources* 328-329. Oliver & Hyun (n 54) 4.

58 Cohen and others (n 57) 327.

59 Dwyer (n 35).

60 Email from M Naidoo, Director: Programme Accreditation at the CHE, 19 November 2018.

in 1998,<sup>61</sup> which had to be phased out as ‘the old LLB programme, qualification or curriculum’, and the LLB developed and introduced in 2020 as the ‘new LLB programme, qualification or curriculum’.

Although most staff members and the leadership of the UFS Faculty congratulated me on the success of the comprehensive curriculum change process, I also became anecdotally aware of some discontent among a small minority of staff members about the process that I had followed. The informal and conflicting views inspired me to critically reflect on the curriculum change management process I had pursued. Considering the above, the curriculum reform recommendations in the Report on the National Review of the LLB,<sup>62</sup> and the requirement to keep the LLB curriculum relevant and responsive, I began contemplating the nature of a CCMM to facilitate comprehensive LLB curriculum change at South African universities. After all, a significant determinant of curriculum change is the process employed to drive change.<sup>63</sup> Such a CCMM would not only assist universities in addressing the curriculum reform recommendations in the Report on the National Review of the LLB, but would also be a helpful tool towards ensuring that LLB curricula remain relevant and responsive.

I conducted a thorough literature search on how to manage curriculum change. Although a substantial body of research on curriculum change has been published in various disciplines over the last decade, the literature search revealed limited research on managing comprehensive curriculum change.<sup>64</sup> Instead, research studies tend to focus on evaluating the content, outcomes, changes in practice, the role of mentors, community experience, and changes in philosophy following the introduction of a new curriculum.<sup>65</sup>

I became aware that the literature supports the efficacy of CMMs in curriculum development. Numerous scholars have adopted CMMs,

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61 See part 2.3.1.

62 CHE (n 14) 50.

63 DK Wentworth, SJ Behson & CL Kelley ‘Implementing a new student evaluation of teaching system using the Kotter change model’ (2020) 45 *Studies in Higher Education* 511.

64 Also see B de la Harpe & I Thomas ‘Curriculum change in universities: Conditions that facilitate education for sustainable development’ (2009) 3 *Journal of Education for Sustainable Development* 78.

65 As above.

especially Kotter's eight-stage process for successful large-scale change,<sup>66</sup> to revise or reflect on higher education curriculum change.<sup>67</sup> Despite their popularity and practical use, CMMs tend to explain what needs to be done, but fail to include critical reflection on their suitability, the change process, and how they should be implemented in practice.<sup>68</sup> The models provide broad principles for managing change, but are not sufficiently detailed to stipulate what needs to be done to effect change.

For example, Kotter's CMM prescribes eight steps for change,<sup>69</sup> but does not provide details of the principles and practices required to manage curriculum change. Scholars suggest that CMMs require more significant validation through application in different institutions, industries and cultures.<sup>70</sup> Consequently, scholars have recommended that higher education change leaders adapt CMMs to their particular contexts and environments and document their processes.<sup>71</sup> Chapter 2 sheds light on the global and South African higher education landscape, the South African legal education context and the UFS Faculty situation. All of these contexts influenced the development of the LLB CCMM proposed in this book.

Although some disciplines have employed CMMs to assist in effectively managing curriculum change,<sup>72</sup> a literature search revealed

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<sup>66</sup> JP Kotter *Leading change* (1996).

<sup>67</sup> See, eg, T Pfeifer, R Schmitt & T Voigt 'Managing change: Quality-oriented design of strategic change processes' (2005) 17 *The TQM Magazine* 297; Y Steinert and others 'Faculty development as an instrument of change: A case study on teaching professionalism' (2007) 82 *Academic Medicine* 1057; De la Harpe & Thomas (n 64); P Kadagad and others 'Restructuring an undergraduate dental curriculum to global standards – A case study in an Indian dental school' (2012) 16 *European Journal of Dental Education* 97; KA Nitta and others 'Leading change of a school district reorganisation' (2014) 3 *Public Performance and Management Review* 465; MRC Haas and others 'Didactics revolution: Applying Kotter's 8-step change management model to residency didactics' (2020) 1 *Western Journal of Emergency Medicine* 65. Also see part 4.3.

<sup>68</sup> Pfeifer and others (n 67); AB Raineri 'Change management practices: Impact on perceived change results' (2011) 64 *Journal of Business Research* 267; SH Appelbaum and others 'Back to the future: Revisiting Kotter's 1996 change model' (2012) 31 *Journal of Management Development* 775; J Pollack & R Pollack 'Using Kotter's eight stage process to manage an organisational change programme: Presentation and practice' (2015) 28 *Systemic Practice and Action Research* 54.

<sup>69</sup> Kotter (n 66).

<sup>70</sup> Appelbaum and others (n 68) 776; Pollack & Pollack (n 68) 64.

<sup>71</sup> PE Sidorko 'Transforming library and higher education support services: Can change models help?' (2005) 29 *Library Management* 316; Wentworth and others (n 63) 521.

<sup>72</sup> Sidorko (n 71) 316.

no studies or examples of the incorporation of CCMMs in research on the development of law curricula, neither internationally nor nationally. I then searched for studies on how to change a law qualification, programme or curriculum comprehensively. Despite the increased demand to change law curricula nationally and globally, a literature search identified only one study in 1989 dealing with the procedures followed to reform a law curriculum.<sup>73</sup> Others dealt with piecemeal changes to the law curriculum.<sup>74</sup> Consequently, I became aware of gaps and limitations regarding theory and research on managing comprehensive curriculum change in legal education. I began contemplating how I would develop an LLB CCMM that would facilitate curriculum change, address the regulatory frameworks and challenges mentioned above, and assist in ensuring that the LLB curriculum remains responsive and relevant. Before providing more details about this model's development over three phases, I must acknowledge and explain my insider-researcher position.<sup>75</sup>

### 1.3 The role of the insider-researcher

I approached the UFS curriculum change and the development of the LLB CCMM from a pragmatist world view and a strong drive towards

73 NP Cohen 'Process of curriculum reform' (1989) 4 *Journal of Legal Education* 535. The study did not make use of a CCMM.

74 See, eg, R Kim 'Globalising the law curriculum for twenty-first-century lawyering' (2018) 67 *Journal of Legal Education* 905; M Douglas 'Integrating private international law into the Australian law curriculum' (2020) 44 *Melbourne University Law Review* 98; M Burgis-Kasthala & C Schwobel-Patel 'Against coloniality in the international law curriculum: Examining decoloniality' (2022) 54 *The Law Teacher* 1; RS Gipson 'What's (race in) the law got to do with it: Incorporating race in legal curriculum' (2022) 54 *Connecticut Law Review* 923; V Chase & AE Freedman 'Reframing family law: Using narratively-informed lawyering to build an inclusive curriculum' (2022) 60 *Family Court Review* 669.

75 Also see B Workman "'Casing the joint': Explorations by the insider-researcher preparing for work-based projects' (2007) 19 *Journal of Workplace Learning* 146; F McDermid and others 'Conducting qualitative research in the context of pre-existing peer and collegial relationships' (2014) 21 *Nurse Researcher* 28; I Finefer-Rosenbluh 'Incorporating perspective taking in reflexivity: A method to enhance insider qualitative research processes' (2017) 16 *International Journal of Qualitative Methods* 1; J Fleming 'Recognising and resolving the challenges of being an insider researcher in work-integrated learning' (2018) 19 *International Journal of Work-Integrated Learning* 311; G Chammas 'The insider-researcher status: A challenge for social work practice research' (2020) 25 *The Qualitative Report* 537.

problem-solving, action and results.<sup>76</sup> By exploring ‘the most efficient means to an end,’<sup>77</sup> I aspired to achieve practical and functional solutions to problems. I acted in a ‘commonsensical’ way to carry out the UFS curriculum change and the development of the LLB CCMM.<sup>78</sup>

Before joining the UFS Faculty in 2011, I taught Business Law to non-law students at the Central University of Technology, Free State. I held several leadership positions and participated in numerous curriculum change projects. My interest in curriculum change gained momentum when I served as the South African project leader for the Netherlands Organisation for International Cooperation in Higher Education (NUFFIC) in 2010 and 2011. The latter project aimed at higher education capacity building and curriculum development at six Ethiopian universities in partnership with the Vrije University of Amsterdam (The Netherlands) and the Katolieke Universiteit of Leuven (Belgium).

Since my appointment to the UFS Faculty, I have served in various leadership capacities linked to curriculum change and innovation: (i) Programme Director: Teaching and Learning (2012 to 2018); (ii) Programme Director: LLB (2013 to 2018); (iii) Head of Department: Mercantile Law (2016 to 2018); and (iv) Acting and Vice-Dean (2016 to 2019). Furthermore, I served as a member of the UFS Faculty and UFS Senate’s Teaching and Learning Committees for many years. I graduated with a PhD in Higher Education Studies in 2012<sup>79</sup> and have published seven articles, specifically on teaching and learning and curriculum development in national and international journals accredited by the Department of Higher Education.<sup>80</sup>

76 Also see C Ansell & A Boin ‘Taming deep uncertainty: The potential of pragmatist principles for understanding and improving strategic crisis management’ (2019) 51 *Administration and Society* 1085.

77 Also see B Elkjaer ‘Pragmatism: A learning theory for the future’ in K Illeris (ed) *Contemporary theories of learning: Learning theorists ... their own words* (2009) 75.

78 Also see Ansell & Boin (n 76) 54.

79 HJ Moolman ‘Competence directives for enhancing the employability of hospitality management graduates in South Africa’ PhD thesis, University of the Free State, 2012 (on file with the author).

80 HJ Moolman & A Wilkinson ‘Essential generic attributes for enhancing the employability of hospitality management graduates’ (2013) 62 *Tourism* 257; HJ Moolman & A Wilkinson ‘Do hospitality management curricula at public higher education institutions in South Africa comply with a research-based competence framework?’ (2015) 13 *Journal for New Generation Sciences* 80; ES van der Walt, Z Hattingh & HJ Moolman ‘The impact of academic variables

On a national level, I served on the LLB Standards Development Working Group from 2013 to 2015.<sup>81</sup> The Group comprised 11 academics from different South African higher education institutions and was responsible for drafting the LLB Qualification Standard.<sup>82</sup> In 2015 I also served on the LLB National Review Reference Group of the CHE. The functions of this Group, among other things, were to define the scope of the National Review of the LLB and conduct site visits at institutions offering the LLB.<sup>83</sup> I have also undertaken 27 reviews for various learning programmes for the CHE from 2010 to 2024.

My immersion in legal education, curriculum development and management has been beneficial. It equipped me with the necessary background knowledge and understanding to interpret the collected data in context. My insider-researcher position meant that I was familiar with the institution (UFS) and the participants (UFS law academics). As an employee of the UFS, I gained a deep understanding and awareness of the institution.<sup>84</sup> My pre-existing relationships with the UFS Faculty participants were advantageous and created a sense of familiarity, respect and acceptance.<sup>85</sup>

However, I realised that my personal background, subjectivities and extensive involvement in the LLB curriculum change could have created a particular bias. Also, my knowledge, experience and expertise in legal education and curriculum development informed my positionality

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on the study experience of second year Hospitality Management students at selected South African higher education institutions' (2016) 5 *African Journal of Hospitality, Tourism and Leisure* 1; ES van der Walt, Z Hattingh & HJ Moolman 'The impact of non-academic variables on the study experience of second year Hospitality Management students at selected South African higher education institutions' (2016) 5 *African Journal of Hospitality, Tourism and Leisure* 1; ES van der Walt, Z Hattingh & HJ Moolman 'The impact of socio-demographic variables on the study experience of second year Hospitality Management students at selected South African higher education institutions' (2017) 6 *African Journal of Hospitality, Tourism and Leisure* 1; H Moolman 'A conceptual competence-based framework for enhancing the employability of graduates' (2017) 12 *The Independent Journal of Teaching and Learning* 26; H Moolman & A du Plessis 'Key considerations for residential universities intending to offer a distance tuition LLB' (2021) 24 *Potchefstroom Electronic Law Journal* 1.

81 CHE (n 18) 70.

82 As above.

83 CHE 'National review manual: Bachelor of Laws (LLB)' (2015), <https://www.che.ac.za/publications/manuals/national-review-manual-bachelor-laws-llb> (accessed 14 August 2024). Also see part 2.3.2.

84 Also see McDermid and others (n 80) 29.

85 Workman (n 75) 148; Finefter-Rosenbluh (n 75); Fleming (n 75) 318-319.

and interpretation of the data. My assumptions as a white, 55 year-old Afrikaans-speaking South African male also played a role.

Considering the above and, as suggested by scholars, I engaged in reflexive processes by self-evaluating my subjectivity throughout the study. Furthermore, I complied with ethical considerations and employed several strategies to ensure the study's validity, reliability and trustworthiness. I provide more information on these aspects in parts 1.4.4 and 1.4.5. Since my resignation as Vice-Dean in 2019, I have not been in any managerial or leadership position at the UFS. Therefore, no inherent power imbalance was present between the participants and me while developing the LLB CCMM.

Given the need for an LLB CCMM, I enrolled for a second Doctor of Philosophy (PhD) at the Faculty of Law, University of Cape Town. The study focused on developing an LLB CCMM for comprehensive curriculum change at South African universities. I obtained the degree in 2023. This book is based on the thesis presented for the PhD degree.<sup>86</sup>

#### **1.4 Developing the LLB Curriculum Change Management Model**

Figure 1.1 provides a schematic presentation of the development of the LLB CCMM over three phases and the different steps carried out during each phase.

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86 HJ Moolman 'The development of a Bachelor of Laws (LLB) curriculum change management model for South African universities' PhD thesis, University of the Free State, 2023 (on file with the author).

Figure 1.1: The three-phased methodology employed in the study

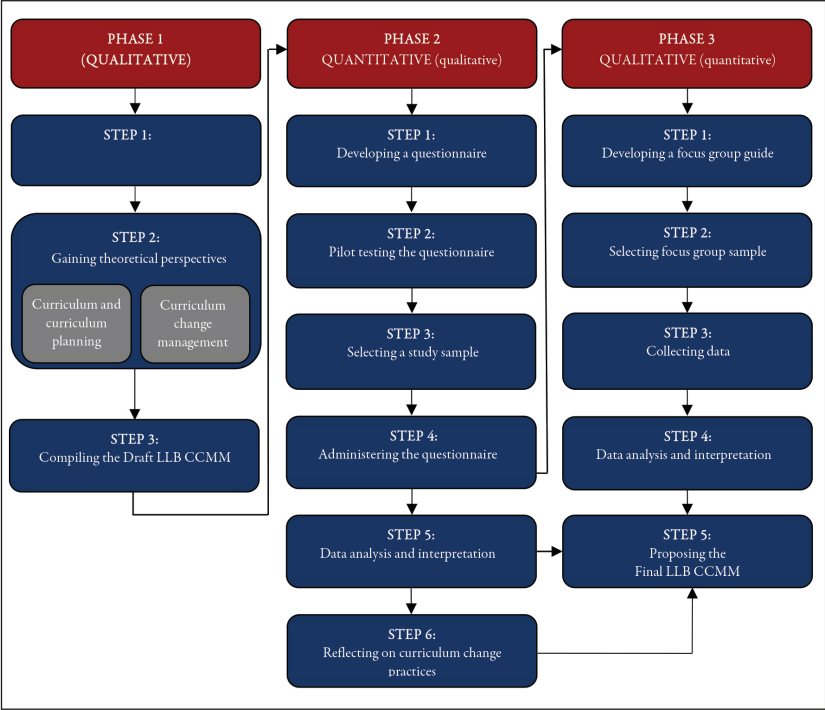


Figure 1.1 illustrates that both qualitative and quantitative data were collected over the three phases. Therefore, a mixed methods research design was adopted.<sup>87</sup> Since the quantitative data were emphasised in the second phase, the design in this phase can be written as **QUANTITATIVE (qualitative)** or **qual→QUAN**. The opposite applied to Phase 3. I situated two core mixed methods research designs, namely, the exploratory<sup>88</sup> and

87 See JW Creswell & VL Plano Clark *Designing and conducting mixed methods research* (2018) 63.

88 See Creswell & Plano Clark (n 87) 120. The three elements of this design are evident in the study: (i) the study commenced with the collection and analysis of principles (qualitative data); (ii) a draft LLB CCMM that was quantitatively tested by means of a questionnaire was developed; and (iii) the DPs of the Draft LLB CCMM were quantitatively evaluated by UFS law academics.

explanatory sequential designs,<sup>89</sup> within the framework of the more comprehensive mixed methods evaluation<sup>90</sup> and case study designs.<sup>91</sup>

The following parts briefly explain the steps carried out during the three phases, how validity and reliability were enhanced and the ethical considerations that applied to developing the LLB CCMM.

### 1.4.1 Methods employed in Phase 1

In the first phase I used a wide range of sources to identify and develop 61 PDs for facilitating LLB curriculum change. The literature review focused on information related to the context in which the Final LLB CCMM was developed (chapter 2), curriculum and curriculum planning theory (chapter 3) and change management theory (chapter 4). The 61 PDs and my own knowledge and experience in curriculum change and legal education assisted me in compiling a conceptual framework for curriculum change and, ultimately, proposing a Draft LLB CCMM. The Draft LLB CCMM in chapter 4 consisted of three processes: strategic planning, curriculum change management and curriculum planning. Part 4 provides more information about the PDs of the Draft CCMM.

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89 See Creswell & Plano Clark (n 87) 120. The explanatory sequential design started with the collection and analysis of quantitative data related to the compliance of the UFS curriculum change process with the 61 PDs for facilitating LLB curriculum change in Phase 2. In Phase 3, qualitative data was collected by requesting focus group participants to provide reasons and explain why some of the principles did not meet the minimum quantitative compliance criteria.

90 See JH McMillan & S Schumacher *Research in education* (2006) 439; E Babbie & J Mouton *The practice of social research* (2008) 334. First, the design is observable in the questionnaire that requested participants to quantitatively evaluate the importance of 61 PDs for facilitating comprehensive LLB curriculum change at any law faculty in South Africa. Participants also had to quantitatively evaluate the compliance of the UFS curriculum change process with these PDs. In both instances, participants were requested to give reasons for their ratings (qualitative). On the one hand, qualitative data was collected from the discussions on the strengths and weaknesses of the UFS curriculum change process. On the other hand, quantitative data was generated when members voted and ranked the strengths and weaknesses of the UFS curriculum change process.

91 See Creswell & Plano Clark (n 87) 182; G Thomas *How to do your case study* (2021) 10. The complex real-life setting in this study was the LLB curriculum change process at the UFS. The UFS was chosen as a case since the UFS was the only university to engage in a comprehensive LLB curriculum change due to the HEQSF and the National Review of the LLB. UFS academic staff members had experienced comprehensive curriculum change and were in an ideal position to participate in developing the Draft LLB CCMM.

### 1.4.2 Methods employed in Phase 2

Figure 1.1 shows that Phase 2 consisted of six steps. The following parts provide a brief synopsis of what transpired in each step.

#### *Step 1: Developing a quantitative questionnaire*

The CCMM had to be a workable and practicable framework for facilitating LLB curriculum change at South African universities. However, I was concerned that the Final LLB CCMM might be too elaborate. Therefore, I developed a quantitative questionnaire in the first step to ensure that the Final LLB CCMM only provided for DPs that UFS Faculty staff members previously involved in a comprehensive LLB curriculum change process regarded as important for facilitating LLB curriculum change. I also wanted to determine the extent to which the UFS curriculum change process complied with the DPs of the Draft LLB CCMM. If the UFS curriculum change process complied with these principles, I could reflect on the UFS curriculum change and draft recommended practices for achieving the respective principles. Consequently, the UFS institutional context and its impact on the development of the LLB CCMM cannot be ignored.

Part A of the questionnaire requested respondents to confirm that they provided informed consent to participate in the study. Part B required respondents to provide demographic information about their age, qualifications, year in which the highest qualification was obtained, academic position, and years of experience as a law academic and legal practitioner. The primary purpose of these questions was to establish participants' expertise. It assisted me in developing a clear picture of the participants and the study's generalisability to a larger population.<sup>92</sup>

It is important to note that the Final LLB CCMM was not developed specifically for the UFS Faculty, but for facilitating LLB curriculum change at any South African university. Consequently, Part C first requested respondents to rate each DP's importance for facilitating curriculum change at any law faculty in South Africa and not only at the UFS Faculty. The phrasing of the instructions assisted me in drawing

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92 Also see MA Dobosh 'Survey: Demographic questions' in M Allen (ed) *The SAGE encyclopedia of communication research* (2018) 1719.

generalisable conclusions for the Final LLB CCMM that were not limited to the UFS context. A five-point Likert scale ranging from 1 = 'not important' to 5 = 'very important' was used. Consequently, an item with a higher level of importance achieved a higher score. Respondents were invited to provide reasons (qualitative data) for their ratings in a comment box next to each question. Second, respondents had to rate the extent to which the UFS curriculum change process complied with the DPs of the Draft LLB CCMM. A five-point Likert scale was used, ranging from 1 = 'do not agree at all' to 5 = 'strongly agree'. Therefore, an item with a higher level of compliance obtained a higher score. Again, the questionnaire requested respondents to provide reasons (qualitative data) for their importance and compliance ratings in a comment box next to each question.

### *Step 2: Pilot testing the questionnaire*

The primary purpose of the pilot testing of the questionnaire was to eliminate potential problems and challenges in the main study,<sup>93</sup> to test the clarity of the instructions and ease of completing the questionnaire and to determine the time taken to complete the questionnaire.<sup>94</sup> In addition to completing the questionnaire, I requested four respondents<sup>95</sup> to refine and challenge the formulation of questions and DPs.<sup>96</sup> They completed the questionnaire in 30 minutes. Based on the feedback from the participants, I made minor changes to the questionnaire.<sup>97</sup>

93 Also see E Ruel, WE Wagner & BJ Gillespie *The practice of survey research: Theory and applications* (2016) 115.

94 Also see ER van Teijlingen & V Hundley 'The importance of pilot studies' (2001) 35 *Social Research Update* 2; PD Leedy & JE Ormrod *Practical research planning and design* (2005) 188.

95 See J Kim 'Pilot study' in M Allen (ed) *The SAGE encyclopedia of communication research* (2018) 1254-1255. I did not include any respondents of the main study in the pilot study and recruited four respondents for the pilot study with similar characteristics to the sample of the main study. Only two academics who had participated in the curriculum change were no longer employed at the UFS. Both agreed to participate in the pilot study. One is a recently retired law professor who has published widely on legal education. The other was a senior lecturer who left the employ of the UFS two months before I administered the questionnaire. I also recruited two professors specialising in higher education curriculum development at the Faculty of Education, UFS, to participate in the pilot study.

96 See Kim (n 95) 1254.

97 The piloted questionnaire referred to the scale measuring the extent to which the UFS curriculum change process complied with the principles of the Draft LLB

### *Step 3: Selecting a study sample*

Academic staff members at the UFS Faculty had the privilege of hindsight to evaluate the importance of the DPs of the Draft LLB CCMM for facilitating curriculum change at any South African university. UFS Faculty staff members were in an ideal position to evaluate whether the practices employed during the UFS LLB curriculum change process led to compliance with the DPs of the Draft LLB CCMM. Therefore, I used the UFS curriculum change as a case study for developing the Final LLB CCMM.<sup>98</sup>

### *Step 4: Administering the questionnaire*

All staff members involved in the UFS LLB curriculum change process and who were still employed at the Faculty when the questionnaire was administered were requested via email to complete the questionnaire on the SurveyMonkey platform. Once respondents had agreed to provide informed consent, they were immediately directed to the questionnaire on the SurveyMonkey platform.

### *Step 5: Analysing and interpreting the data*

Once I had downloaded the collected data from SurveyMonkey,<sup>99</sup> I allocated fictitious code numbers to the participants. Only one of the 29 academic staff members meeting the inclusion criteria did not participate. Table 1.1 below summarises the demographics and expertise of the 28 participants. Most participants were female (n=18, 64 per cent) and white (n=25, 89 per cent). The low percentage of black participants is not representative of South African demographics. However, the Report on the National Review of the LLB stated that the underrepresentation

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CCMM as an agreement scale. The experts recommended that I refer to it as a compliance scale. The participants requested minor changes to the phrasing of some of the principles. The word 'milestone' was added to clarify the meaning of 'short-term wins' in question B26. To simplify matters and prevent confusion, they also suggested that the final questionnaire referred to me as the 'Curriculum Change Leader' instead of 'Vice-Dean' or 'Programme Director'. The reference to the 'Faculty Committee' in Principle C4 was deleted, and the term 'faculty leadership' was changed to 'faculty management'.

98 See Thomas (n 91) 10. Case studies are generally used to get an in-depth understanding of a complex issue, such as curriculum change, in a real-life setting.

99 As above.

of black faculty members was evident in most of the law faculties in South Africa.<sup>100</sup> All participants were 35 years of age and older. Only one participant was in the age group 60 to 65 years. The age group with the most participants was the 40 to 49 group. Table 1.1 confirms participants' legal education experience. None of the participants had less than five years of legal education experience, while seven (25 per cent) had 20 or more years' experience. Half of the participants boasted doctoral degrees, and the others graduated with Master in Law (LLM) degrees. Only 12 participants (43 per cent) occupied academic positions lower than senior lecturer. Most participants (n=20; 86 per cent) had some legal practice experience. Only four (14 per cent) reported no such experience.

*Table 1.1: Demographics of study participants*

Participants	Gender		Age				Race		Years of legal education experience			
	Male	Female	35-39	40-49	50-59	60-65	Black	White	5-9	10-14	15-19	≥20
1*		X		X				X			X	
2*	X				X		X			X		
3	X				X			X				X
4*		X		X				X		X		
5	X			X				X			X	
6		X	X					X		X		
7		X		X				X		X		
8		X			X		X			X		
9		X	X					X	X			
10*		X		X				X				X
11	X			X				X		X		
12	X		X					X		X		

100 CHE (n 14) 38.

13	X				X			X			X	
14*		X		X				X			X	
15*		X	X					X		X		
16	X			X				X				X
17		X			X			X				X
18*		X		X				X				X
19		X	X					X			X	
20	X		X				X		X			
21		X			X			X		X		
22	X					X		X				X
23	X			X				X	X			
24		X		X				X			X	
25		X	X					X		X		
26*		X		X				X		X		
27*		X			X			X				X
28		X		X				X		X		
n	10	18	7	13	7	1	3	25	3	12	6	7
%	36	64	25	46	25	4	11	89	11	43	21	25

\* These nine participants also participated in the focus group discussion

Participants	Years of legal practice experience					Highest qualifications		Position			
	0	1-9	10-14	15-19	≥20	Masters	Doctoral	Lecturer	Snr lecturer	Associate professor	Professor
1*		X				X		X			
2*		X				X			X		
3					X		X		X		
4*				X		X		X			
5		X					X	X			
6		X				X		X			
7		X				X		X			
8		X				X		X			
9			X			X		X			
10*		X					X		X		
11		X				X			X		

12		X				X		X			
13	X						X				X
14*	X						X		X		
15*		X				X		X			
16	X						X				X
17		X					X			X	
18*		X					X		X		
19		X				X			X		
20		X					X	X			
21					X		X			X	
22				X			X			X	
23			X			X		X			
24					X	X			X		
25		X					X		X		
26*			X				X		X		
27*	X						X				X
28		X				X		X			
n	4	16	3	2	3	14	14	12	10	3	3
%	14	57	11	7	11	50	50	43	35	11	11

A statistician analysed the quantitative data regarding the importance of the 61 DPs and the compliance of the UFS Faculty curriculum change with these principles using SAS Version 9.4.<sup>101</sup> The data were not normally distributed. The descriptive analysis entailed calculating the following for each of the 61 DPs in terms of importance and compliance: (i) a frequency distribution of participants’ responses over the five rating categories; (ii) mode scores; and (iii) median scores. The latter two terms require some explanation. The mode identifies the score that participants most frequently allocated to each of the DPs.<sup>102</sup> The median represents the value in the middle of a distribution of data ranked or ordered from the lowest (n=1) to the highest score (n=5).<sup>103</sup> The tables in chapter 4 report on these descriptive statistics, and the data are analysed.

101 Ms M Viljoen rendered statistical services. SAS Version 9.4 is a statistical software suite for data management, advanced analytics, multivariate analysis, business intelligence, criminal investigation and predictive analytics. See SAS ‘Overview of SAS 9.4’ (2022), (accessed 27 December 2022).

102 JSM Coleman ‘Descriptive statistics’ in BB Frey (ed) *The SAGE encyclopedia of educational research, measurement, and evaluation* (2018) 489.

103 TL White & DH McBurney *Research methods* (2012) 352.

I defined specific quantitative importance criteria to ensure that the Final LLB CCMM was not too elaborate. The criteria entailed incorporating only DPs with mode and median importance scores of four or more into the Final LLB CCMM. I also identified specific quantitative compliance criteria to address the concern that the LLB CCMM might not be feasible or practicable for facilitating comprehensive curriculum change at South African universities. Mode and median compliance scores equal to four or more suggested that the UFS curriculum change initiatives and practices were sufficient, of value and contributed towards complying with the DPs of the Draft LLB CCMM. I regarded the Draft CCMM and its DPs as feasible and practicable if the UFS curriculum change met the quantitative compliance criteria. If the UFS curriculum change aligned with the DPs of the Draft LLB CCMM, it was deemed that similar compliance could also be achieved at other universities. Chapter 5 reports on the analyses and interpretation of the data collected in Phase 2.

*Step 6: Reflecting on the practices implemented during the  
University of the Free State curriculum change process*

I reflected on the initiatives and practices implemented during the UFS curriculum change process to explain why specific DPs met the minimum compliance criteria. It led to recommended practices for complying with the DPs of the Draft LLB CCMM (chapter 4). Thereafter, I considered potential reasons for specific DPs not achieving the minimum compliance criteria. Reflective appraisal, the quantitative feedback from questionnaire respondents and consulting appropriate literature assisted me in realising what could have been done differently. I incorporated the insights gained as recommended practices into the Final LLB CCMM. DPs not meeting the compliance criteria required further investigation during the focus group discussion in Phase 3.

#### 1.4.3 Methods employed in Phase 3

The third phase concerned refining the Draft LLB CCMM and proposing a Final LLB CCMM. Figure 1.1 illustrates that Phase 2 comprises five steps. The following parts offer a concise overview of each step.

### *Step 1: Developing a focus group guide*

The aim of the focus group discussion was twofold: first, to gain participants' perceptions and opinions on the reasons for the low scores of the seven DPs not meeting the minimum quantitative compliance criteria (DPs A2, B22, B25, B26, B29, B40 and C4); and, second, to gain their views on the most important strengths and weaknesses of the UFS curriculum change process. I developed a focus group guide for this purpose.

### *Step 2: Selecting a sample for the focus group discussion*

After considering the literature on the ideal size for a focus group discussion,<sup>104</sup> I aimed for a sample of eight members and used purposeful sampling to select the respondents. The inclusion criteria for the sample of 11 respondents were (i) participation in the UFS curriculum change process;<sup>105</sup> (ii) completing the questionnaire in Phase 2;<sup>106</sup> and (iii) membership of the UFS Faculty Teaching and Learning Committee or Curriculum Change Committee.<sup>107</sup>

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104 SS McMillan, M King & MP Tully 'How to use the nominal group and Delphi techniques' (2016) 38 *International Journal of Clinical Pharmacy* 655 mentioned that the typical size for the nominal group technique varies between six and ten. S Humphrey-Murto and others 'Using consensus group methods such as Delphi and nominal group in medical education research' (2017) 39 *Medical Teacher* 17 found that the size of a focus group usually fluctuates between 5 and 12 participants.

105 Participating in the LLB curriculum change process implied that respondents had knowledge and experience of the UFS curriculum change process.

106 Completing the questionnaire showed some willingness to participate in the study.

107 Membership of the teaching and learning committee ensured that academics who were interested in teaching, learning and curriculum development were included in the focus group. Furthermore, usually, faculty innovators or experts are nominated to serve on these committees.

### *Step 3: Collecting data during a focus group discussion*

I conducted the focus group via Blackboard Collaborate<sup>108</sup> with nine respondents who agreed to participate in the focus group discussion.<sup>109</sup> After gaining their perspectives related to the first objective of the focus group discussion, I used the nominal group technique to identify, analyse and evaluate the strengths and weaknesses of the UFS curriculum change process. It allowed me to gain more insight into the quantitative results obtained in Phase 2.

Before commencing with the nominal group technique, I briefly described the procedures and attributes of the technique to focus group members. I invited each member to share one of their previously identified strengths and weaknesses at a time.<sup>110</sup> The process continued until all participants presented all the strengths and weaknesses they had identified.<sup>111</sup>

Thereafter, I allowed participants to explain and clarify their reasons for identifying the strengths and weaknesses that they had listed.<sup>112</sup> After that, other group members could discuss and critique the compilation of strengths and weaknesses.<sup>113</sup> I was mindful not to permit one

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108 Blackboard Collaborate provides interactive whiteboarding, extensive chat features and chronological hand-raise notifications. All academics in the UFS Faculty were familiar with this software. See Blackboard 'Blackboard Collaborate: Your virtual classroom solution' (2024), <https://www.blackboard.com/en-eu/teaching-learning/collaboration-web-onferencingblackboard-collaborate> (accessed 28 June 2024).

109 The focus group participants are marked with an asterisk in Table 1.1.

110 At that time, group members were not permitted to explain their perceptions of the strengths and weaknesses. All participants' input was collected and treated as equally important. In some instances, participants' responses inspired the identification of new strengths and weaknesses from other participants. These were also included in the list of strengths and weaknesses. Also see A Dobbie and others 'Using a modified nominal group technique as a curriculum evaluation tool' (2004) 36 *Family Medicine* 404; A de Leon, JN Roemmich & SL Casperson 'Identification of barriers to adherence to a weight loss diet in women using the nominal group technique' (2020) 12 *Nutrients* 3.

111 Also see N Harvey & CA Holmes 'Nominal group technique: An effective method for obtaining group consensus' (2012) 18 *International Journal of Nursing Practice* 191.

112 Harvey & Homes (n 111) 192; JM Roeden, MA Maaskant & LMG Curfs 'The nominal group technique as an evaluation tool for solution-focused coaching' (2012) 25 *Journal of Applied Research in Intellectual Disabilities* 590; McMillan, King & Tully (n 104) 3.

113 Also see C Boddy 'The nominal group technique: An aid to brainstorming ideas in research' (2012) 15 *Qualitative Market Research: An International Journal* 11.

participant to dominate the discussion, and made a special effort to engage with the less vocal participants.<sup>114</sup> I experienced the topics to be more comprehensively deliberated upon than in a traditional focus group discussion. The identified strengths and weaknesses of the UFS curriculum change process, contrary to my experience with conventional focus group discussions, were not limited to one train of thought.<sup>115</sup>

Participants collectively assisted in reformulating some of the listed strengths and weaknesses to ensure that the ideas had precisely the same meaning for each participant.<sup>116</sup> I did not disregard any strength or weakness.<sup>117</sup> Strengths and weaknesses with similar characteristics were grouped together, provided that participants gave their consent.<sup>118</sup>

I did not prescribe any minimum or maximum number of strengths or weaknesses. This process resulted in identifying 12 strengths and 12 weaknesses. I requested participants to privately select five strengths and weaknesses and rank these in order of importance.<sup>119</sup> The ranking of five ideas (strengths and weaknesses) is typical in the literature.<sup>120</sup> The most important strength and weakness received five points, and the fifth most important was allocated one point.<sup>121</sup> I requested the participants to send me their scores via email at the end of the meeting.

#### *Step 4: Analysing and interpreting data*

I allocated fictitious code numbers to participants' names and responses. After that, I transcribed their explanations of why the seven DPs did not meet the minimum quantitative compliance criteria. Although group members shared their experiences, perceptions and opinions on aspects that could have contributed to DPs not meeting the minimum quantitative compliance criteria, they generated limited ideas to enhance compliance with these DPs.

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114 Also see SC Jones 'Using the nominal group technique to select the most appropriate topics for postgraduate research students' seminars' (2004) *Journal of University Teaching and Learning Practice* 23.

115 Also see Harvey & Holmes (n 111) 193.

116 Also see Roeden and others (n 112) 590.

117 Also see Dobbie and others (n 110) 405.

118 Also see Roeden and others (n 112) 590.

119 Also see Humphrey-Murto and others (n 104) 15.

120 McMillan, King & Tully (n 104) 657.

121 Also see Dobbie and others (n 110) 404.

I used Excel to rank the identified strengths and weaknesses according to their total scores. The top five strengths and weaknesses were those with the five highest combined scores. I transcribed the qualitative data gathered from the nominal group technique. The findings of the nominal group technique were more structured than those of traditional focus groups.<sup>122</sup> The nominal group technique simplified the interpretation of the findings and minimised my subjective influence on the findings. These strengths and weaknesses were not only relevant to the UFS context but were generalisable to curriculum change at any university in South Africa. An analysis of the top five strengths and weaknesses of the UFS curriculum change process led to the formulation of six additional FPs and supplementary recommended practices to be included in the Final LLB CCMM. Parts 5.6 and 5.7 report on the strengths and weaknesses of the UFS curriculum change process.

### *Step 5: Proposing the Final LLB Curriculum Change Management Model*

I integrated the quantitative and qualitative findings in Phases 2 and 3 to propose the Final LLB CCMM in the last chapter of this book. The Final LLB CCMM is based on the Draft LLB CCMM proposed in chapter 4. In contrast to the Draft LLB CCMM, the Final LLB CCMM also incorporates recommended practices for complying with the respective FPs for facilitating curriculum change.

Any rigorous research effort requires a discussion on how the research achieved validity and reliability quality criteria.<sup>123</sup> Validity and reliability are usually employed as quality criteria for quantitative research, while trustworthiness measures are used regarding the quality of qualitative research.<sup>124</sup> The following part briefly explains the measures applied to enhance the validity and reliability of the quantitative analysis.

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122 Also see Boddy (n 113) 12.

123 AM Riege 'Validity and reliability tests in case study research: A literature review with "hands-on" applications for each research phase' (2003) 6 *Qualitative Market Research: An International Journal* 76; McMillan & Schumacher (n 90) 478.

124 F Penny 'Issues of trustworthiness, validity and reliability' (2013) 8 *British Journal of School Nursing* 149-151.

#### 1.4.4 Validity and reliability of the quantitative research

Quantitative validity means that the data collection instrument accurately measures what it claims or is supposed to measure.<sup>125</sup> Therefore, the questionnaire in Phase 2 had to accurately measure (i) the importance of and (ii) the compliance of the UFS curriculum change process with the DPs of the Draft LLB CCMM. I implemented targeted measures to enhance the compliance with the three types of validity related to the questionnaire: face,<sup>126</sup> content<sup>127</sup> and construct validity.<sup>128</sup> More details

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125 J Pietersen & K Maree 'Standardisation of a questionnaire' in K Maree (ed) *First steps in research* (2007) 217.

126 Face validity requires the instrument to 'look' right. I enhanced the face validity of the questionnaire by requesting four experts to provide input on the questionnaire before it was administered. The four participants in the pilot study (see Step 2 in part 1.4.2) were satisfied that the questionnaire 'appears to measure what it is intended to measure'. See E Johnson 'Face validity' in FR Volkmar (ed) *Encyclopedia of autism spectrum disorders* (2013) 1226; Pietersen & Maree (n 125) 217.

127 Content validity requires the data collection instrument to cover all the content it intends to measure. It implies that all the components of the instrument had to be relevant to the targeted, namely, curriculum, curriculum planning and curriculum change. In this regard, see KA Markus & KM Smith 'Content validity' in NJ Salkind (ed) *Encyclopedia of research design* (2012) 2. I specifically attended to the technical quality, clarity of instructions, linguistic aspects of the items, response scales and the adequacy of the response format. In this regard, see SN Haynes and others 'Content validity in psychological assessment: A functional approach to concepts and methods' (1995) 7 *Psychological Assessment* 239, 244; I Koller and others 'What do you think you are measuring? A mixed-methods procedure for assessing the content validity of test items and theory-based scaling' (2017) 8 *Frontiers in Psychology* 2; L Sürücü & A Maşlakçı 'Validity and reliability in quantitative research' (2020) 8 *Business and Management Studies: An International Journal* 2697-2698. Furthermore, I enhanced the content validity of the instrument by ensuring that the questionnaire covered all the content to be addressed. For this purpose, I carefully selected and reviewed appropriate literature on the context in which LLB curricula change (chs 1 and 2), the curriculum concept and curriculum planning (ch 3) and curriculum change management (ch 4). The pilot study played a significant role in ensuring content validity. Participants in this study concurred that the questionnaire covered all the content it aimed to measure. In this regard, see Haynes and others (n 127) 245.

128 Construct validity concerns the degree to which the research instrument (questionnaire) measures the theoretical construct that it aims to measure. See Sürücü & Maşlakçı (n 127) 2700; Koller and others (n 127) 2. To ensure construct validity, I undertook a literature review in ch 4 that specifically deals with this concept, namely curriculum change management. Also, the Draft LLB CCMM is based on a theoretical framework for managing the curriculum change process. This framework integrated the insights gained from the context in which curriculum change occurs (chs 1 and 2), the curriculum concept and curriculum planning (ch 3) and change management (ch 4). Therefore, I ensured that the PDs of the Draft LLB CCMM, which formed the basis for the questionnaire, were

about the measures implemented to improve the quantitative validity of the research-based Final LLB are presented in footnotes 126 to 128.

Cronbach's alpha ( $\alpha$ ) is the most commonly used reliability test for determining the internal consistency of an instrument, questionnaire or scale.<sup>129</sup> Internal consistency can be described as the extent to which the questions in the questionnaire, which were adapted from the DPs, measured the same concept. It is associated with the inter-relatedness of the questions within the questionnaire.<sup>130</sup> Usually, an alpha between 0,65 and 0,80 is considered adequate in research involving humans.<sup>131</sup> Reliability analysis on the overall group of DPs in terms of importance resulted in an  $\alpha$  of 0,97. Cronbach's alpha for the overall group of questions, adapted from the DPs, is higher than 0,90, representing excellent internal consistency ( $\alpha > 0,90$ ). A reliability analysis on the overall group in terms of compliance resulted in an  $\alpha$  of 0,96. This  $\alpha$  represents excellent internal consistency ( $\alpha > 0,90$ ).

#### 1.4.5 Trustworthiness of the qualitative research

Authors propose the use of 'trustworthiness' or 'rigour of a study' as a parallel criterion to validity and reliability.<sup>132</sup> In an effort to enhance trustworthiness and, as suggested by Lincoln and Guba,<sup>133</sup> I implemented

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carefully developed and based on relevant existing knowledge. Ultimately, the theoretical evidence and content validity of the questionnaire contributed to its construct validity.

129 McMillan & Schumacher (n 90) 476.

130 M Tavakol & R Dennick 'Making sense of Cronbach's alpha' (2011) 2 *International Journal of Medical Education* 53.

131 JJ Vaske, J Beaman & CC Sponarski 'Rethinking internal consistency in Cronbach's alpha' (2017) 39 *Leisure Sciences* 165.

132 YS Lincoln & EG Guba *Naturalistic inquiry* (1985) 290.

133 As above.

several measures to improve the credibility,<sup>134</sup> transferability,<sup>135</sup>

134 Credibility is concerned with the 'truth-value' of the research findings. First, I ensured that the study's research findings were plausible and based on participants' feedback, which I correctly interpreted. In this regard, see I Korstjens & A Moser 'Practical guidance to qualitative research. Part 4: Trustworthiness and publishing' (2018) 24 *European Journal of General Practice* 121. Second, triangulation occurred according to different paradigms (qualitative and quantitative) and multiple methods (questionnaires and a focus group employing the nominal group technique). These triangulation efforts aimed to compensate for potential biases and deficiencies. In this regard, see AJ Pickard *Research methods in information* (2013) 21. Third, my prolonged engagement with academic staff members also enhanced the credibility of the study. I understood the UFS Faculty and its culture, and a relationship of trust existed between the staff members and me. The quantitative findings in Table 6.3 confirmed this relationship of trust. DP B11 (the curriculum change leader carried out the LLB curriculum change with trust) achieved compliance mode and compliance scores of four. Fourth, from the outset of the focus group discussion, I encouraged members to be frank and open. I assured them that there were no right answers to the questions that I would ask. Also, I assured them that I would not feel offended by their responses and that their feedback would not affect our professional relationship. Informing group members that they could withdraw from the study at any stage and that their feedback would be confidential and quasi-anonymous also contributed to the credibility of the qualitative study. Fifth, researchers' credibility plays a crucial role in qualitative research since they play a prominent role in data collection and analysis. Therefore, as explained by AK Shenton 'Strategies for ensuring trustworthiness in qualitative research projects' (2004) 22 *Education for Information* 7068, my knowledge, experience and qualifications in legal education and curriculum development enhanced the credibility of the study. The quantitative findings are confirmed that questionnaire respondents recognised my curriculum change knowledge. Table 5.3 indicates that PB B11 (the Curriculum Change Leader carried out the LLB curriculum change with trust) achieved compliance mode and compliance scores of four. Furthermore, focus group members, in identifying the top five strengths of the UFS curriculum change process (see part 5.6) rated the Curriculum Change Leader as very knowledgeable (see part 5.6.2). Finally, group member checks contributed to the credibility of the qualitative data collected when employing the NGT. During the discussion, the scribe shared her computer screen with group members. Therefore, they were able to verify on the spot whether the scribe accurately reported the identified strengths and weaknesses of the UFS curriculum change process. The credibility of the research was further enhanced by participants' collective efforts to reformulate and combine some of the collected strengths and weaknesses and by voting privately and quasi-anonymously on the items. Also see Humphrey-Murto and others (n 104) 18.

135 Transferability refers to how other researchers can use the study's qualitative findings in different settings or contexts. In this regard, see Y Zhang & BM Wildemuth 'Qualitative analysis of content' in BM Wildemuth (ed) *Applications of social research methods to questions in information and library science* (2009) 313. I used 'thick descriptions' to enhance the study's transferability. This is particularly evident when I referred to practices and initiatives employed during the UFS curriculum change process to comply with the Principles of the Draft LLM CCM. Furthermore, I provided copious amounts of information about the study context (see ch 2), curriculum, curriculum planning and curriculum

dependability<sup>136</sup> and conformability<sup>137</sup> of the qualitative study. More information about the specific measures implemented to enhance the trustworthiness of the qualitative part of the study is presented in footnotes 134 to 137.

The study was not only required to comply with the identified quality criteria for research. It also had to comply with sound ethical principles, which I describe in the following part.

#### 1.4.6 Ethical considerations

Before commencing the study, I obtained ethics clearance from the University of Cape Town Faculty of Law Research Ethics Committee and the Faculty of Health Science Human Research Ethics Committee. Thereafter, the UFS General and Human Research Ethics Committee approved my application for ethics clearance, and the Vice-Rector: Research granted gatekeeper's approval to conduct the study in the UFS Faculty. I applied the ethical issues of informed consent, confidentiality

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change management concepts (chs 3 and 4), demographics and the number of focus group participants (see Table 1.1), data collection methods, and the duration of the focus group discussion. Also see Shenton (n 134) 70; DF Polit & CT Beck 'Generalisation in quantitative and qualitative research: Myths and strategies' (2010) 47 *International Journal of Nursing Studies* 1453; L Amankwaa 'Creating protocols for trustworthiness in qualitative research' (2016) 23 *Journal of Cultural Diversity* 122; Humphrey-Murto and others (n 104) 16-18, NA Stahl & JR King 'Expanding approaches for research: Understanding and using trustworthiness in qualitative research' 2020 44 *Journal of Developmental Education* 20.

136 Dependability requires the qualitative research findings to be consistent and repeatable. In this regard, see Shenton (n 134) 72-73, 77. Therefore, my aim was for the study's research design and methodology to serve as a 'prototype model' that can be replicated by future researchers. I clearly formulated the research questions, ensured that the research design was congruent with the research questions, and provided an in-depth description of the methods followed for the focus group discussion. Furthermore, a reflective appraisal of the project contributed to the dependability of the qualitative study.

137 Confirmability refers to 'objectivity and implies that the data accurately represent the information that the participants provided and the interpretations of those data are not invented by the inquirer'. In this regard, see J Bradley 'Methodological issues and practices in qualitative research' (1993) 63 *Library Quarterly* 437. Some of the considerations identified to enhance dependability also improved the confirmability of the study. These include an in-depth description of the methodology followed to allow for the findings of the study to be scrutinised by others, recognising specific shortcomings in the methods, the availability of an audit trail, and acknowledging the role of subjectivity (see part 1.3). Also see Shenton (n 134) 72-73.

and anonymity to participants completing the questionnaire<sup>138</sup> and participating in the focus group.<sup>139</sup>

## 1.5 Applications of the LLB Curriculum Change Management Model

I believe this book is the first publication in South Africa and globally to facilitate comprehensive LLB or law curriculum change employing a curriculum change model. This model is based on a sound theoretical foundation (see chapters 3 and 4), considers the best practices and

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138 I attached an information sheet to the email that recruited respondents to complete the questionnaire. The sheet provided extensive details on informed consent. It assured respondents that participation in the study was voluntary and that there would be no penalty or loss of benefit for non-participation. Participants had the right to withdraw from the study without consequence at any time. No compensation or reimbursement for any related costs was payable. I made respondents aware that I would follow a quasi-anonymity approach where participants' identities and responses would be known to me but not to other parties. Although participants would not complete the questionnaire anonymously, I guaranteed that I would treat their feedback as confidential. I assured respondents that I would store electronic copies of their responses to the questions on a password-protected computer for five years. After that, their electronic feedback or responses will be destroyed. The first part of the questionnaire requested respondents to confirm that they provided informed consent to participate in the study. The questionnaire was only administered to those respondents who confirmed their informed consent.

139 The same ethical considerations related to informed consent were applied to participants in the focus group. Attached to my recruitment email to respondents was an information sheet and an informed consent form. The information sheet informed respondents that their participation in the focus group would not be fully anonymous or confidential. Participants would be familiar with the identities of other participants. However, I assured participants that I would treat their feedback as confidential. While I made every effort to ensure that participants would not be linked to the information they shared during the focus group, I could not guarantee that other members would treat the information confidentially. Nevertheless, I encouraged all participants to do so and not to discuss what happened during the focus group with outsiders. For this reason, I advised participants not to disclose sensitive personal information in the group. The information sheet informed respondents that I would audio record the focus discussions, and participants could only participate in the deliberations if they agreed to such a recording. It stated that I would address participants by their names during the discussions but anonymise the data by replacing their names with fictitious code numbers when transcribing the discussions. I assured respondents that I would store electronic copies of the recorded discussions and the transcript on a password-protected computer for five years. After that, the electronic recording of the discussion and transcription thereof would be destroyed. Only respondents who completed and returned the focus group informed consent form before the focus group commenced were included in the discussions.

recommendations identified in the Report on the National Review of the LLB, and incorporates the regulatory frameworks (for example, the HEQSF and LLB Qualification Standard) that shape curriculum change. The global and national higher education, South African legal education and institutional contexts, as described in chapter 2, are also addressed in the Final LLB CCMM.

The value of the LLB CCMM proposed in this book is not limited to curriculum change theory building. It contributes to a much-needed link between change management theory, curriculum change theory and practice. The LLB CCMM is of significant practical value to law faculties that intend to or have decided to engage in comprehensive LLB curriculum change. In this regard, the LLB CCMM will support law faculties in ensuring that their LLB curricula remain relevant and responsive to the dynamic nature of the higher education curriculum and the law's interrelatedness with the economic, political, cultural and social contexts. The CCMM can also assist higher education institutions in realising the 'wide-ranging curriculum reform' recommendations of the Report on the National Review of the LLB and the development of a five-year LLB, should the Department of Higher Education and Training, in consultation with all relevant stakeholders, decide to extend the minimum duration of the LLB by an additional year.<sup>140</sup>

The LLB CCMM was specifically developed to facilitate comprehensive curriculum change. However, specific processes, functions, FPs and recommended practices can be adapted to engage in minor or piecemeal LLB curriculum changes. Historically black universities and institutions with limited funds will also be able to successfully implement the LLB CCMM.<sup>141</sup>

Although developed specifically for the South African context, the model can be valuable for law schools undertaking curriculum changes worldwide. Moreover, the adaptable nature of the CCMM enables its application across various other disciplines, not only in law.

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<sup>140</sup> See CHE (n 14) 50-51.

<sup>141</sup> See part 2.2.5.

## 1.6 Conclusion and structure of the book

This introductory chapter emphasised the pressing need for a CCMM to effectively facilitate comprehensive changes to LLB curricula at South African universities. This book proposes an LLB CCMM for facilitating curriculum change. It does not aim to propose a new UFS LLB curriculum. My pragmatist world view is apparent in the practical and pluralistic research approaches that I adopted to develop the LLB CCMM. The brief discussion of how the LLB CCMM was developed highlighted that the mixed-methods approach, implemented across three phases, was especially well-suited for this study. Identifying specific steps for each of the three phases assisted the execution of the research. The discussion in the chapter confirms that I took appropriate measures to ensure adherence to ethical standards concerning informed consent, confidentiality and anonymity and to enhance the validity and reliability of the quantitative results and the trustworthiness of the qualitative findings. The chapter also highlighted the value of the LLB CCMM towards curriculum change and curriculum change management theory building, and establishing a much-needed link between theory and practice.

Chapter 2 orientates and places the study within the higher education and South African legal education contexts. The chapter investigates the unique contextual factors and challenges that inform LLB curriculum change and the development of a Draft LLB CCMM. The importance of the UFS institutional context and its impact on the development of the LLB CCMM are also highlighted.

Chapter 3 explores how the concepts of curriculum and curriculum planning can be understood in this study. The chapter provides an overview of the curriculum theorising of three prominent curriculum movements. The concept of curriculum is described from a higher education perspective with specific reference to three leading curriculum planning archetypes and their implications for this study. Furthermore, I explore curriculum development in higher education by focusing on constructive alignment, the National Qualifications Framework (NQF) and curriculum mapping as a backward design process.

Chapter 4 discusses Kotter's CMM<sup>142</sup> from a curriculum change perspective. A conceptual framework for facilitating comprehensive LLB curriculum change at South African universities is proposed. The literature review in chapters 2 to 4 and my experience and knowledge of curriculum change led to proposing the Draft LLB CCMM at the end of the chapter.

Chapter 5 reports the quantitative evaluation by 28 participants of the 61 DPs derived from the Draft LLB CCMM. Based on these results, the chapter identifies the DPs to be incorporated into the Final LLB CCMM and describes the practices contributing to complying with these principles. The chapter also highlights the strengths and weaknesses of the UFS curriculum change process. For this purpose, the nominal group technique was used during a focus group discussion. It led to the formulation of additional FPs and suggested practices for complying with the principles.

Chapter 6 engages with the Final LLB CCMM to facilitate LLB curriculum change at South African universities and makes recommendations for implementing the Final LLB CCMM.

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142 Kotter (n 66).