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Integrating theory and practice in the LLB curriculum: Some reflections

> Law schools have a tradition of emphasizing instruction in theory and doctrine over practice and of treating theory and doctrine as distinct, separate subjects from practice. The separation of theory and doctrine from practice in the law curriculum was an unfortunate fluke of history that hinders the ability of law schools to prepare students for practice.[1]

Summary

The debate regarding the ideal outcomes for tertiary legal education has been a topic of national and international discourse for a long time. One of the aspects of this debate is whether legal theory and practical legal skills education should be integrated, and if so, how this should be achieved. It is common knowledge that since the inclusion of skills courses in the LLB curriculum, notably the clinical law courses, there has been progress in South Africa towards moving to a curriculum that integrates theory and practical legal skills. This article argues that there are compelling reasons in the South African context that integration of theory and skills should indeed occur in tertiary legal education, but that such an occurrence should not place the sole burden on skills courses alone.

Die integrasie van teorie en regsvaardighede in die LLB-kurrikulum: Sekere indrukke

Die vraag rondom die ideale uitkomstes vir tersiêre regsonderrig is reeds vir 'n geruime tyd 'n punt van nasionale en internasionale debat. Een aspek van hierdie debat is of regsteorie en regsvaardighede integreer moet word, en indien so, hoe dit moet geskied. Dit is gemene saak dat sedert die insluiting van sekere regsvaardighede-kursusse in die LLB kurrikulum, veral dan die kliniese regsonderrigkursusse, daar wel ontwikkeling was by Suid-Afrikaanse universiteite in die rigting van 'n geïntegreerde kurrikulum. Hierdie artikel betoog dat daar dwingende redes in Suid-Afrika konteks bestaan om teorie en praktiese regsvaardighede in voorgraadse regsonderrig te integreer, maar dat dit nie uitsluitlik die verantwoordelikheid kan of moet wees van regsvaardigheidskursusse alleen nie.

1 Sullivan *et al.* as quoted by Stuckey *et al.* 2007:4.

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1. Introduction

The age-old discussion regarding whether a university degree, particularly the LLB degree, should be content-based or skills-based, is one that comes a long way.[2] The way in which the law student is prepared for entry into the legal profession should, however, be regularly reviewed.[3]

Our experience indicates that it is not a question of a choice between theory (content-based/doctrine legal education) or skills-based (practice-orientated legal education) courses at tertiary legal education level, but rather a question of how to integrate the two.

2. Compelling issues which necessitate the integration of theory and legal skills

A number of issues necessitate integration. One is the typical profile of the average law student encountered particularly by teachers of clinical law or practical legal training courses at law faculties.[4] It is submitted that due to the lack of appropriate school education towards studying law in South Africa, law schools are faced with an unfortunate but extremely pressing challenge to bridge the divide between school and university education. Let us be bold enough to admit that it is currently clear that South African universities are not delivering an LLB graduate that meets the requirements of legal practice.[5] The second matter that necessitates the integration of practical legal skills and theory is that South African law faculties do not really have such an entirely free choice in the matter, as may be perceived at first glance. This has been demonstrated

2 O'Reagan 2002:248. See also Stuckey 2007:98 and further, who writes in American context: 'One of the impediments to merging instruction in theory and practice has been the perception that context-based learning is useful for teaching "practical skills" but not substantive law or theoretical reasoning associated with "thinking like a lawyer". In fact, the opposite is true.'

3 Stuckey 2007:21.

4 Our clinic conducts a simple pre-evaluation of fourth-year law students who enrol for our clinical course in which their knowledge of theory, especially relating to the law of contract, the law of delict, the law of evidence and so on are tested. The results are often poor and suggest that law students think in a 'compartmentalised' fashion when it comes to law subjects. It is widely recognised that this very aspect, amongst other advantages in clinical legal education, is addressed through this teaching methodology. The South African Attorneys' Journal, *De Rebus*, in regular editorial comments and letters to the editor, provides glimpses of the crises in tertiary legal education.

5 In the June 2007 issue of *De Rebus*, the South African Attorneys' Journal, editor Philip van der Merwe wrote, amongst other things, the following: "There is much discussion nowadays about the poor quality of law graduates ... In addition to specific legal knowledge, there are two general areas of skills deficit that practitioners mention most — numeracy and literacy ... Many (prospective) candidate attorneys, including those who have been good students and achieved good results, cannot write an essay. Yet writing is an essential professional skill in almost every branch of legal practice".

by writers such as De Klerk.[6] Other stakeholders in South Africa — the legal professions, for instance, and the judiciary — have a legitimate interest in what the content of the LLB curriculum should be. The South African Qualifications Authority (SAQA) prescribes a set of exit level outcomes for the LLB degree. If regard is had to these outcomes, it becomes clear that many of these exit level outcomes show remarkable similarities to the goals of clinical legal education.

What is important to note is that the main paradigm within which legal educational outcome levels are currently perceived (by SAQA at least) leans more towards skills-based and generic outcomes, than content or theory-based outcomes.

The pertinent issue, however, is to establish to what extent the LLB outcome levels find application in all courses, not only in 'skills courses': a debate that is notably absent from academic discourse in South Africa. We therefore believe that if the SAQA's outcome levels were to be applied to the full range of LLB subjects (theory and skills), it would automatically lead to a situation closer to the ideal.

The third and perhaps most pertinent reason for the integration argument is the overt outside criticism of the quality of the delivered LLB graduate, particularly by the legal profession.[7] We are all aware that since Justice Chaskalson made this statement, the position at South African law faculties may have improved due to the introduction of certain skills courses, particularly clinical law courses. Yet the criticism from various sources regarding the current quality and standard of LLB graduates produced by South African universities continues. This is not a uniquely South African phenomenon. American literature, on the need to reconsider legal education and the results it produces in that country, refers to 'consumerism' as a driving force for change.[8] We in South Africa may very well expect that outside stakeholders may with validity stake a claim in the future, in what and how we teach law at South African universities.

A fourth reason exists for the integration of theory and practical skills at university and that is that the period of vocational training is likely to be reduced in terms of the draft Legal Practice Bill.[9] So often in the South African context, we experience a perception that the primary objective of law students is to pass the LLB degree, and that learning practical skills will be achieved through their terms of articles and by attending the vocational training courses after graduation.

6 2006:938 and further.

7 De Klerk 2006:939 quotes a statement by Justice Chaskalson that was made a number of years ago, which may still be quite valid in many instances:
"Law students can leave a university with an LLB degree without ever having seen a client, without ever having been in court, without knowing how to interview a witness or draft a contract, or prepare an argument or address a court. The result is that law graduates emerge from the university with a theoretical training, but without any basic knowledge of, or practical training directed specifically to, the practice of law. I do not believe that there is any profession other than the law in which students leave university as ill-equipped as this to pursue their chosen career".

8 Stuckey *et al* 2007:36-37.

9 Vawda 2004:116 and further.

The teaching and development of legal skills should not be left to skills courses alone, but ought to be included in as many of the content-based (theory) courses as well. Whilst some degree of consensus has formed regarding the content of clinical legal education courses amongst South African universities, a discourse on the inclusion of certain skills in content-based courses remains largely absent from academic discourse. Such a discourse has become imperative and urgent.

3. Skills and content: a necessary relationship

Theoretical knowledge on substantive law issues and the teaching of legal skills go hand in hand. This observation will particularly be affirmed by legal practitioners who have made the transition from the practice to the teaching of law, such as most clinical law teachers.[10]

There are certain skills required of a competent lawyer that should be inherent in the outcomes of all theoretical subjects of the law degree. Conversely, the teacher of law skills courses needs the student to possess a degree of previously-attained theoretical knowledge in order that he may effectively teach the particular legal skill, for example a thorough knowledge of delict and law of contract for the drafting of pleadings. The argument is no longer whether tertiary legal education should be the one or the other in order to deliver a competent lawyer.[11]

10 Wegner as quoted by Stuckey 2007:98. She states amongst other things: "The evidence suggests quite strongly, however, that legal writing programs at their core reinforce instruction in traditional legal reasoning, using work with cases and statutes to push students' individual capacities to comprehend and to analyze, then posing complex problems requiring not only these capabilities, but also ability to apply and synthesis (*sic*) legal concepts and to evaluate their bearing from competing points of view. Legal writing programs (*sic*) in fact provide a much better opportunity to judge students' development of advanced cognitive abilities than is afforded in large classes, ... and few opportunities for feedback or improvement exist".

11 Constitutional Court Justice Kate O'Reagan 2002:247 on occasion, remarked: "Much of the test of what constitutes a competent lawyer is skills-based rather than content-based. Skills that need to be learnt include:
- the ability to listen and absorb information;
- the ability to think clearly and in turn to express those thoughts orally and in good prose;
- the ability to conceive an argument and to be able to use verbal techniques of persuasion;
- the ability to read and understand a text, and particularly the ability to condense it without losing accuracy;
- the ability to use the law library — to be able to read and understand a case, to identify the facts and the ratio, to note-up cases, to compare and contrast judgments and to critique them;
- the ability to use basic computer programmes for preparing documents and for legal research;
- the ability to find and interpret statutes and regulations, and amendments to them and case law elaborating upon them;
- the ability to understand the legal significance of a set of facts; and
- the ability to see the big picture, to be able to locate a case or a statutory provision and see where it fits into the legal system as a whole, as well as the continuities or discontinuities it has with other aspects of the law'.

Again, this is not a uniquely South African ideal in the education of law students.[12]

Whilst we fully agree with the skills listed as essential in order to turn out a competent lawyer, and also that many of these skills may be developed in skills courses at university (which include clinical legal education courses), this does not necessarily imply that these skills cannot also be acquired in theoretical subjects. An obvious skill required of a competent lawyer is to be proficient in the use of language both verbally and in writing. It is our experience that very little attention is given to especially the latter, in all theory courses. How many lecturers of theoretical courses assess students for a secondary, yet the extremely important outcomes of effective use of language?

In this regard, we should perhaps note that generally, any legal education is more effective if the student understands the relevance of the content/theory that is taught. This is also referred to as 'context-based' education and:

> Context helps students understand what they are learning, provides anchor points so they can recall what they learn, and shows them how to transfer what they learn in the classroom to lawyers' tasks in practice.[13]

Hypothetical problems, especially if they are content and contextually relevant at the time, are an aspect that all law educators should fully utilise.

It is unimaginable that a course such as constitutional law, an essential component of the LLB curriculum, should be presented without a core section that develops the analytical skill of a student in relation to the fundamental link between law and society. And this may be quite easily assessed by allowing students to research the topic and writing an essay. In this manner good writing and reasoning are inculcated. This observation may also be applied to traditionally content-based subjects such as jurisprudence and legal history.[14] Without such 'analytical skill' the relevance and therefore motivation for students to study many of these subjects, may fall away.[15]

12 Stuckey 2007:26. According to the author, the American Bar Foundation concluded in the early 1990s: "The [hiring] partners today, in contrast to the mid-1970's, expect relatively less knowledge about the content of the law and much better personal skills. It appears that the law firms in the 1970s could afford to hire smart, knowledgeable law graduates as yet immature communication and client skills, place them in the library, and allow them to develop. Today there is much less tolerance for a lack of client and communication skills; there is perhaps more patience with the development of substantive and procedural expertise in a world of increasing specialization".

13 Maranville, quoted by Stuckey 2007:141.

14 A subject like legal history will only achieve its outcomes if it illustrates, for example, the relevancy of historical developments for the law as it is today.

15 The words of Watson, as quoted by Stuckey *et al* 2007:17 aptly describe the purpose of the law school as follows: "There is so much more to the law, even for the practice of law, than that: issues such as the social functions of law, the factors that influence legal development, patterns of change, the interaction of law with other forms of social control such as religion, and, of course, the relationship of law and ethics. Law students should be trained to have a greater awareness of their role in society. Law school is the obvious place and time for presenting the greater dimension of the law. Law teachers should cater to the needs of the lawyer philosopher as well as the lawyer plumber. Both types of lawyer are necessary for a healthy society".

Ethics and professional conduct is a subject which has been identified and developed into a so-called 'skills' course at most South African law faculties. At the University of the Free State it takes the form of a lectured course. However, although legal ethics has, for whatever reason, been designated as a 'skills' course, surely the *rationale* for and the application of legal ethics and professional conduct also find pertinent application in subjects like constitutional law, jurisprudence, civil and criminal procedure, criminal law, etc.?[16]

It has been our experience that besides the skill requirement of societal care, clinical law teachers are faced with a situation where, in the words of Hyams[17] in describing the current situation in Australia, it:

> ... appears to be that students come to the clinic with a very small bag of useful equipment for practice — if they have any practice implements at all. Traditional law teaching does little to equip them to "jump the chasm" between law and fact. They cannot understand why, in their clinical work, the law always appears reasonably clear and consistent, but the facts as presented to them by clients are a mishmash of events, recollections, half-truths and opinion all presented without chronology or, often, much coherence. Nothing they have learned in law school has equipped them to be fact-gatherers and to sort through this mass of information. Often they cannot even begin to conceive where information provided by a client fits into the knowledge they have acquired during their law studies.

Having advocated that content and skills should be integrated, the question is, how is this to be achieved? The answer, to our mind, lies in the teaching of methodologies and in the methods of assessment that are used. Different teaching methodologies and methods of assessment are not within the scope of this article, but clinical legal education, university law clinics, practical legal training, community service learning, street law programmes, tutorials, scrutiny of LLB curricula by stakeholders and peers, and alternative assessment methods, are proposed below, in an effort to come closer to the integration of theoretical knowledge and legal skills. It must, however, be pointed out that clinical legal education offered at university law clinics, although invaluable as teaching methodology, has its limits. This chiefly relates to the numbers of students that can be accommodated at most law clinics, and time constraints which necessitate the consideration of alternatives.

16 It is interesting in this regard to note the writing of Douglas, as accessed on http://www.wm.edu/law/publications 9/10/07, who demonstrates that the Jefferson vision of a law graduate in the United States of America at the turn of the previous century, was to establish centres of higher learning that would turn out law graduates, not solely motivated by materialistic values, but rather graduates that would zealously help to preserve and protect the principles of democracy and freedom which had at the time been recently attained in that country. Does this not seem particularly apt in the South African context?

17 Hyams 2007:79.

4. Measures to achieve integration of theory and skills

The following are measures that may be used to achieve the integration of legal theory and practical legal skills.

4.1 University law clinics and clinical legal education

From the Oxford Online dictionary,[18] we learn that the word 'clinic' originates from the Greek *klinike tekhne*, meaning 'bedside art' from *kline*, 'bed'.

From the Cambridge Online Dictionary,[19] we understand 'clinic' to mean '*a building, often part of a hospital, to which people can go for medical care or advice*'.

From the above it is clear that the meaning of 'clinic' originated from the practice of medicine. It is accepted that over time the meaning of the word has been extended to include the practice and teaching of law. In this context, 'clinic' may be defined as:

> A place under the auspices of a university, or an institution of higher education, where members of the public may go to receive legal services, and where law students, through assisting to and or rendering these services under supervision of qualified legal practitioners, may learn the profession of law by either doing it or observing it being practised.

As early as 1933, John Bradway, the director of the Duke Legal Aid Clinic in North Carolina in the United States of America, set out five goals for the clinical method of teaching which still find relevant application today.[20]

The praises of clinical legal education as teaching methodology in tertiary legal education have already been sung.[21] The use of this teaching methodology

18 Accessed on http://www,askoxford.com 10/3/2007.

19 Accessed on http://dictionary.cambridge.org/define 10/3/2007.

20 Quigley 1995:462. These were: To bridge the gap between the theory of law school and the practice of the profession, to synthesise the various bodies of substantive law and procedural law learnt by the student, to introduce the student into the human element of the study and practice of law, to introduce the student into the unwritten lessons of advocacy in the practice of law, to teach the student to think of legal matters and issues from the beginning of their development, rather than the end as 'appellate opinions'. See also Steenhuisen 1998:61, who states the seven main goals of clinical legal education 'most with their own sub-goals' and having been formulated following a study from sources from South Africa, the USA, Britain and Australia as: (1) teaching students professional responsibility, (2) teaching students judgment and analytical abilities, (3) filling possible gaps that exist on substantive law knowledge, through clinical legal education (4) teaching students to apply practice skills (5) rendering legal services to the community, (6) learning and working in groups (7) integrating all or some of the above goals. Surely some of these goals, for example goal 2, 'teaching students judgment and analytical skills', or goal 6, 'learning and working in groups' may be, as much as in clinical skills courses, incorporated in theoretical subjects.

21 See McQuiod-Mason 2005:1 and further for an account of access to justice and the role of law schools through its law clinics.

has been validated and we will leave its merits there. We do submit, however, that clinical teaching has its limits and that this calls for the consideration of alternatives.

4.2 Practical legal training/education in theory courses to teach legal skills

It is within the parameters of the SAQA outcomes for the LLB and the limitations of clinical legal education outlined above, that law teachers (clinical law teachers included) should take note of the relevance and applicability of practical legal education, community service, community service learning, street law programmes, tutorials and assessment practices as alternatives to achieve the ideal that has been set out so far.

It has been the experience in our faculty, tasked with skills courses, that practical legal education is often an alternative to clinical legal education. Whilst clinical legal education may always be practical legal training, the latter is not always clinical legal education. The outstanding feature of clinical legal education is the student's experience of the 'live client' situation which of course may be absent from a practical or simulated legal education course.

When one thinks of practical legal education/training at law faculties, the simulation model of teaching immediately comes to mind, such as in advocacy courses that include mock/moot trials. Including a mock/moot trial component into a course has been primarily assigned to 'skills' courses at most South African universities, particularly the clinical legal courses.

However, there is no reason why a theory course such as criminal, civil procedure or evidence should not include a mock or moot trial component. With a little input by the lecturer in these courses, students may be chosen and briefed beforehand to 'represent' closing arguments in a 'case', the facts of which are disseminated to all the students. This could be all the more valuable if the facts that are chosen relate to a matter that is topical at that moment such as the arrest of a prominent person, for example, and a simulated bail application. We all know that arranging mock/moot trial exercises so that a class of 200 students derive substantial benefit from the exercise, is very difficult in terms of available time, so why not enact a simulation with two or more students in the lecture hall for say, 20 minutes and then allow a class discussion on the issue for a further 20 minutes (ideally appointing a student to facilitate the discussion) and allowing the lecturer 10 minutes to give feedback. One could make use of a reflective essay/note as an assessment tool for all of the students, allowing them freedom to express themselves on previously disseminated issues involved in the simulation.

It would not take much imagination to extend such exercises to other theory subjects as well.

4.3 Community service and service learning modules in traditional theory courses

Community service and service learning at faculties of law in South Africa have been delivered mainly through clinical legal education programmes, in particular where and when students have, under supervision of qualified attorneys, rendered legal services to poor members of the society. Of late, most South African universities, including the University of the Free State, have institutionalised community service and service learning as key components of their educational programmes. However, as in any academic environment, legal educators should familiarise themselves with the institutionalised academic environment within which community service and service learning ought to occur. In terms of its policy document, the University of the Free State defines community service learning as follows:

> An educational approach involving curriculum-based, credit bearing learning experiences in which students (a) participate in contextualized, well structured and organised service activities aimed at addressing identified service needs in a community, and (b) reflect on the service experiences to gain a deeper understanding of the linkage between curriculum content and community life, as well as achieve personal growth and a sense of social responsibility. It requires a collaborative partnership context that enhances mutual, reciprocal teaching and learning among all members of the partnership (lecturers and students, members of the communities and representatives of the service sector).[22]

The following observation regarding the above must be made in the context of this article. Community service learning is an educational approach. Implied here is that it may be used as an alternative teaching pedagogy to traditional teaching pedagogies. Considering that it is a prerequisite that community service learning be part of a structured curriculum-based content course, as well as credit bearing, one ought to be warned that, as with clinical legal education (in the true sense with the live client), community service learning is labour-intensive unless it is offered as an optional course with only 15 to 20 participating students.

However, there is no reason why a community service module cannot form part of a traditional legal theory course in order to develop legal skills.

There can be little doubt that community service and service learning have a definite place in tertiary legal education, specifically if the general key foundations that include community service and service learning are accepted. The pertinent question is how to include community service learning in the LLB curriculum.

There is furthermore no doubt in our minds that clinical legal education, as teaching methodology and specifically including the 'live client' experience in that methodology at university law clinics, is nothing more and nothing less than community service learning. At many faculties of law, and certainly in our case, the work of the law clinic is often upheld by the university as a 'flagship' model of community service and service learning, especially as the law students are

22 Accessed on http://www.uovs.ac.za 2007/11/07.

involved. However, in the light of the limitations of university law clinics, and analogous to the main argument presented in this article, namely the integration of theory and practice, the time is ripe for content-based or theory course specialists at universities to devise ways in which to foster community service learning in all, or at least in as many law courses as possible. This is of course easier said than done, but there are always alternatives. One such attempt has been the South African universities' street law programmes.

4.4 Street law programmes as part of traditional theory courses

Street law programmes are another teaching pedagogy that may be employed in many courses at university with a view towards integrating theory and practice. In essence, this is nothing more or less than community service learning.[23]

The use of reflective journals as an assessment tool is a valuable continuous yet alternative assessment tool that law teachers may take note of. Such journals may contain students' school-talk reports and lesson plans. Interacting with school children may further present questions and discourse between student and learner on aspects such as family law, the law of persons and so on. The programme may create awareness and further reinforce/inculcate previously acquired theoretical knowledge in courses like labour law, specifically relating to mediation, arbitration and conciliation. It may even provide wonderful opportunities to critically evaluate and compare the adversarial and inquisitorial law processes. Apart from anything else, the law student is afforded the opportunity to develop or further refine his/her ability to formulate his/her ideas and to effectively communicate these verbally in practice.[24]

4.5 Tutorials fully utilised as a means of achieving integration of theory and skills

We cannot fully achieve the goals of legal education at universities as described in this article without also seriously considering the option that tutorials afford. Tutorials are presented in small groups with a lecturer or senior law student facilitating a group discussion or group assignment. Any clinical law teacher will fully attest to the fact that students relax and put more effort into thinking than

23 McQuoid-Mason, accessed on http://www.lawteacher.ac.uk/bulletin/107e.html 10/26/2007, describes his street law programme as follows:
"The street law programme is designed to train law students to teach high school pupils and others about their legal rights and where they can obtain legal assistance. It explains to "people on the street" how the law affects them in their daily lives.
Street law also encourages people to think critically about the legal system and to consider alternative forms of dispute resolution such as mediation, arbitration and negotiation when dealing with conflict. At the same time by sending law students out to schools and communities to teach about the law, the street law programme gives law students a unique insight into the legal needs and aspirations of ordinary people."

24 See Jackson 2007:280 and further regarding the advantages of the Socratic Method as additional encouragement to talk. Whatever method of teaching is used, it is important that law students learn to express themselves orally in an effective manner.

they do when their immediate goal is to memorise material in order just to pass an imminent test or examination.

Using tutorials in legal education can and must be applied not only in skills courses but also in content/theory-based subjects. The Law Faculty of the University of the Free State is currently launching a pilot project to be implemented in 2008, where students will receive the benefit of tutorials in two theory/content-based subjects. To our mind this is a positive contribution towards integration of theory and practice.

4.6 Scrutiny of LLB curricula to achieve integration

As unpopular as this may be, we propose that the time has come for the content of law faculty curricula to be scrutinised by peers and especially stakeholders such as the legal professions and the judiciary. The South African Law Deans Association may play a leading role in ensuring that at least a basic set of exit-level outcomes are achieved by South African law faculties, reflecting an integration of theoretical knowledge and the practical application thereof.

4.7 Assessment as tool to achieve integration

Assessment in tertiary legal education is a specialised subject in its own right. However, many law teachers will attest to the fact that the majority of law students graduate by means of rote learning and regurgitation of crammed knowledge in tests and examinations. Are tests and examinations the only appropriate methods of assessment? Are law teachers generally required to be fully qualified on the latest and most effective methods of assessment? And even if written tests and examinations are used as the sole assessment tools, how do we assess? So often in our experience, assessment requires only the regurgitation of crammed black-letter law, rather than being used as a valuable tool to demonstrate the application of legal skills to find answers to complex questions.

5. Conclusion

This article has, firstly, demonstrated that the SAQA exit level outcomes for the LLB degree do not allow South African law faculties total autonomy in deciding on what and how the content of their LLB syllabi is taught. These exit-level outcomes lean towards skills-based and outcomes-based legal education. There is evidence that internationally, more and more law schools are moving towards outcomes-based legal education. The article has further demonstrated that legal skills cannot be taught to law students in isolation. It has also indicated that conversely, theory or content-based subjects at law schools should contain elements of skills and when they do, integration of skills and theoretical legal education is achieved. Clinical legal education as teaching methodology has been validated. Its profile at South African universities — and this seems to be an international development — is constantly rising. However, clinical legal courses have their limitations, especially in the light of the limited resources

of South African law clinics, the numbers of law students enrolling each year and the failure of many South African universities to fully commit themselves financially to university law clinics. It is with these limitations in mind that alternative teaching methodologies such as practical legal education through simulation models, for example, become useful as alternatives. It was argued that this, and components of 'practical' legal education, may be included in many content-based subjects of the LLB curriculum. Another alternative teaching pedagogy is street law programmes. The value of street law programmes was described and reference was made to alternative assessment models, including the use of reflective journals. Lastly, the article referred briefly to the role that tutorials, scrutiny of curricula, and assessment may play in legal education in an attempt to meet our stated goals and outcomes.

In the South African context, and clearly elsewhere, there is a certain awareness that the content and the manner is which the law student is prepared for practice should be seriously reviewed. To our mind, the question of whether law schools/faculties should have a primary duty to prepare law students as best as they can for practice, should be answered in the affirmative. What other reason could there be for the continued existence of law schools/faculties?

The time is ripe for the full integration of theory and practice. This ideal is summed up simply as:

> In sum, legal education requires the integration of substantive law, practical lawyering skills and diverse learning strategies.[25]

25 De Groff & McKee 2006:508.

Bibliography

APEL SB
1999. Interdisciplinary teaching and learning. *The Law Teacher*:1-3

DE GROFF EA AND MCKEE KA
2006. Addressing the difference in law student learning styles.B.Y.U. *Education and Law Journal*:499-549.

DE KLERK W
2006. University law clinics in South Africa. *The South African Law Journal*:929-950.

2006. Integrating clinical legal education into the law degree: Thoughts on an alternative model. *De Jure*: 244-251.

HYAMS R
2007. Student assessment in the clinical environment — what can we learn from the US experience? *International Journal of Clinical Legal Education*:77-95.

JACKSON JD
2007. Socrates and Langdell in legal writing: Is the Socratic method a proper tool for legal writing courses? *California Western Law Review*:267-308.

STUCKY R *ET AL*
2007. *Best practices for legal education.* University of South Carolina Publications Columbia.

JONES R AND SCULLY J
1996. Hypertext with legal education. *Electronic Law Journal* JILT 1996(2).

MACCRATE R
2004. Yesterday, today and tomorrow: Building the continuum of legal education and professional development. *Clinical Law Review* (10):805-827.

MCQUOID-MASON DJ
2003. Can't get no satisfaction: The law and its customers: are universities and law schools producing lawyers qualified to satisfy the needs of the public? *Journal for Juridical Science*:199-209.

2005. Access to justice and the role of law schools in developing countries: Some lessons from South Africa: Part 2: 1990 until the present. *Journal for Juridical Science*:1-15.

O'REAGAN J
2002. Producing competent graduates: The primary responsibility of law schools. *The South African Law Journal*: 242-250.

QUIGLY D
1995: Introduction to clinical teaching for the new clinical law professor: A view from the first floor. *Akron Law Review*:463-494.

STEENHUISEN E
1998. Die doelstellings van kliniese onderrig aan 'n regsfakulteit. Unpublished LLM dissertation, Rand Afrikaans University, South Africa.

VAWDA YA
2004. Learning from experience: The art and science of clinical law. *Journal of Juridical Science* (1):116-132.