

COLUMNS

## Educating Lawyers

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With the onset of the pandemic in 2020, life changed globally. The emergence of coronavirus shook the world and led to global upheaval. All aspects of life were affected, including education. Law universities that were a place for teachers to come together and discuss ideas and communicate them to students suddenly had to make changes to adapt to the pandemic. Thus came the need to change mindsets for improving the quality of education and achieving learning goals. As a result, online education was adopted to mitigate the challenges.

In practice, to make online learning meaningful, law school teachers relied on the age-old technique of cooperative teaching. Here, two or more teachers plan together to deliver on a subject assigned to them. Traditionally, most teaching processes are still dominated by teachers. As a result, more emphasis is laid on teaching and not on learning.

To shift the focus, collaboration between students is required. Generally, collaboration has been defined as a pervasive, long-term relationship in which participants recognise common goals and objectives, share more tasks and participate in extensive planning and implementation. It creates a bond of belonging to a learning community. Collaborative learning is when two or more students



come together to understand a common learning concept and complete a common task. They use each other's skills, understanding of subjects and resources to fulfil the task. They all have joint responsibilities for success and failure.

The most significant aspect of collaborative learning is the use of two concepts known as positive interdependence between group members and individual accountability for one's learning and the group members' learning. In simple terms, positive interdependence between students is when they perceive that they can only achieve their goal when their learning partners also achieve their respective goals. Individual accountability means that every student is responsible for contributing to the group work, which is visible to other group members. The key point in implementing these methods is that individual differences are seen as opportunities for addressing the issues related to cognitive and social competencies in students by considering their social and academic needs.

What needs to be understood is the importance of collaboration for achieving the goals of learning in an inclusive environment.

According to UNESCO, inclusion is defined as a process of addressing and responding to the diversity of needs of all learners through increasing participation in learning, cultures and communities, and reducing exclusion within and from education. What this requires is that the teachers while cooperating, modify the content, approach, structures, and strategies to make their teaching inclusive for all students.

The overall aim is to impart "socially relevant education" where the students are trained to assume their social and ethical responsibilities towards society, in addition to knowing legal rules. In simple terms, according to a 1992 report of the American Bar Association, called the MacCrate Report, the work of a lawyer revolves around the analysis of the facts of a client's case, research of the laws involved, counselling the client on the options available and negotiating disputes before or outside the court.



Similarly, guidance can be sought from the Carnegie Foundation that had issued a report in 2007 titled “Educating Lawyers: Preparation for the Profession of Law”, which said that legal theory had been overemphasised, while practical skills and development were underemphasised. To illustrate, the Report refers to the case study method where it states that students are deprived of their sense of fairness and justice and are made to view the actors involved from legal rules and principles and not from the real-world context. At the same time, it emphasises inculcating a high sense of moral and ethical identity that would contribute to the growth of the profession itself.

The thrust of the Report was to contextualise and humanise legal education and integrate clinical education into a legal theory. This means giving a hands on experience to students in real-life institutions and real-life actors involved in the legal process. Some suggestions have also been made in the Carnegie report that include focusing on writing and research classes in the overall curriculum; increasing the importance of classes on negotiation and developing alternative dispute resolution.

In this context, clinical education needs to be promoted through cooperation between the teachers for which even they need to be trained. This could be further understood from the qualities that a clinical programme aims to achieve.

The first quality goes directly to its professional educational mission, i.e. preparing students for practicing law not otherwise emphasised in the traditional law school curriculum; providing professional skills training and instilling professional values of public responsibility and social justice. The rationale behind these courses is based on “learning by doing to offer practice-oriented courses dealing with actual legal problems and institutions and a commitment to experiential learning that is not possible in a traditional classroom setting where law is taught through one-way lectures or from cases and material presented exclusively in printed texts”.



Thus, to collaborate, clinical teachers must identify educationally relevant and effective projects for their students to work on. Second, students must be prepared to undertake their clinical work which is what they will learn by doing. Third, students must be supported and supervised while they do their clinical work. Finally, they must be supported in a way that empowers them by working on a particular clinical project.

It is important to recognise that these initiatives should focus on inculcating respect for law among the students. This means all legal, judicial and constitutional subjects should develop a belief that the students have a role in enforcing it equally and fairly. The cooperating teachers must seek to address the distance between “law in books and the law in reality” to ensure justice. Their role is to encourage the analysis of various structural problems of our civil and criminal justice systems and their implications for the rule of law in India in the context of social, economic and political transformations.

Therefore, there is a need to bridge the gap between theory and practice. However, the practical aspect of implementing such changes needs to be considered along with spreading awareness and coordination among the relevant actors, including law students and teachers, the State and civil society groups, academics and researchers.

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