



Thistles Never Beget Pickles: Is Legal Education in Pakistan Toeing the Right Direction?

Najia Awan

Advocate

Awan & Awans Legal Consultants, Lahore

email: najiaharoon@gmail.com

Abstract

Pakistan Bar Council Rules 2015 standing on the shoulders of the honorable Supreme Court of Pakistan finally got implemented in letter and spirit. The inflow of aspirant lawyers was curtailed assumingly, on the principle of demand and supply by making the passage to the profession narrower and longer (only 100 students for 5 years/university). The step is to deal with one side of the problem i.e., overcrowding of the professional stream. The other and more important aspect of the problem is the declining standards of legal education. The steps taken to improve this aspect also invited further exploratory research. The research mainly seats in social constructivism where ontology-epistemology difference is minimum. The methodology is hermeneutic dialectical which contemplates the active role of the researcher in observing and comparing one phenomenon in various systems to suggest a solution. The method used is content analysis. The phenomenon of legal education is analyzed and compared in currently available models of legal education in Pakistan. In this context, the comparison is made between LL. B. five years semester (S) programme with five years annual programme (A). The findings are two-sided, one is that these two programmes do not synchronize regarding the content of the programmes, the content added in the semester programme to groom the student's experiential learning through research; while advocacy skills are absent in the annual-based programme. Second is that such content, though has been added in the semester programme, lacks an assortment of any standardized skillset required to be developed in the aspirants. In addition, no quantifiable assessment standards have been required or provided to assess the skillset acquired by the law students. The suggested remedy is to assort the skillset first and then develop tools to standardize their assessment. It could be done by developing a

teaching methodology having a connection between the pedagogy (means) and the skillset (ends) to uplift the standards of legal education. The required skillset could be developed on an experiential/clinical model available in neighboring and advanced countries.

Key Words: Pakistan Bar Council Rules 2015, means and ends, Lawyer's skillset, Pedagogy of Law, Experiential/Clinical legal education.

Introduction

Up till the end of the last century, the policy debate regarding legal education in Pakistan kept bobbing over two issues, the duration of LL. B course and the medium of instructions. Over these two areas, many times decisions were taken, and policies revised. Course duration kept changing between two and three years. Likewise, the medium of instruction was juggled between English and vernacular. As far as the methodology, a lot has been supported and said by local academics and foreign professors but no substantial pedagogical progress could be attained.

As the section of the Bar on legal education in the US and Law society in the UK, Pakistan Bar Council (PBC) looks after legal education in Pakistan. Through its Act PBC entrusts the responsibility of legal education to its legal education committee and the provincial committees. Customarily, the role of all these committees remained to oversee the availability of the physical infrastructure and facilities arranged by legal education institutions to run law programmes. Rarely do these committees involve themselves in the pedagogical and methodological designs of legal education. The Bench has been playing a supervisory role in keeping standards of legal education by being part of the statutory bodies of the universities and Superior Courts supervise the standards (mostly physical facilities) at universities affiliated law colleges, steering through the affiliating universities.

With the turn of the new century, the Bench strengthened the hands of PBC to direct academia for enhancing standards of legal education. An exemplary judgment by Jilani J. held in 2007, that among many problems bringing the standard of legal education to a decline, mushrooming of low standard law colleges was the most important one, and to deal with the issue, Pakistan Bar Council was

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the authority. The Court further held that the rules made by the PBC are to be read in the rules of the universities, imparting legal education. In case of any conflict, the rules of PBC would get primacy. Another development was that the court also included law academics in bringing improvement in legal education standards. A five-member committee was constituted, comprising distinguished law academics. The committee was required to submit a report proposing academic reforms in the existing legal education system and based on these suggestions, PBC was to set standards of legal education and to inspect law colleges to confirm that these standards were being implemented. Below is given the content analysis of the said judgment.

Analysis of PLD 2007 SC 394

Court orders forbidding actions unconditionally	Expected outcomes	Court orders forbidding actions conditionally	Impact
<ul style="list-style-type: none"> ○ One of its primary functions (of PBC) ...is 'to promote legal education and prescribed standards of such education in consultation with the universities in Pakistan and the Provincial Bar Councils'. (Section 13(j)). It has been empowered to 	<p>PBC to prescribe standards of legal education in consultation with universities .</p>	<p>The rules do not envisage any concept of provisional affiliation. However, if any enactment, rules or regulation made thereunder provide for provisional affiliation, the same shall not extend</p>	<p>No provisional affiliation.</p>

<p>make rules to carry out its functions which include rules to provide for, “the standards of legal education to be observed by the universities in Pakistan and the inspection of universities for that purpose”.</p>	<p>PBC to inspect institutions, (to see whether standards are being followed) per judgment.</p>	<p>beyond the period of one year and thereafter the said college shall stop admitting students for a law degree.</p>	
<p>○ The Affiliation of Law Colleges Rules framed by the Pakistan Bar Council and any rule added or amended from time to time by it are essential to ensure that the law schools/colleges impart uniform quality legal education.</p>	<p>Uniform quality of legal education to be maintained by all institutions</p>		
<p>○ The rules framed by the Pakistan Bar</p>	<p>Primacy of Bar council</p>		

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<p>Council shall be read into the rules framed by any Pakistani university and in case of conflict former rules shall have primacy.</p>	<p>rules over the university rules.</p>		
<p>○ With a view to improve and update the syllabus prescribed for a professional degree in law, we are persuaded to appoint a five Member Committee.... to examine the existing courses of law prescribed by the universities for obtaining the professional degree and to suggest suitable proposals, inter alias, in the light of the observations made by this</p>	<p>Five-member committee to submit report after revising existing courses and making suggestions for new ones.</p>		

<p>Court. The Committee shall submit its report within six months to the Pakistan Law Commission for consideration.</p>			
<p>○ A copy of this judgment shall be sent to all the Vice-Chancellors of the Universities in Pakistan Chairman Higher Education Commission, the Federal Law Secretary and to the Secretary Pakistan Law Commission, Islamabad for information and necessary compliance.</p>	<p>Compliance to be assured by all actors.</p>		

Table 1, source: author

Responding to the judgment, PBC took responsibility wholeheartedly. They paid extensive visits and did inspections of the law colleges around Pakistan. PBC pointed out three main flaws in standards of legal education and requested the Honorable

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Supreme Court to euthanize law institutions suffering from these maladies. The identified fault areas were:

- 1: Law colleges working beyond their territorial limits
- 2: Law colleges do not meet the standards of infrastructure contemplated in the rules.
- 3: Law colleges do not meet the minimum academic standards provided in the rules.

The first of these flaws is self-explanatory. It involves those law colleges that are affiliated with those universities that were either not authorised to grant affiliation at all or were not authorised to grant affiliation to law colleges beyond a certain territorial jurisdiction. Regarding the second flaw, the physical requirements of the universities were found insufficient e.g., the area of law college, classrooms, library and number of books, auditorium, dedicated rooms for girls, etc. Regarding the third flaw, matters like minimum academic standards including the minimum number of faculty members; full and part-time, qualifications and experience of the faculty members, duration of the programme, standard of entry to law programme, etc. were inspected.

It took PBC eight years, after the judgment, to bring into force the new rules. Per new rules, LL. B degree is juxtaposed with other professional degrees like medical and engineering. The reason, as told by the representatives of the Bar council, is twofold; one that only those students get admission in law school who seriously want to pursue the profession. Whereas the second reason is to ease the overcrowding of the legal profession.

For the former reason, the duration of the law programme was extended to five years after secondary school examinations, like medical and engineering graduate programmes. To address the latter, the number of law aspirants at the entry is restricted to 100. Another 50 seats could be granted to law schools if PBC finds the academic and infrastructural facilities apt to cater to 150 students. The educational qualification of the teachers, Dean, the minimum number of full-time faculty members, teacher-student ratio, etc. were also fixed.

The Honorable Supreme court once again played the pivotal role in interpreting new rules and the recommendations of PBC and ordered to close, disaffiliate, and stop the functioning of substandard law colleges and the ones working beyond their territorial jurisdiction. Per the Honorable Supreme court, two tests were held compulsory

at the entry points of legal education and the law profession respectively. The first one was the Law admission test (LAT) and the second is the Law graduate assessment test (GAT). Both these tests were to be conducted and assessed by the higher education commission (HEC). In analyzing the content of the judgment, the positive actions required to be taken by the law colleges with the expected outcome and the acts not to be done by them with the impact are recorded below.

Analysis of ‘The Pakistan Bar Council v. Federal Government and others’

Actions ordered to be done by law institutions	Expected outcome	Actions ordered not to be done by the law institutions	Impact
Law admission test (LAT)	Good merit students could get admitted.	Disaffiliation for being operating beyond territorial jurisdiction and substandard.	Immediate closure of 96 law colleges.
To start LL.M, and Ph.D., standards of HECP be observed.	Standardization of higher education in law by HECP.	Not to hold LL. M, Ph.D. classes if not allowed to hold LL.B classes.	Closure of higher degree programmes.
Educational qualifications	Recognition of law education as a regular university	Ban on limit of LL.M,	Closure of higher degree

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for faculty of law,	discipline requiring high standards of educational qualification.	Ph.D., students per rules of HECP.	programmes
Dean/Principal : Ph.D. plus 8 years' experience in practice/teaching or LL. M with 15 years' experience in practice/teaching or retired judge of Supreme court of Pakistan or High court of Pakistan or District and sessions judge plus 5 years judicial experience.	Recognition of law education as a regular university discipline requiring high standards of educational qualification.	Ban on evening classes	Students from other professions ignored.
Permanent faculty: LL. M plus 5 years' experience in practice/teaching or LL. B with 10 years' experience of practice/teaching.	Recognition of law education as a regular university discipline requiring high standards of educational qualification.	Ban on 3-year LL.B programme	Students from other professions ignored.
Minimum number of	Quality enhancement		

permanent and part time faculty: At least five permanent and five visiting.			
Teacher student ratio: The above standard ratio.	Quality enhancement		
Separate affiliation committees from the affiliating universities, to inspect law colleges within their territorial jurisdiction.	Specialized knowledge to inspect law colleges, acknowledged.		
Entrance test for foreign law degree holders to be designed by HECF or GAT to be taken.	Incentives for foreign law degree holders.		
2 weeks Bar vocational courses during 6 months pupillage to be held by Bar councils.	Involvement of bar in practical training of budding lawyers.		

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Allocation of funds for promotion of legal education.	PBC and provincial Bars to act for getting budget allocation for legal education.		
Reasonable salary and non-practicing allowance to the permanent law faculty.	Incentive for full time law academics.		
HECP, PBC and Universities to put forward recommendations for examination evaluation and assessments.	Assessment/evaluation system to be improved		
Establishment of separate secretariat of legal education in PBC.	Recognition of legal education as a permanent agenda for PBC.		
Implementation and monitoring committee to be constituted by HECP and PBC for enforcing the above directions.	Monitoring by HECP and PBC.		

Students from the disaffiliated colleges are to be accommodated by other colleges.	Students not to suffer.		
Colleges to improve within six months.	23 weak law colleges could revive.		

Table 2, source: author

The Honorable Supreme identified 18 areas of immediate repair. Only the last two, in the above table, are emergency resolves whereas the rest of the 16 resolves are meant to lay down the foundations for a better legal education programme. The overall impact of the rules and judgments seems to produce fewer but better law graduates. A total of 96 substandard law colleges were shuttered down and 23 were put on the watch list. The law colleges that were not fulfilling the standards such as physical facilities like building, library, number of classrooms or the academic degrees of teachers, etc. were immediately closed. The takeaway here is that all these colleges that were either shut or warned were deficient in physical facilities.

The setting of academic and professional standards was undertaken by the academics, as representatives of universities to form the curriculum committee of HEC in collaboration with the professional lawyers from the platform of PBC, which boiled down as the curriculum and road map for the five years LL. B (S) in 2015. It was a well-crafted curriculum of legal education in Pakistan. This curriculum and road map was meant for the universities holding their own law programmes but the curriculum for the affiliated colleges was yet to be formulated. As affiliated colleges could not hold semester programmes so five years LL. B (A) was also recommended by the same committees to hold annual law programmes by these colleges. It was expected that both the newly

recommended programmes, per directions of the Honorable Supreme court, would keep equal standards of legal education for semester and annual programmes. The analysis and comparison of these two programmes are done in the following pages to find out whether both 5 years programmes are following the same standards or not.

Comparison of LL. B (S) and LL. B (A) programmes

Academic qualifications required for admission

The academic qualification for entrance in five years LL. B (S) and five years LL. B (A) is F. A., F. Sc., and A level. The students who get admitted to the law programme have background knowledge either of science or social sciences at the secondary school level. The background academic knowledge of the law aspirants comprises the introductory knowledge of social sciences or pure sciences, as the case may be, along with English, Urdu, Pakistan Studies, and Islamic studies/ethics. The qualifications are similar for both programmes.

Course Design

five years LL.B (S) is a 166-credit hour programme. The subjects are classified into three categories, compulsory, general/foundation, and discipline-specific majors. In foundation courses, 8 introductory courses from social sciences are added. These courses are to be taught during the first four semesters. There are 10 compulsory courses comprising English, Islamic and Pakistan studies, computer skills, Introduction to law, Internship, and Moot cases. Generally, except for the moot cases and internship courses, general courses are to be taught during the first four semesters. Internship and moot cases are placed in advance semesters i.e., after 8th and during 9th. Other than these, 38 major courses, comprising law subjects are included in the curriculum. Generally, Law subjects are divided into two courses each, one to be read in one semester and the other in the next following semester. Below is given the categories of courses, the courses contained in each category, and corresponding credit hours.

Courses and credit hours of LL. B. (S)

Course Type	Number of courses	Credit hours
Compulsory	8	23
General and foundation	08	24
Discipline specific Major courses	35	105
Compulsory Internship, Research methodology, Moot cases, and Research project	4	12
Electives	A list of 30 subjects where from students are required to pick 4 during 9 th and 10 th semester	12
Total	56	166

Table 1: source, author

The course outline of the equivalent five year annual programme is given in the following table:

Course Type	No of Courses	Allocated Marks
Compulsory	32	100/course
General and Foundational	Not identified	
Discipline specific	Not identified	
Electives	No provision	

Table 2: source, author

General features of both the programmes

During five years LL. B (S), the students having a background in social sciences i.e., F. A, and some A level students with social sciences, repeat the 8 foundation courses during the first four semesters. Though exact statistics are unavailable to know the ratio of these students; however, it is safe to say that they constitute a

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major part of the class. These courses are new only for students having F. Sc and A levels in science. Regarding 10 compulsory courses, no matter if they come from F. A., F. Sc, A level, repeat similar courses including English, Islamic studies/ethics, and Pakistan studies, which they have already studied.

Similarly, five years LL. B (A), students are required to repeat courses they have studied at secondary school level e.g., English, Pakistan studies, Islamic studies, and those who had done secondary school examination with social science, most of the subjects offered in law had already been taken by them. For students who had done secondary school examinations with pure sciences, the subjects from social sciences are new to them.

Another difference between annual and semester programmes is that in semester programmes students are required to study social sciences subjects only for one semester whereas in the annual programme they are required to study each course of social science for one year e.g., Sociology, Political science, and English language. These courses are divided into two parts. The first part is to be studied in the first year and the second part in the second year.

Comparison of Course Content of both the programmes

An important observation is that in five years LL. B (A) programme, internship, research methodology, moot cases, and research project are not added despite the verdict by the Hon'ble Supreme Court emphasizing the importance of advocacy skills and research. The rest of the course content comparison is given below.

Overall comparison of five years LL. B (S) with Five Years LL.B (A) Programme

Year	Semester	Five years Semester Programme (five years LL. B (S))	Five years Annual Programme (five years LL. B (A))
1	1	English-I Fundamental of Economics Introduction to Law Introduction to Sociology	English I Islamic studies/ethics

		Pakistan Studies Skills Development (Computer skills)	Introduction to Philosophy of Law Sociology I Political science I Introduction to Arabic Language
	2	English-II Islamic Studies/Ethics Principles of Political Science Legal System of Pakistan History (South Asia) Law of Torts-I	English I Islamic studies/ethics Introduction to Philosophy of Law Sociology I Political science I Introduction to Arabic Language
2	3	English-III Introduction to Logic & Reasoning Islamic Jurisprudence-I Law of Torts-II Law of Contract-I Constitutional Law-I (UK)	English II, Pakistan Studies Political Science II Sociology II Introduction to Legal Systems IT Skills
	4	Human Rights Law Constitutional Law-II (US) Law of Contract-II Islamic Jurisprudence-II Introduction to Psychology	English II, Pakistan Studies Political Science II Sociology II Introduction to Legal Systems IT Skills
3	5	Jurisprudence-I Constitutional Law-III (Pakistan)	Islamic Jurisprudence English Jurisprudence

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		Islamic Personal Law-I Criminal Law-I Law of Property	Law of Contract and Sale of Goods Law of Torts and Easements Criminal Law, Constitutional Law I
	6	Jurisprudence-II Law of Business Organizations (Company Law & Partnership Act), Islamic Personal Law-II, Criminal Law-II, Land Laws.	Islamic Jurisprudence English Jurisprudence Law of Contract and Sale of Goods Law of Torts and Easements Criminal Law, Constitutional Law I
4	7	Public International Law-I Constitutional Development in Pakistan Civil Procedure-I Criminal Procedure-I Law of Evidence-I Legal Drafting-I	Constitutional Law II Law of Equity and specific relief, Mercantile Law Transfer of Property Islamic Law International Law Special and Local Laws
	8	Public International Law-II Equity and Specific Relief Civil Procedure-II Criminal Procedure-II Law of Evidence-II Legal Drafting-II	Constitutional Law II Law of Equity and specific relief, Mercantile Law Transfer of Property Islamic Law International Law

			Special and Local Laws
5	9	Research Methods Minor Acts Elective-I Elective-II Moot Cases and Professional Ethics, Internship	Civil procedure Code Criminal Procedure Code Qanoon e Shahadat Legal Drafting Administrative Law Minor Acts Labor Laws
	10	Administrative Law Interpretation of Statutes and Legislative Drafting Research Project Elective-III Elective-IV	Civil procedure Code Criminal Procedure Code Qanoon e Shahadat Legal Drafting Administrative Law Minor Acts Labor Laws

Table 4, source: author

Comparative analysis of Five years college education of lawyers in LL. B (A) and B. A, LL. B after secondary school.

If the comparison of the five years LL. B (A) is done with the previous 3Years Law programme, it is not difficult to find out the similarity between the two. In the top two lines of the following table, B.A (Bachler of Arts) is also included to give a clear picture that how the first two years of LL. B (A) is different from the previous B.A. Except for introduction to the philosophy of law, legal system, and basic IT skills, the first two years of LL. B (A) is hardly any different from the previous B.A programme. All law courses are to be studied during the rest of the three years of five years LL. B (A) which shows how much it is similar to what was being taught

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previously in three years LL.B programme. The similarity can be seen in the following table.

	Five Years LL. B (A)		Old Three Years LL. B
LL. B-I	English I Islamic studies/ethics Sociology I (first part) Political science I (first part) Introduction to Arabic Language Introduction to Philosophy of Law	BA-I	English Language and Literature (I) Islamic Studies/Ethics Elective I (first part) Elective II (first part) Optional (Generally a Language)
LL. B-II	English II, Pakistan Studies Political Science II (second part) Sociology II (second part) Introduction to Legal Systems IT Skills	BA-II	English Language and Literature (II) Pakistan Studies Elective I ((second part) Elective II ((second part)
LL. B-III	Islamic Jurisprudence English Jurisprudence Law of Contract and Sale of Goods Law of Torts and Easements	LL.B-I	Islamic Jurisprudence English Jurisprudence Law of Contract and Sale of Goods Law of Torts and Easements Criminal Law, Constitutional Law I

	Criminal Law, Constitutional Law I		
LL. B-IV	Constitutional Law II Law of Equity and specific relief, Mercantile Law Transfer of Property Islamic Law International Law Special and Local Laws	LL.B-II	Constitutional Law II Law of Equity and specific relief, Mercantile Law Transfer of Property Islamic Law International Law Special and Local Laws
LL. B-V	Civil procedure Code Criminal Procedure Code Qanoon-e- Shahadat Legal Drafting Administrative Law Minor Acts Labor Laws	LL.B-III	Civil procedure Code Criminal Procedure Code Qanoon e Shahadat Legal Drafting Administrative Law Minor Acts Labor Laws

Table 5, source: author

Students learning in both the programmes

First Year

After the first year, in the semester system, students learn about Islamic studies, Pakistan Studies, two courses of English, Computer Skills, fundamentals of Law, Economics, Political Science, Sociology, the legal system of Pakistan, Logic & reasoning, History of South Asia, and one course of Torts. Whereas after the first year of studies in an annual system students learn about Introduction to

Philosophy of Law, Political Science, Sociology, Arabic language, and one course of English and Islamic studies.

Second Year

After completion of the 4th semester of the programme, students learn about the third course of English, the introduction to logic and reasoning, along with the first part of the law of Contract, Tort, Constitution, Human rights law, and two courses of Islamic Jurisprudence. After the second year of the annual programme, students learn the second part of Political science, English, and Sociology, along with Pakistan studies, IT skills, and an introduction to Legal systems.

Students learn only two introductory courses of law i.e., introduction to legal systems and philosophy of Law during their initial two years of law college in comparison with four semesters at universities where they expose themselves to the breadth of subjects from social sciences and complete four courses of hard-core law including, Contract, Tort, Constitution of US and UK, Islamic Jurisprudence, Human Rights along with Logic and reasoning and advance course on English writing.

Third Year

After completion of the third year, in the annual system, students learn about Islamic and English Jurisprudence, Law of Contract, Tort, Criminal Law, and Constitutions of the US and UK. Whereas after six semesters students end up with courses in Property law, Business Organizations, Islamic Law, Land Law, and the constitution of Pakistan.

Students in the semester stream are ahead of annual programmes in at least four law courses namely, Business Organizations, Property, Land, and Islamic Personal Law. The students of the annual programme learn these subjects but are almost a year behind the students of the semester programme.

Fourth Year

After completion of the fourth year the students are trained in Pakistan Constitution, Equity and Specific Relief, Mercantile Law, Transfer of Property, Islamic personal Law, and local/special Laws. After the 8th semester, the students are trained in the Specific Relief Act, International Law, Civil Procedure, Criminal Procedure, Qanoon-e-Shahadat, and Legal drafting.

All the above-mentioned subjects, students learn in their forthcoming final year. Students of the semester are still one year ahead of the students in the annual programme.

Fifth Year

After the fifth year of law education, the student is now ready for the market with the knowledge of Civil Procedure, Criminal Procedure, Qanoon-e- Shahadat, Minor Acts, Legal Drafting, and Labor & Taxation law. By the end of the 10th semester, the students are ready for the market with the knowledge of all laws that annual students learn but with the addition of a few important features. The semester students who remained a year ahead of their annual programme colleagues get more time to learn within the bracket of five years. They are required compulsorily to do an internship after the 8th semester. They learn Research Methodology in the 9th semester which they utilize in the 10th semester to produce a dissertation of 8000 to 10000 words, they are trained in the skill of mootng during the 9th semester in a full course on moot cases, and they also have additional knowledge of four elective courses, selected from a range of 30 courses recommended by HEC and PBC. They also learn Legislative drafting in the 10th semester.

Earned Credit

Below is given the comparison of what students end up with after five years of education in terms of the skillset and the earned credits. It could be seen that out of 166 credit hours fixed for five years LL. B (S), 30 credit hours comprises the courses which are truly experiential, and skill-based. These credits are absent in five years LL. B (A) programme as no such courses are included in their curriculum.

Comparison of the credit student earns in semester and annual programme

Newly added areas in five years LL. B (S) Programme	Credit	Newly added areas in five years LL. B (A) Programme	Credit
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Internship, after completion of 8 th semester and before 9 th semester (during summer vacations)	3 credit hours	No provision	NA
Research Methods, during 9 th semester	3 credit hours	No Provision	NA
Moot Cases, during 9 th semester	3 credit hours	No Provision	NA
Dissertation during 10 th semester	3 credit hours	No Provision	NA
Legislative Drafting, with interpretation of statutes during 10 th semester	3 credit hours	No Provision	NA
Research project, during 10 th semester	3 credit hours	No provision	NA
4 Elective subjects	3 (4) = 12 credit hours	No Provision	NA
Total	30 Credit hour Learning	None	None

Table 6, source: author

A comparison is made between 5year semester and annual programmes about skillset these programmes develop in students. The competencies students gain is classified into three groups i.e., academic competence, Practical exposure, and lawyer’s skills. Following is the picture. The white column represents semester and grey represents annual programme.

Comparison of the skillset after five Year LL. B Programmes

Academic competence five years LL. B (S)	Academic competence five years LL. B (A)	Practical exposure five years LL. B (S)	Practical exposure five years LL. B (A)	Skills five years LL.B (S)	Skills five years LL.B (A)
Knowledge of 5 social science subjects	Knowledge of 2 social science subjects	Moot cases training, 3 credits	None	Basic Advocacy skills including Drafting, Examination in Chief, Cross Examination, Making Statements before courts	None
Functional English Language, Functional Computer Skills	Functional English Language		None	Law office management	None
Research methods and project	Computer Skills	2 months Internship, 3 credits		Opinion Writing	
Legislative drafting	None			Legal Research	
4 Elective courses	None				
	None				

Table 7, source: author

Not the whole Picture: Problems with Five years LL. B (S) Internship

After comparing the semester programme with the annual, a few areas from the semester programme need scrutiny. First is the Internship which students are required to undertake during the summer of the 8th and 9th semesters. The internship has not been standardized in the sense that what skillset is required to be learned by the students during these 10-12 weeks. As the skillset is not identified, so is the mechanism of assessment. Along with these major problems, there are minor issues like how the internship is going to be held, how much is to be supervised by university and by the Law office, what is the quality assurance mechanism, etc. An internship is a 3credit hour's course that requires attendance of the students, modules, activities, assessment, review of assessment, and finalization of the grades earned by students along with other details are to be assessed and kept a record. Because at the end of the day if students go out for an internship without any counter check, how will the quality control be established. What is the assurance that they are not skipping the training? How will the training by different law offices be synchronized? These are only a few of the questions, but they have every potential to make a mockery of the whole exercise.

Another confusion is that of internship and pupillage. Students doing semester-based programmes are exempted from pupillage. Will the ones doing the annual programme get an exemption, as they don't do a compulsory internship? If the pupillage is exempted as the students have gone through the internship at law offices, placing it after the 8th semester gives rise to another question. Is there any evidence showing that if pupillage or internship opted after the 8th semester, that could produce better lawyers compared with the pupillage?

Research Methodology

The next area is research methodology during the 9th semester and dissertation during the 10th semester. Both courses are to polish the research skills of the students. It is a very good addition, but standardization of the assessment and tools for such assessment needs the indulgence of Bar and academia. An important aspect

regarding these courses is that both are absent from the annual programme. As per the verdict of the Hon'ble Supreme Court of Pakistan keeping up the quality of legal education and minimization of the disparities is the responsibility of all stakeholders. Students should not suffer due to unequal training in both programmes (Creswell). The other side of the picture is that if some are working better than the other, both should not be treated equally. The logically connected issue is whether students doing a dissertation or research project be treated differently in their entrance to the Bar due to better training?

Moot Cases

The course on moot cases is to be taught during the 9th semester. The content suggested by the HEC and PBC says that moot cases are to be taught without any mention of the actual skills premised through teaching these cases. It could be assumed that advocacy skills like drafting, making statements (opening and closing), examination in chief, cross-examination, argumentation, etc. could be the focus of this skill. Or if anyone goes a bit in detail, the skills like interviewing the clients and preparation of witnesses for the court, etc. But the problem with these skills and the course is that the nomenclature of the course is moot cases which means the cases at the appellate level. If advocacy skills were the focus of these cases, the nomenclature should have been the mock cases or mock trials. Where all trial-related skills could be taught.

The next appendage of the problem related to this course is that as the skillset is not assorted, law departments of different universities are teaching it differently. Some are emphasizing the trial skills as are required by Pakistani courts and some are teaching the mooting skills as are practiced at appeal level or in western countries.

Legislative Drafting & Electives

The next area is legislative drafting and four elective subjects which the semester programme offers an annual doesn't. The four elective subjects are from the list of 30 subjects recommended by HEC and PBC. Law faculties at universities could improve this list from time to time to keep it updated with the latest national and global trends. The importance of legislative drafting goes without saying as this has been, historically, part and parcel of the lawyer's basic skills.

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All these subjects increase the knowledge and employability of the students by increasing their choices in the areas of the profession. Here again, the skillset has to be assorted and properly evaluated, which lacks in the semester programme. But the annual programme is altogether deficient in these courses. The factor increasing the probability of employability for the semester students could be a disadvantage for annual programme students who lack this training. From the above comparison, it could be observed that in the effort to make legal education at par with the world, two additional years are added to the previous 3-years programme. To make entry tough, seats are lessened but on the academic side, there is a lot of disparity between semester and annual programmes. The annual programme is quite like the previous three years' LL.B programme except two additional years added to teach social sciences to the law students. Areas of distinction i.e., moot cases, internship, research methods, Dissertation, and elective subjects are absent in the annual programme.

That does not mean that the semester programme is flawless. The semester programme has its own problems. The biggest is the assortment of skillset required for lawyers and then to standardize them. To synchronize the quality of semester programmes in all universities, the need to standardize these skills and assessments is a must.

Findings

The question arises here, how the landmarks change in course and courses of LL. B is going to improve the standard of legal education? The above comparisons show that new programmes are different in their design from the previous ones. Is merely making the course of work narrow and long guarantee high standards of legal education? Are we toeing the right direction to improve the standards of legal education, or are we naively applying the demand and supply principles to the legal profession instead of allowing an open competition for all aspirants?

If the above questions are legitimate, then the need is to set objective standards and the skillset required from a lawyer, instead of tapering the opportunity to become a lawyer. Historically, similar questions had been posed to many countries, though during different times and in different backdrops, the work done by them could be a source of

inspiration for Pakistan. The most appropriate model was worked out by the US about three decades back.

The advent and prevalence of scientific inquiry in research have affected the research paradigm overall. Per the scientific method, norms, qualities, or skills that were previously considered to be discussed or tested through subjective research only are now capable of being quantified. In social sciences, a lot of work has been done to quantify the universal norms, values, and skill sets. Similar techniques could be utilized to quantify the lawyer's skills. This exercise was undertaken towards the end of the last century. In 1989, ABA took another substantial step to narrow the gap between legal education and law practice. For this sake, a task force, chaired by Robert MacCrate, was appointed.

The task force presented its report in 1992. The task force assembled a few basic skills required for the practice of law (Sebert, 2001). The same year, when the MacCrate Report surfaced, a group of clinicians founded the Clinical Legal Education Association (CLEA) to organize all clinicians on one platform. (Clinical Legal Education Association, 2011) In 1994 CLEA began publishing a peer-reviewed journal dedicated to promoting clinical legal education. After the publication of the MacCrate Report, the ABA disseminated Standard 301 to law schools demanding to maintain an academic programme “designed to prepare their graduates to participate effectively in the legal profession” (Ramsey, 1995).

In 1996, three years after adopting standard 301, the ABA amended standard 302 to ask law schools to provide, “Other professional skills regarded as necessary for effective and responsible participation in the legal profession. The same year the ABA included a provision in the accreditation standard to provide clinical faculty the substantive equivalent to tenure protection traditionally awarded to the academic faculty” (Joy, 2017). Per the above-said standard generally, there are two types of standards required of law students to get admitted to the Bar.

A: A strong grip over the substantive part of the law.

B: A rigorous training in advocacy and other related skills.

The theoretical part of the curriculum comprises, “Legal analysis and reasoning, legal research, problem-solving, and oral communication; Writing in a legal context, including at least one rigorous writing experience in the first year and at least one

Thistles Never Beget Pickles

additional rigorous writing experience after the first year” regarding the other skills, “Other professional skills generally regarded as necessary for effective and responsible participation in the legal profession, and The history, goals, structures, values, rules, and responsibilities of the legal profession and its members” (Bücker & Woodruff, 2008).

Regarding the second category a law school shall offer substantial opportunities to students to train themselves in the following fields, “live-client or other real-life practice experiences, pro bono activities; and Small group work through seminars, directed research, small classes, or collaborative work”. In addition to the identification of these skills and training, the task force also found that these skills are to be collectively inculcated in law students through mutual efforts of the law schools and the bars. But the question that remained open was the apportionment of this responsibility between the school and the bar.

Main lawyer skills and values as some core skills and values are identified after an exhaustive survey and research by a group of experts and the famous, the McCrate report was prepared. On the basis of this report, the skills are listed below,

- “Problem Solving”
- “Legal Analysis and Reasoning”
- “Legal Research”
- “Factual Investigation”
- “Communication”
- “Skill of Counseling”
- “Skill of Negotiation”
- “Litigation and alternative dispute resolution”
- “Organizing and Managing Legal Work”
- “Recognizing and Resolving Ethical Dilemmas”

The task force also found four, of what they call, “the core values” in addition to the aforesaid ten skills. The first value is:

- “The Provision of Competent Representation”
- “Striving to Promote Justice, Fairness, and Morality”
- “Strive to Improve the Profession”
- “Professional Self-Development”

Conclusion

Crucial is that the two existing programmes are the outcome of the tireless efforts of the top-notch policymakers and the apex court. The one is devoid of the courses meant to develop and polish the experiential learning of students. And the second one, though contains the courses but to implement the courses, there are no standardized guidelines and tools available. The research suggests the following steps to be taken.

The first is that the scheme of five years LL. B (S) which prima facie reflects that the areas of research skills, internship, dissertation, moot cases, legislative drafting, and a list of contemporary law courses are of prime importance to improve the standard of legal education. This scheme is to be aligned into two parallel streams of the semester and annual programmes. The discrepancies existing between them, as has been discussed above, would not only ruin the outcomes of the programmes but also would create a void between the two streams.

The second step is to understand that the subjects/courses are a means, not the end. To identify the end and to implement courses in letter and spirit the need is to assort qualitative measures to assess not only implementation but the outcomes of these courses. This is the real task to uplift the standards of legal education in Pakistan. For that, Pakistan Bar Council must, as Bars of the neighboring countries like India and Bangladesh, work closely with academia in setting standards, making them quantifiable by developing the monitoring and assessment tools for professional legal education in the light of the MacCrate report on legal education. The expected outcome of the proposed hard work could be seen from the examples of the countries ahead of us in this regard. They are harvesting what they cultivated because only pickles could beget pickles, not thistles.

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