

THE QUALITY OF LEGAL EDUCATION IN KENYA

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DECLARATION

I, SIMON NDERITU KABIRU declare that “THE QUALITY OF LEGAL EDUCATION IN KENYA” is my own work, that it has not been submitted for any degree or examination in any other university or institution, and that all the sources I have used or quoted have been indicated and acknowledged by complete references.

Signature:

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Prepared under the supervision of

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First, I would like to thank God for the far I have come and for His faithfulness to me. I am grateful to my supervisor Dr. Victor Lando for his dedication, encouragement, insight and guidance. I would like to thank Dr. Khayundi who helped me come up with the proposal of this research. I would also like to thank my parents, sister, and colleagues for their support and encouragement.

DEDICATION

This dissertation is dedicated to my father, Mr. Joseph Kabiru Nderitu for his sacrificial love and his dedication in ensuring that I attain my dreams.

ABSTRACT

Legal education in Kenya is a paradox. Whereas lawyers are deemed to be ‘learned friends’ legal education is undoubtedly one of the sectors of education that has for the past few years registered the highest rate of failure at the post-graduate level, particularly the Advocates Training Program (ATP). The reports of massive failures at the Kenya School of Law is report has caught the attention of the public, the Law Society of Kenya and the Senate. There have also been concerns about the standard of accreditation and licensing of law schools. Further, there have been reports by employers that suggest that law schools are producing ‘half-baked’ lawyers. This raises questions about the quality of Kenya’s legal education. Kenya’s legal education framework has mostly been similar from the 1960s to date. This research paper evaluates the quality of Kenya’s legal education framework, its effectiveness and the challenges facing it. This is premised on the following; that there has been a rise in cases of massive failure of the bar examination at the Kenya School of Law, the allegation that the legal training offered to students both in law school and at the Kenya School of Law is inadequate, and the need to amend and enforce the standards of accreditation and licensing of law schools in Kenya. This research will therefore look into the history and development of legal education in Kenya; Licensing and accreditation of law schools by looking at the role of Commission for University Education and the Council of Legal Education in licensing and accrediting law schools and the Legal Education (Accreditation and Quality Assurance) Regulations 2016; and finally make my recommendations and conclusions.

Table of Abbreviations

ATP – Advocates Training Programme.

CLE – Council of Legal Education.

CUE – Commission for University Education.

KSL – Kenya School of Law.

LSK – Law Society of Kenya.

SA – South Africa.

USA – United States of America.

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1. CHAPTER ONE INTRODUCTION

1.1. Introduction

When it comes to education at any level, quality is very important. According to Article 13 (2)(6)(c) of General Comment No. 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), an acceptable form of education is one whose form and substance including curricula and teaching methods are acceptable; that is to say it is relevant, culturally appropriate and of good quality.¹ The revised UK Quality Code for Higher Education lays down expectations when it comes to quality in higher education:

“Courses are well-designed, provide a high-quality academic experience for all students and enable a student’s achievement to be reliably assessed. From admission through to completion, all students are provided with the support that they need to succeed in and benefit from higher education. The academic standards of courses meet the requirements of the relevant national qualifications framework. The value of qualifications awarded to students at the point of qualification and over time is in line with sector-recognized standards.”²

In an Indian case of *In State of Maharashtra vs. Mahubhai Pragmatic Vashi*,³ the Court observed: “The need for convincing and well organized legal education is absolutely essential reckoning the new trend in the world order, to meet the ever growing challenges. The legal education should be able to meet the eves growing demands of the society and should be thoroughly equipped to cater to the complexities of different situations.”⁴

Therefore, it is evident that legal education needs to adapt to change in order to meet the ever changing and growing needs of the society. An adaptable education is one that is flexible in order to adapt to the needs of changing societies and communities and respond to the needs of students

¹ CESCR General Comment No. 13: The Right to Education (Art. 13 (2)(6)(c).

² The Revised UK Quality Code for Higher Education (2018).

³ (1996) AIR, 1 [1995] SCC (5) 730.

⁴ *In State of Maharashtra vs. mahubhai pragmatic vashi* (1996) AIR, 1 [1995] SCC (5) 730.

within their diverse social and cultural settings.⁵ This research will evaluate Kenya's legal education with an aim of coming up with practical recommendations in law and policy.

1.2. Background

For many years the legal profession has been held in high esteem and lawyers considered among the elite of the society.⁶ The legal profession in Kenya is a vocation which is based on trained expertise in the law and in its applications. Section 9 of the Advocates Act lists down the qualifications for practicing as an advocate, one needs to have been; admitted as an advocate, his name needs to be in the Roll and he has to have a practicing certificate.

It is illegal to practice law without being an advocate, in *Geoffrey Ndungu Theuri v Republic*,⁷ the appellant, Geoffrey Ndungu Theuri was charged and convicted by the Senior Resident Magistrate with the offence of practicing law while not an Advocate under Section 33 of the Advocates Act and as a result he was sentenced to serve 2 years in jail. He was appealing against both the conviction and sentence. The court in its ruling dismissed the appeal against conviction while the appeal against the sentence was allowed.

Legal education is mostly concerned with the legally approved stages of education and training which is formal in nature and prepares one for a career in law.⁸ Those who pursue a career in law, after being admitted to the bar, they collectively form a body of professionals who are legally qualified and licensed to practice law in their jurisdiction. In Kenya after admission to the bar, one joins the Law Society of Kenya.

Legal training in Kenya is a matter of major public interest and in order to become an advocate, one needs to first obtain a law degree (LLB) from a recognized university and then proceed to Kenya School of Law for the Advocate Training program whereby they are required to sit for a bar examination and if they pass, they join the bar.⁹ The Kenya School of Law is the only Bar

⁵ Article 13 (2)(6) of the ICESCR.

⁶ Kevin T. McGuire, "Lawyers and the U.S. Supreme Court: The Washington Community and Legal Elites" *American Journal of Political Science*, Vol. 37, No. 2 (May, 1993), pp. 365-390.

⁷ *Geoffrey Ndungu Theuri v Republic* [1990] eKLR.

⁸ J. B. Ojwang and D. R. Salter, "The Legal Profession in Kenya" *Journal of African Law*, Vol. 34, No. 1 (Spring, 1990), pp. 9-26.

⁹ *Ibid.*

school in the country that offers the Advocates Training Program in Kenya. Kenya School of Law is established by statute, the Kenya School of Law Act, 2012.¹⁰

1.3. Literature Review

Manteaw sheds light on the development of legal education in Africa.¹¹ He analyses how legal education was conducted in pre-colonial, colonial and post-colonial times in Africa. Manteaw also briefly talks about the Lord Denning Committee on legal education in Africa. Okere Okoth does a good job in analysing the history of Kenya's legal education.¹² He analyses the growth of Kenya's legal education from the colonial times to 2012; it takes a keen look at various legislations passed on Legal Education. His analysis of the growth of legal education is important to this research. His insight on legislations that govern legal education will be essential to this research.

Most of the articles describe the statutory framework of Kenya's legal education framework, they discuss the content of the various Acts of Parliament governing legal education in Kenya. Kantai in his article¹³ talks about the Advocates Act CAP 16, the Kenya School of Law Act No 26 of 2012, the Legal Education Act No 27 of 2012 and the Law Society of Kenya Act. He discusses the role these Acts have played in the construction of Kenya's legal education framework. He expounds on the Muigai Task Force of 2005. He analyses their recommendations and the extent to which these recommendations have been adopted. His analysis on the Muigai Taskforce on legal education will enable me trace the development of legislation on legal education in Kenya. Okere Okoth¹⁴ in his article also talks the role the Legal Education Act and the Kenya School of Law Act have played in structuring Kenya's legal education framework. Ojwang and Salter¹⁵ analyse the development of the legal education framework, they spend some time by looking at the statutory framework of legal education and how it has evolved to date.

¹⁰ Kenya School of Law Act, No. 26 of 2012.

¹¹ Samuel O. Manteaw, "Legal Education in Africa: What Type of Lawyer Does Africa Need," 39 *McGeorge L. Rev.* (2016). Pp 910-911.

¹²Okere G. Okoth, "THE LEGAL EDUCATION IN KENYA: A Historical Analysis" <https://www.academia.edu/11300374/The_Legal_Education_in_Kenya_An_Appraisal?auto=download> accessed on March 10, 2021.

¹³Kantai Sayei Joseph, "CHALLENGES & PROSPECTS OF THE LEGAL TRAINING IN KENYA. POST 2010" <https://www.academia.edu/13507535/Regulation_of_Legal_Training_in_Kenya_Challenges_And_Prospects> accessed on March 10, 2021.

¹⁴ See note 12 above.

¹⁵ See note 8 above.

Mumbo's perspective on legal education is interesting as he looks at it in the perspective of law students and whether the system worked for them.¹⁶ He talks about how the need for legal education in Kenya arose and how strategies and laws have been made to resolve these challenges and inadequacies. His analysis will help me understanding the situation a law student is in terms of the laws that regulate legal education and the quality of legal education.

All the article cover the challenges facing legal education. It was interesting to find out that each researcher had diverse opinions on the challenges facing Kenya's legal education framework. According to Mumbo,¹⁷ the challenges facing Kenya's legal education system include; over-emphasis on foreign curriculum. Another challenge is inadequate training, according to Mumbo, the curriculum of most Kenyan law schools is not adequately suited for the 21st century. He advocates for curriculum review to address these challenges. According to him another challenge facing Kenya's legal education framework is insufficient full time teaching staff.

According to Kantai,¹⁸ the main challenges facing Kenya's legal education system include difficulty in uprooting the already entrenched old system; he argues that the law although mostly progressive still has aspects of an entrenched old system that has not yet been resolved. According to him, the law needs to address these challenges. The other challenge is the Council of Legal Education and the Kenya School of Law politics of whom regulates legal education, he argues that there has been conflict between the Council of Legal Education and Kenya School of Law over who regulates legal education in the country. He argues that there needs to be clarity in the law over who gets to do what and which. According to Okere Okoth,¹⁹ the challenges facing Kenya's legal education framework include; outdated learning materials and facilities. According to him; Kenyan law schools lack up-to-date learning materials including books, according to him this makes them have little competence required to impart competence required to face the challenges of the 21st century. Another challenge is the eliminative aspect of bar examination. According to him because of the high numbers of people graduating with LLB degrees and joining Kenya School

¹⁶ Olive Mumbo, "Legal Education in Kenya from the Perspective of a Law Student" <[https://www.academia.edu/19647196/Legal Education in Kenya from the Perspective of a Law Student](https://www.academia.edu/19647196/Legal_Education_in_Kenya_from_the_Perspective_of_a_Law_Student)> accessed on March 10, 2021.

¹⁷ Id.

¹⁸ See note 13 above.

¹⁹ See note 12 above.

of Law, the motive of bar examinations tend to lay more emphasis on elimination and moves away from a fair and genuine measure of quality of applicants.

Roy Struckey in his book, “Best Practices for Legal Education,”²⁰ does an excellent job in assessing the quality of legal education. Struckey the assessment of institutions offering legal education so as to ensure that students get quality education from school. He also talks about the best practices when it comes to assessment of students. He doesn’t just talk about the law behind quality in legal education but also the practicality and the situation at law schools. He talks about the problem in legal education and offers possible solutions.

The revised UK Quality Code for Higher Education (2018),²¹ the Code gives the expectation for standards of higher education and expectations in terms of quality. This Code will be essential in helping me determine whether quality legal education is offered at the Kenya School of Law (the ATP Program) and in law schools.

Gap in Literature

A lot of literature talks about the history and development of legal education in Kenya. However, there is barely an analysis of into the changes that took place and what necessitated those changes and whether those changes solved the problem as intended. There are no articles that addresses specifically addresses the quality of legal education offered to students at the LLB and the Advocates Training Programme. These articles do not in detail discuss the quality of legal education and how it evolved over the years. This study will analyse the quality of legal education in Kenya.

1.4. Problem Statement

There exists a problem with the quality of Kenya’s legal education, this is evidenced by the following: first, after obtaining an LLB Degree and undergoing the Advocates Training Program at the Kenya School of Law, it is the expectation of most law students that they will pass their bar examination and get admitted to the bar. However, in the recent past, this has not been the case for most students. The country has witnessed massive failure of the bar examination with only about

²⁰ Roy Struckey, *Best Practices for Legal Education* (Clinical Legal Education Association, 2007).

²¹See note 2 above.

20% of the candidates passing, this is evidenced by the November 2018 bar examination results which showed that out of the 1572 candidates who sat for the bar examination, only 308 of them(19.59%) passed and were admitted to the bar.²² As a result of this failure, there has been a series of blame games, with students, the Kenya School of Law, law schools where the students obtained their LLB degrees and the legislative framework of Kenya’s legal education being on the receiving end.

Secondly, there has been a concern that the universities and the Kenya School of Law are producing “half-baked” lawyers.²³ Universities have been accused of not having the relevant standards to offer law programs. For example, the Council of Legal Education had ordered Moi University to close its school of law for failing to meet requirements to offer the course.²⁴ This raises a concern over the quality of education offered at the LLB and ATP level at KSL.

1.5. Theoretical Framework

1.5.1. Human Capital Theory

This theory is labour oriented, it looks at education as an investment and human beings as capital. Man gains education so that he can get a job hence building the economy and development of the country. According to this theory, education plays a great and significant role in the economy of a nation; when the government spends any amount of money on education, this is said to constitute a form of investment.²⁵ Human Capital Theory holds that investment in human capital will lead to greater economic outputs. “Human capital theory emphasizes how education increases productivity and efficiency of workers by increasing the level of cognitive stock of economically productive human capability which is a product of innate abilities and investment in human

²² Council of Legal Education, “Regular Sitting November 2018 Bar Examination Results” <<http://cle.or.ke/july-2018-bar-examination-results-2-3-2/>> accessed on March 10, 2021.

²³ Standard Media, “Reasons for half-baked graduates from Kenyan universities” <<https://www.standardmedia.co.ke/ureport/story/2000223958/reasons-for-half-baked-graduates-from-kenyan-universities>> accessed on March 10, 2021.

²⁴ Nation Media, “Has Moi University been producing half-baked lawyers?” <<https://nairobi.news.nation.co.ke/news/has-moi-university-been-producing-half-baked-lawyers>> accessed on March 10, 2021.

²⁵ Leroy Almendarez, “Human Capital Theory: Implications for Educational Development” <<https://www.open.uwi.edu/sites/default/files/bnccde/belize/conference/papers2010/almendarez.html>> accessed on March 10, 2021.

beings.”²⁶ According to this theory, education increases chances of employment in the labour market, and allows people to reap pecuniary and non-pecuniary returns and gives them opportunities for job mobility.²⁷

However, this theory has been criticized especially because there are people who have been educated but still don't have jobs. This theory holds that if one is educated he/she stands a better chance for employment as compared to an uneducated person. This theory is relevant to my research since the reason most students would go through the LLB program at the university and join Kenya School of Law for the Advocate Training Program is so that they would get the license to practice law. However, this is not the case because of the massive failure at Kenya school of law. This theory will help me understand the situation and even come up with recommendations.

1.5.2. Modernization theory

Generally speaking, modernization alludes to a model of progressive transition into a 'modern society' from a 'traditional' or a 'pre-modern' society; modernization theory explains the process of modernization and is concerned with the study of the process of social evolution and the development of societies.²⁸ This theory best explains the transformation of underdeveloped countries into the image of western industrialized societies.²⁹ According to Daniel Lerner, an American scholar and writer who is well known for his contribution to the advancement of studies on modernization theory; modernization theory describes, “The process of social change whereby the less-developed societies acquire characteristics common to the more developed societies.”³⁰ “Historically, modernization is the process of change towards those types of social, economic, and political systems that have developed in Western Europe and North America from

²⁶ D.A. Olaniyan and T Okemakinde, “Human Capital Theory: Implications for Educational Development” [2008] *Medwel Journals* 479

²⁷ See note 25 above.

²⁸ Giovanni E. Reyes, “FOUR MAIN THEORIES OF DEVELOPMENT: Modernization, Dependency, World-System, and Globalization” University of Pittsburgh USA, *Nómadas. Revista Crítica de Ciencias Sociales y Jurídicas* | 04 (2001.2).

²⁹ Dean C. Tipps, “Modernization Theory and the Comparative Study of Societies: A Critical Perspective” *Comparative Studies in Society and History*, Vol. 15, No. 2 (Mar., 1973), pp. 199-226.

³⁰ Hemant Shah, “The Production of Modernization: Daniel Lerner, Mass Media, and the Passing of Traditional Society” Temple University Press, 2011. 226 pp.

the seventeenth century to the nineteenth and have then spread to other European countries and in the nineteenth and twentieth centuries to the South American, Asian, and African continents.”³¹

Modernization was a response by some American political elites and intellectuals to the international setting after the Second World War.³² During the Cold War, United States of America and the USSR fought to win the hearts and minds of the “new nations” in Africa and the Middle-East by availing to them modernization projects to entice them to adopt their versions of modernity.³³

Kenya was colonized by Britain, the structure of Kenya’s legal system has to some extent been influenced by the English legal system. One of the reasons why the Lord Denning Committee of 1960 – 1961 was convened was to the rapid pace of decolonization, there was a need by the British government to maintain British Standards and Methods of Business as a policy of the colonial government in Africa and in preparation for neo-colonialism, there was the need to maintain influence over the commonwealth amidst competition from powers like the USA and the Soviets.³⁴ All through history Kenya has interacted with developed nations who have influenced some of the decisions, laws and policy Kenya has made.

This theory will help me in evaluating the history of legal education and whether Kenya’s interaction with the developed nations has influenced any change in the structure and framework of legal education in Kenya.

1.5.3. Utilitarian Theory

According to this theory, the best policy is that which does the most good for the greatest number of people, in other words, the theory advocates for laws, policies and actions whose outcome/result maximize happiness and well-being for the majority of a population.³⁵ It focuses on the consequences of actions, it is of the view that the best actions are those whose consequences are positive and favour the majority. When faced with a question such as, “what ought to be done,”

³¹Eisenstadt, S. N. and Englewood Cliffs, *Modernization: Protest and Change* (Prentice-Hall, 1966)

³² See note 29 above.

³³ See note 30 above.

³⁴ John A. Harrington and Ambreena Manji, “Mind with Mind and Spirit with Spirit’: Lord Denning and African Legal Education” *Journal of Law and Society*, Vol. 30, No. 3 (Sep., 2003), pp. 376-399. Pg. 380-382.

³⁵ Omony John Paul, *Key Issues in Jurisprudence: An In-Depth Discourse on Jurisprudence Problems* (1stedn Law Africa).

the utilitarian theory would answer that what ought to be done is that which maximizes the happiness of the majority. Some of the main proponents of the theory are Jeremy Bentham and John Stuart Mill.

According to Jeremy Bentham, Utilitarian theory espouses that the goal of a society is to focus on the attainment of the greatest happiness for majority.³⁶ According to Bentham, Utility referred to property in an object which is expected to produce benefit, advantage, pleasure or happiness.³⁷ Going with Bentham's definition of utility in relation to property it could be argued that the certificate one obtains after completing the Advocates Training Program at Kenya School of Law constitutes utility as it benefits the person who has it as it allows him/her to be admitted to the bar and make an income through practicing as an advocate. Bentham also holds that, "art of legislation is the discovery of the means to realise the good."³⁸

Therefore, legislators when making laws need to be guided by the principle of utility; they therefore need to understand that the acts they are preventing are greater evils that the laws needs to prevent.³⁹ The aim of legislation is therefore to produce happiness for the community by reducing inequalities and injustices which is impossible to attain according to Bentham. Bentham's position as pertains to legislation will be beneficial as pertains to the recommendations that will be made on legislation governing legal education in Kenya.

1.6. Research Questions

1. What is the history of the **quality** of Kenya's legal education?
2. In light of the advancement in science and technology and the problems of the 21st century, is the LLB and ATP curriculum still relevant today?
3. What is the role of CUE and CLE in licensing and accrediting law schools and what does the Legal Education (Accreditation and Quality Assurance) Regulations 2016 provide?
4. What are the challenges in administration of **quality** legal education in Kenya?

³⁶Curzon L B, *Jurisprudence* (Cavendish Publishing Limited, 1995) 59

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

5. What recommendations would you propose to solve the quality challenges facing Kenya's legal education?

1.7. Research Objectives

1. To identify from history the quality of legal education at different points in time, how quality issues were addressed and whether the solutions were effective and to show how history contributed to the current situation in terms of the quality of legal education today.
2. To discuss the factors affecting the quality of legal education in Kenya and the challenges facing it.
3. To discuss the role of CUE and CLE in licensing and accrediting law schools and the Legal Education (Accreditation and Quality Assurance) Regulations 2016.
4. To make recommendations to the quality of legal education in Kenya.

1.8. Justification of Study

This study is justified on the basis that although there exists a wealth of literature on the legal education framework in Kenya, there is no adequate analysis into the issue of the quality of legal education in Kenya. Kenya seems to have problems of quality of legal education. This is evidenced by the massive failure at Kenya School of Law. In the November 2018 bar examination results, out of the 1572 candidates who sat for the bar examination, only 308 of them (19.59%) passed and were admitted to the bar.⁴⁰ This massive bar examination failure is a threat to Kenya's legal education system. There has been a concern that the universities and the Kenya School of Law are producing "half-baked" lawyers.⁴¹ Universities have been accused of not having the relevant standards to offer law programs. For example, the Council of Legal Education had ordered Moi University to close its school of law for failing to meet requirements to offer the course.⁴² This raises a concern over the quality of education offered at the LLB and ATP level at KSL.

The study will analyze the quality of legal education at different points in time, how quality issues were addressed and whether the solutions were effective and to show how history contributed to

⁴⁰See note 22 above.

⁴¹See note 13 above.

⁴² See note 24 above.

the current situation in terms of the quality of legal education today, which has not been done. This research will also analyze the curriculum at LLB and KSL and its relevance in the 21st century. This research is linked to what other researchers have already done in the sense that this research builds on their recommendations.

This research would also be beneficial to reforming Kenya's legal Education framework through the analysis of the quality of legal education and recommendations that would be made. This research is worth pursuing because the quality of legal education is very important for the future of Kenya's legal profession.

1.9. Research Methodology

In order to achieve the objectives of the study, this research will rely on qualitative and doctrinal research. This is because the objective of the research is to evaluate the quality of Kenya's legal education. This research intends to analyze the various concepts and information from secondary research sources on legal education such as textbooks, journals articles and newspaper reports and articles. This research will also make use of statutes and case law on legal education and evaluate their positions on legal education. Although there are few books that tackle the subject of Kenya's legal education framework, there are many journal articles that address the subject. There has also been development of case law and legislations in matters relating to Kenya's legal education framework. By using credible academic sources, these research methodologies will help answer the research questions and meet the research objectives.

1.10. Limitations

One of the main objectives of this research is to analyze the quality of legal education offered at the LLB level and ATP level at KSL; this is despite the fact that I have not done my ATP yet.

1.11. Chapter Breakdown

This study will be presented in five chapters:

- **Chapter 1: Introduction**

This chapter will contain the introduction and background(will contain the history of legal education in Kenya), statement of the problem, literature review, research questions, research objectives, hypotheses, theoretical framework, justification of study and research methodology.

- **Chapter 2: History and development of legal education in Kenya**

From history, this research will identify the quality of legal education at different points in time, how quality issues were addressed and whether the solutions were effective. It will also show how history contributed to the current situation in terms of the quality of legal education today.

- **Chapter 3: Quality and standards of a good of Legal Education Systems**

In this chapter there will be an attempt to discuss what constitutes quality legal education and the standards thereof. This will be done by looking at the “Best Practices for Legal Education” and “The Revised UK Quality Code for Higher Education (2018).”

- **Chapter 4: LLB and ATP Programs**

This research will look at accreditation of law schools, education given at these stages of learning and whether quality legal education is administered at these stages. This will be done by evaluating the law that governs these programs and case law

- **Chapter 5: Challenges facing the quality of Kenya’s legal education, recommendations and conclusions**

In this chapter, there will be a discussion factors hindering administration of quality legal education in Kenya. There will also be an analysis of the challenges facing quality legal education in Kenya. The chapter will also contain the recommendations to the legal education framework in Kenya as well as the conclusions.

2. CHAPTER TWO

HISTORY AND DEVELOPMENT OF LEGAL EDUCATION IN KENYA

Kenya's legal education has undergone a huge transformation over time. This chapter will discuss the quality of legal education in different points in time, how quality issues were addressed and whether the solutions were effective. It will also show how history contributed to the current situation in terms of the quality of legal education today. This chapter will be divided into four epochs; first epoch - 1897 to 1960, second epoch – 1960 to 2005, third epoch 2005 to 2012, and the fourth epoch 2012 to date.

2.1. First epoch – 1897 to 1960

In pre-colonial Kenya, education was informal and decentralized differing from one ethnic community to the next. The same was the case of legal education which was also informal and decentralized by nature and based on customs and traditions of a community.⁴³ Legal education did not prepare one for a “career in law” as we understand today,

“Learning of customary laws and practices was generally an informal life-long process...Inheritance, ownership of movable or immovable property, status of individuals, rules of behavior and morality, were matters irrevocably settled by the customary law, with which everyone was familiar from childhood, and litigation regarding such matters was... almost inconceivable.”⁴⁴

With colonization came formal legal education and the legal profession.

“The first feature of the legal profession entrenching roots in Kenya was vided in the 1897 Order in Council that was enacted to create a law society whose formation was largely necessitated by the need for a small group of professionals. This feature, though closely knitted to the English one, created a fused profession whereby the barristers and solicitors did not play distinct roles.”⁴⁵

⁴³See note 11 above.

⁴⁴ Ibid.

⁴⁵ Task Force on the Development of a Policy and Legal Framework for Legal Education in Kenya, 2005. Pp 2

However, it is important to note that the British government in their over 70 years of colonial rule did not set up any facility for legal education in Kenya.⁴⁶ The Europeans who settled in Kenya needed lawyers to take care of their legal matters. It was until the end of World War II that the colonial government gave a legal training program and upon their admission to the Bar in England, they came to the colony to practice law.⁴⁷ During the colonization period there was little attempt in establishing local training facilities for legal education in British East Africa, aspiring lawyers had to journey to London, join an Inn of Court, and acquire English professional qualifications.⁴⁸

2.2. Second epoch – 1960 to 2005

Until 1961 legal training was not offered in East Africa, the first law faculty was established at the then University of East Africa, in the Dar-es-Salaam and later a teaching center for articled clerks who sought to fulfill the requirements for admission to the roll of advocates was established, the Kenya School of Law.⁴⁹

2.2.1. Lord Denning Committee of 1960 - 1961

This committee was appointed to address and come up with recommendations to the various challenges facing legal education. One of the main reasons why the committee was convened was due to the criticism that was directed towards the quality of education given to African students by the Inns of the Court.⁵⁰ Since there was no form of legal education in the colonized African Countries, one had to London, join an Inn of Court and acquire English professional qualifications in order to become a lawyer; because of the cost involved, British expatriates and Asians heavily patronized and dominated the legal profession in Kenya African colonies.⁵¹ There were complaints that training offered by the Inn of the Court especially to Africans was insufficient and that they were not being trained on important skills of solicitors.⁵²

⁴⁶See Note 11 above.

⁴⁷See note 45 above.

⁴⁸Muna Ndulo, “Legal Education in Africa in the Era of Globalization and Structural Adjustment” Penn State International Law Review: Vol. 20: No. 3, Article 2. Pg 489

⁴⁹ See note 8 above.

⁵⁰ See note 34 above.

⁵¹ See note 11 above.

⁵²See note 34 above.

“Alleged weaknesses of London-educated students included: a belief that the sole role of the lawyer is litigation; weak advocacy based on poor preparation, the latter being the function of a solicitor and not covered by an Inns of Court training; poor levels of legal draftsmanship; failure to prepare proper accounts or keep separate client accounts; and ignorance of local law. The Inns of Court were also perceived to have neglected the welfare of African students...As a result many African students returned home disgruntled and discouraged.”⁵³

Some of the recommendations made by the committee include: important skills of solicitors (the drafting of wills, mortgages, and commercial contracts, as well as convincing and general bookkeeping) be taught to Africans seeking legal education; there was a recommendation that with the support of the United Kingdom Government, law faculties should be created within African universities and; there was a recommendation for the two stage style of legal education: university degree, and practical training.⁵⁴

In 1961 The Advocates Ordinance Act was enacted into law. The Advocates Ordinance Act established the Law Society of Kenya (LSK) and the Council of Legal Education (CLE) both of which were modeled based on the English systems.⁵⁵ The Council of Legal Education had the mandate of controlling legal education in Kenya and controlling the Advocates Training Program at the Kenya School of Law and entry into the legal profession, particularly the Bar.⁵⁶

2.2.2. The Akiwumi Commission

In December 1993, the Attorney-General appointed a Task Force led by Justice A.M. Akiwumi to look into the Status and Management of the Kenya School of Law; the task force was to review and make recommendations on the legal status and management of the Kenya School of Law.⁵⁷ Among other recommendations, the taskforce recommended that the Council of Legal Education be incorporated by statute and be given the statutory mandate to manage the Kenya School of Law and that the Council of Legal Education be the governing body of the School.⁵⁸

⁵³See Note 34 above.

⁵⁴ Ibid.

⁵⁵ See note 13 above.

⁵⁶ The Council of Legal Education Act, Cap 16A of 2003, ss 6(1).

⁵⁷Report of the Task Force on the Status and Management of the Kenya School of Law, 1994.

⁵⁸ Ibid.

As a result of the Akiwumi Report of 1994, Parliament enacted the Council of Legal Education Act in 1995 thereby incorporating the Council of Legal Education.⁵⁹ Section 3(1) of the Act establishes the Council of Legal Education and it is incorporated by section 3(2).⁶⁰ According to section 6(1) of the Council of Legal Education Act 1995, one of the main purposes of the Council of Legal Education was to supervise and control legal education in Kenya and advise the government in relation to all aspects thereof. Other functions of the Council of Legal Education listed in the section 6(2) of the Act includes to establish, manage and control legal education training institutions, to conduct examinations for the grant of academic awards and to award certificates, fellowships, scholarships, bursaries and such other awards as may be prescribed. However, the Act did not solve the problem of regulation of legal education in Kenya.

“But as a wide and all-encompassing this new mandate may have been, the reality on the ground was as different. Whereas the “Council” re-established the Kenya School of Law as a professional Bar School, the “Council” gave little emphasis to its function of ‘controlling and supervising’ legal education in the country. In fact, for the better of the period prior to 2006, the ‘Council’ merely acted as a ‘Board of Directors’ for the Kenya School of Law.”⁶¹

2.3. Third epoch 2005 to 2012

Prior to the Muigai Task Force in 2005, the training functions of the CLE were fully and solely delegated to the Kenya School of Law as a department for providing legal education on the government’s behalf and the status of the School remained uncertain and was neither a public entity nor Government Department being that it was legally under the management of the CLE.⁶² The findings and recommendations of the Muigai taskforce have tremendously shaped the face of legal education in Kenya.

“The Muigai task force was thus initiated to address the problems and confusion created by the Akiwumi report and to segregate institutions carrying out regulatory/supervisory

⁵⁹ See note 13 above.

⁶⁰ Council of Legal Education Act, No. 12 of 1995. *Repealed*.

⁶¹ See note 13 above.

⁶² See note 12 above.

functions from those carrying out training functions; to separate policy formulation and oversight from policy consumption at training level.”⁶³

The taskforce recommended: the separation of the Kenya School of Law from the Council of Legal Education; it proposed the qualifications for admission to an LLB Program in an institution licensed by CLE; they made recommendations on the criteria for recognition and accreditation of foreign Universities for the sake of entrance into the advocates training program at KSL.⁶⁴

2.4. Fourth epoch 2012 to date

By this epoch, Kenya’s legal Education framework has undergone a number of changes through the years, on the face of it Kenya appears to have a near perfect legal education framework with an almost clear set of legislations that govern it. However, this is far from the truth, Kenya’s legal education framework has its fair share of challenges. There has been conflict in the functions and powers of the: Commission of University Education, Council of Legal Education and Kenya School of Law in the regulation of legal education in Kenya.

In the case of *Moi University v Council of Legal Education & another*,⁶⁵ after an inspection by the Council of Legal Education, they directed that Mount Kenya University suspend the admission of students for the LLB program in 2016. The main issue in this case was which body was authorized by statute to accredit and inspect universities offering the LLB program in Kenya. And whether it was appropriate to be subjected to parallel accreditation procedures by separate bodies. Section 5 of the Universities Act 2012 places the function of accrediting and inspecting university programs in Kenya on the Commission for University Education. Before the Universities Act, the Council of Legal Education had the mandate under the repealed Council of Legal Education Act of 1995 which was repealed by the Legal Education Act of 2012 to accredit and license law programs offered by legal education providers. The court relied on the principle of *Leges Posteriores Prioris Contrarias Abrogant*. According to the principle new laws override old laws. The court therefore held that it is the Commission for University Education and not the Council of Legal Education

⁶³See note 13 above.

⁶⁴See note 12 above.

⁶⁵*Moi University v Council of Legal Education & another* [2016] eKLR

that is legally mandated to accredit legal education providers and therefore the Council of Legal Education erred in taking action against Moi University's accreditation of the LLB program.

However, the main challenge facing Kenya's legal education in this time is the quality of legal education which is evidenced by the massive failures bat examination failures at the Kenya School of Law and concerns that universities and the Kenya School of Law are producing "half-baked" lawyers.⁶⁶

⁶⁶ See note 23 above.

3. CHAPTER THREE

QUALITY AND STANDARDS OF A GOOD OF LEGAL EDUCATION SYSTEMS

3.1 Quality

Quality can be defined as the standard of something when it is compared to other things similar to it, how good or bad something is.⁶⁷ When it comes to quality in education, there is no single definition or a universal consensus on what is the appropriate strategy to assure and manage quality in higher education.⁶⁸ United Nations Children’s Fund (UNICEF) at the meeting of The International Working Group on Education defined quality education to include:

- Learners who are healthy, well-nourished and ready to participate and learn, and supported in learning by their families and communities;
- Environments that are healthy, safe, protective and gender-sensitive, and provide adequate resources and facilities;
- Content that is reflected in relevant curricula and materials for the acquisition of basic skills, especially in the areas of literacy, numeracy and skills for life, and knowledge in such areas as gender, health, nutrition, HIV/AIDS prevention and peace;
- Processes through which trained teachers use child-centered teaching approaches in well-managed classrooms and schools and skilful assessment to facilitate learning and reduce disparities;
- Outcomes that encompass knowledge, skills and attitudes, and are linked to national goals for education and positive participation in society.⁶⁹

The Oxford Advanced Learner’s Dictionary, (2010), defines quality education as equipping learners with skill and knowledge that would help develop psychologically and benefit them in future, being able to employ the skills they learnt in the days to day lives to sustain themselves even after graduation.

⁶⁷ Arundhathi Thangeda, Bakisanani Baratiseng, Thatoyamodimo Mompoti, “Education for Sustainability: Quality Education Is a Necessity in Modern Day. How Far do the Educational Institutions Facilitate Quality Education?” *Journal of Education and Practice* (Vol.7, No.2, 2016).

⁶⁸ Id.

⁶⁹ UNICEF at the meeting of The International Working Group on Education Florence, Italy June 2000, “Defining Quality in Education” Available at , <https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNICEF_Defining_Quality_Education_2000.PDF> accessed on April 29, 2021.

“Quality can be defined in terms of excellence, perfection, value for money, fitness to purpose. (Harvey, 2005 as cited in Brucaj, 2014). Quality in education is a multi-dimensional concept with different components (Sallis, 2002). According to some researchers the definitions of quality are: Quality is fulfilling & exceeding customer’s needs, Quality is everyone’s job and quality is continuous improvement. Quality is recognition and reward. Quality is leadership, teamwork, measurement and systematic problem solving. (Lewis, 1994; Gibbs, 2010; Flores-Molina, 2011 as cited in Brucaj, 2014).”⁷⁰

The importance of quality in any educational system is paramount. However, securing high-quality education seems to be a considerable challenge, for most law schools. Quality of education is affected by factors both inside and outside the classroom – everything from the availability of lecturers, quality of the lecturers, teaching system, the curriculum, the learning environment under which the education is being provided and the availability of learning materials.⁷¹

The lack of adequate focus on quality in legal education has contributed to what now can be referred to as a learning crisis. Most students graduate with their LLB degrees and join KSL for their ATP only for them to fail, this is evidenced by the massive failure of the bar examination with only about 20% of the candidates passing.⁷² Secondly, there has been a concern that the universities and the Kenya School of Law are producing “half-baked” lawyers.⁷³ Universities have been accused of not having the relevant standards to offer law programs. For example, the Council of Legal Education had ordered Moi University to close its school of law for failing to meet requirements to offer the course.⁷⁴ This raises a concern over the quality of education offered at the LLB and ATP level at KSL.

According to Article 13 (2)(6)(c) of General Comment No. 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), an acceptable form of education is one whose form and substance including curricula and teaching methods are acceptable; that is to say it is

⁷⁰ See note 67 above.

⁷¹ Id.

⁷² See note 22 above.

⁷³ See note 23 above.

⁷⁴ See note 24 above.

relevant, culturally appropriate and of good quality.⁷⁵ The revised UK Quality Code for Higher Education lays down expectations when it comes to quality in higher education:

“Courses are well-designed, provide a high-quality academic experience for all students and enable a student’s achievement to be reliably assessed. From admission through to completion, all students are provided with the support that they need to succeed in and benefit from higher education. The academic standards of courses meet the requirements of the relevant national qualifications framework. The value of qualifications awarded to students at the point of qualification and over time is in line with sector-recognized standards.”⁷⁶

The code defines high quality as quality which can consistently lead to credible and recognized positive outcomes for students. According to the code, high quality is the minimum level of quality that is to be expected of all providers of higher education.⁷⁷ When it comes to the value of education offered by institutions of higher learning, value points to the credibility and standing of qualifications, and their reliability as a reflection and consistent record of academic achievement.⁷⁸ According to the Code, some of the expectations as relates to quality of education offered include:

1. The provider has a reliable, fair and inclusive admission system

A fair, reliable and transparent admissions system is essential for all applicants. A fair admissions system is one that provides equal opportunity for all individuals, regardless of background, to gain admission to a course suited to their ability and aspirations.⁷⁹ A fair admission system is one that is based on merit. In order to ensure reliability, institutions should be transparent in their admissions. This means that,

“Universities and colleges should provide, consistently and efficiently through appropriate mechanisms, the information applicants need to make an informed choice. This should include the institution’s admissions policy and detailed criteria for admission to courses, along with an explanation of admissions processes. It should include a general indication

⁷⁵ See note 1 above.

⁷⁶ See note 2 above.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Admissions to Higher Education Steering Group, “Fair admissions to higher education: recommendations for good practice” Available at, <<https://www.ucas.com/file/233136/download?token=Scfuab79>> accessed on April 29, 2021.

of the weight given to prior academic achievement and potential demonstrated by other means. The latest available information should also be provided about the entry qualifications of applicants accepted on each course, and procedures for complaints and appeals. Institutions should conduct and publish a periodic analysis of admissions data, and provide feedback on request to unsuccessful applicants.”⁸⁰

When it comes to inclusivity, law schools should not discriminate on the basis of gender, ethnicity or race. It is true that diversity has educational benefits, students learn not only from tutors and books but also from one another, exposing students to peers from different backgrounds can be an important part of their education as they share their experiences.⁸¹

2. The provider designs and/delivers high quality courses

There is need for the Commission for University Education (CUE) and the Council of Legal Education (CLE) to ensure that law schools offer high quality LLB degrees. Also Kenya School of Law needs to ensure that their ATP is of high quality. This is to ensure that students get quality education both at LLB and ATP this will help in solving the challenge of massive bar examination failures.

3. Presence of sufficiently appropriately qualified and skilled staff to deliver a high quality academic experience

One of the challenges facing the legal education sector in Kenya is lack of full time lecturers. Most of the lecturers work on part time basis as they have private practice so they may not prioritize students hence lowering the quality of education they receive, “...this often eats into their time and has a result of producing tired and drained teachers who lack adequate preparation, arrive late and are often unavailable for consultation.”⁸²

4. Availability of sufficient and appropriate facilities, learning resources and student support facilities to deliver a high quality academic experience

In order to ensure students access to quality legal education, there is need to ensure access to quality learning materials. It is sad to note that library facilities such as books and access to online

⁸⁰ See note 79 above.

⁸¹ Id.

⁸² See note 12 above.

materials for learning are still a challenge for most law schools. This is made worse by the fact that some of the materials available are outdated.

“Kenya’s institutions in legal training have not sufficiently responded to the needs of changing times and society. It is trite knowledge that there has been little or no development in the infrastructure and training programs in law to meet the challenges of the 21st Century. The legal training offered in Kenya’s tertiary institutions is little suited to impart the competences required to face the many challenges of the 21st century. There is therefore an urgent need to develop new strategies and to invest in the development of institutional infrastructure and human resources in this regard.”⁸³

5. Involvement of the students individually and collectively in the quality of their educational experience

Are students’ opinions and wants being incorporated when reviewing and revising the quality of education being offered by institutions? Even as the Parliament deliberates on a bill to employ change in Kenya’s legal education framework, the question is are they involving the students at LLB and ATP in that conversation, are they taking note of their opinions and complaints? Students are the recipients of the education being offered as such their opinions need to be considered.

6. Does the provider review its core practices for quality regularly and uses the outcomes to drive improvement and enhancement?

Core practices represent effective ways of working that underpin the delivery of the Expectations and result in positive outcomes for students.⁸⁴ Institutions that offer legal education need to regularly evaluate the quality of legal education they are offering. This can be done in several ways including evaluating their curriculum to ensure that it is relevant to the needs of the society at that point in time. There is also need to update their learning materials such as books to ensure that the education being offered to students is up to date.

3.2 Standards

In order to ensure the quality of legal education, there is need to set standards as relates to the quality of legal education being offered in any institution. The academic standard of courses need

⁸³ See note 12 above.

⁸⁴ See note 2 above.

to meet the requirements of the relevant national qualification framework.⁸⁵ This means that beginning from the admission stage to graduation quality needs to be observed. The admission requirements set by law must be observed by every learning institutions. The standards that relate to the qualifications of lecturers teaching the students needs to be observed. The evaluation of students needs to be thorough and incidences of examination malpractice must be dealt with a firm hand. This is to ensure that the value of qualifications awarded to students from the point of admission to graduation is in line with the recognized standards by law. In order to achieve this the revised UK Quality Code for Higher Education prescribes that:

- 1. The provider must ensure that the threshold standards for its qualifications are consistent with the qualifications framework set by law.**

The law lists down the requirements one needs to meet before being admitted for an LLB program and for ATP, these requirements must be strictly followed at the admission stage.

- 2. The provider must ensure that students who are awarded qualifications have the opportunity to achieve standards beyond the threshold level that are reasonably comparable with those achieved in other institutions.**

There should be no instances where students from a certain school are disadvantaged. Law schools should ensure that they give their students equal if not a better chance of succeeding during and after law school. This may include availing reading resources for students during their LLB and even partnering with institutions to help their students get access to internship and possibly employment in the future. An example of such partnership is Strathmore Law School with one of the leading corporate law firm in Africa, Anjarwalla and Khanna. The terms of the MOU allow for long-term collaboration between the practice of law and academia, to promote excellent legal services and a Kshs. 15 million donation was made by Anjarwalla and Khanna towards a new law school library.⁸⁶

- 3. The provider must review its core practices for standards regularly and use the outcomes to drive improvement and enhancement.**

⁸⁵ Id.

⁸⁶ Strathmore University, “SLS – Anjarwalla & Khanna partnership” < <https://strathmore.edu/news/sls-anjarwalla-khanna-partnership/>> accessed on April 29, 2021.

A quality education is also one that address the needs of the 21st century. There is need for aspects of legal education including curriculum to address the challenges facing the 21st century. It needs to address intellectual property laws, Bit coin and crypto currency, terrorism including bioterrorism, science and technology. There is need for the curriculum to be reviewed. In an Indian case of *In State of Maharashtra vs. Mahubhai Pragmatic Vashi*,⁸⁷ the Court observed: “The need for convincing and well organized legal education is absolutely essential reckoning the new trend in the world order, to meet the ever grooving challenges. The legal education should be able to meet the eves growing demands of the society and should be thoroughly equipped to cater to the complexities of different situations.”⁸⁸

⁸⁷ (1996) AIR, 1 [1995] SCC (5) 730.

⁸⁸ *In State of Maharashtra vs. mahubhai pragmatic vashi* (1996) AIR, 1 [1995] SCC (5) 730.

4. CHAPTER FOUR LLB AND ATP PROGRAMMES

This chapter will look at accreditation of law schools, education given at these stages of learning and whether quality legal education is administered at these stages. This will be done by evaluating the law that governs these programs and case law.

4.1. LLB

In Kenya, the Bachelors of law (LL.B) takes the form of a four-year programme that prepares candidates for the advocates training programme (ATP) at the Kenya School of Law. The minimum requirement for admission into an LLB programme is; a mean grade of C+ (Plus) in the Kenya Certificate of Secondary Education examination or its equivalent with a minimum grade of B Plain in English or Kiswahili; at least three Principal Passes in the Kenya Advanced Certificate of Education examination; a degree from a recognized university; or a Credit Pass in a diploma in law examination from an accredited institution⁸⁹

4.1.1. Licensing and accreditation of Universities offering the LLB Degree

Section 8 (1) of the Legal Education Act, 2012 provides for the functions of the Council of Legal Education to include; Regulate Legal Education and training in Kenya offered by legal education providers, License legal education providers, Supervise legal education providers, Advise Government on matters relating to legal education and training, Recognize and approve qualifications obtained outside Kenya for purposes of admission to the Roll and Administer such professional examinations as may be prescribed under Section 13 of the Advocates Act Cap. 16. The Council of Legal Education is responsible for setting and approving standards relating to; curriculum and mode and quality of examinations, harmonization of legal education programmes and monitoring and evaluation of legal education providers.⁹⁰

Section 2 of the Legal Education Legal Education (Accreditation and Quality Assurance) Regulations, 2016 define accreditation as the issuance of a license by the Council to a legal education provider because it has met the quality standards prescribed by the Council. Therefore

⁸⁹ Part II(5)(1) of the 3rd Schedule of the Legal Education Legal Education (Accreditation and Quality Assurance) Regulations, 2016.

⁹⁰ Section 8 (2) of the Legal Education Act, 2012.

for an institution to be accredited it need to meet the quality standards set by the council of legal education.

According to section 4(3) of the Legal Education Legal Education (Accreditation and Quality Assurance) Regulations, a person making an application for accreditation is required to provide: a feasibility study of the legal education programme highlighting the justifications for the programme including the programme's "niche" area; a strategic plan, highlighting specific strategies applicable to ensure sustainability and growth of the legal education programme; supporting policy documents such as staff recruitment and development policy, research policy and library policy; a detailed curriculum of the legal education programme; and any other relevant document.⁹¹ According to Section 5(1), if the person satisfies these requirements, then the Council conducts an inspection of the place where the legal education shall be offered by the applicant to confirm whether or not the applicant has complied with the provisions of the Act and these Regulations including the quality standards set out in the Third Schedule to these Regulations.⁹² Further, according to Section 5(4) where the Council determines that an applicant should be accredited, the Council shall issue that applicant with a license and the license shall be valid for a period of five years.⁹³

According to Section 6(1), the Council is required to audit the quality of legal education offered by a legal education provider after two years from the date of the accreditation but not later than three years from the date of the accreditation and is required to prepare and submit to the legal education provider a report of its findings and recommendations.⁹⁴ Section 6(2) allows the Council to investigate on its own motion or at the request of any person whether or not a legal education provider is complying with the Act or these Regulations and thereafter to prepare and submit to the legal education provider a report of its findings and recommendations.⁹⁵

According to Section 6(3), a legal education provider is required to apply for the renewal of a license at least one year before the date of the expiry of the license and the application should be accompanied by: a detailed report indicating the progress made in the maintenance of quality

⁹¹ The Legal Education (Accreditation and Quality Assurance) Regulations, 2016.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Ibid.

standards and the institution's strategies; a tracer study detailing the impact of the legal education programme since the date of accreditation; a report of stakeholders' engagement in the curriculum review; and the reviewed curriculum.⁹⁶

From the above it can be clearly seen that the law does provide a framework to help ensure quality legal education is administered Kenyan law schools. However, whether these regulations are followed is another issue all together. In the development of any nation, education plays a key role, university education is important as it is perceived to provide relevant and quality education prepare the country's workforce to meet the needs of the society and as such, the quality of education should be credible, relevant and accessible.⁹⁷ However, it is sad to note that the quality of education in Kenyan universities has been disgraced especially when it comes to assessment of students, there have been incidences of “sexually transmitted grades” (students having affairs with lecturers to obtain better grades), commercially acquired term papers, project papers and thesis; student assessment has become problematic.⁹⁸

“However, quality in public universities is affected by inadequate invigilation and supervision of examinations. The issue of lack of control measures against exam cheating and detection mechanisms is yet to be addressed Gudo, (2011). The missing marks syndrome is infectious especially in public universities. Students jam corridors looking for course lecturers to provide the missing marks. One wonders if there are clear regulations governing examinations and how marks for some students go missing and not others.”⁹⁹

4.1.2. CLE v CUE

There has also been conflict over the functions and powers of the Commission of University Education; Council of Legal Education and Kenya School of Law over which body has the role of regulating legal education in Kenya and accrediting law schools. This conflict revolves around who is responsible for regulating and setting standards for legal training, whose role is it to audit degrees, who equates foreign degrees and who can recognize foreign degrees.

⁹⁶ See note 91.

⁹⁷ Dr. Emmily M. Sitati, “Quality Assurance in Higher Education. A case of legal education and training in Kenya” IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume 22, Issue 6, Ver. 8 (June. 2017) PP 49.

⁹⁸ Ibid.

⁹⁹ Ibid.

Section 8 of the Legal Education Act lists the function of the Council of Legal Education, those functions include; to regulate legal education and training in Kenya offered by legal education providers, licence legal education providers, supervise legal education providers; and advise the Government on matters relating to legal education and training, recognize and approve qualifications obtained outside Kenya for purposes of admission to the Roll and, administer such professional examinations as may be prescribed under section 13 of the Advocates Act.¹⁰⁰ Section 8(2) of the Legal Education Act gives the Council the responsibility of setting and enforcing standards relating to the accreditation of legal education providers for the purposes of licensing and monitoring and evaluation of legal education providers and programs.¹⁰¹

Section 5(1) of the University Act lists the functions of the Commission for University Education. Some of those functions include: to monitor and evaluate the state of university education systems in relation to the national development goals; licence any student recruitment agencies operating in Kenya and any activities by foreign institutions; develop policy for criteria and requirements for admission to universities; recognize and equate degrees, diplomas and certificates conferred or awarded by foreign universities and institutions in accordance with the standards and guidelines set by the Commission from time to time and; undertake or cause to be undertaken, regular inspections, monitoring and evaluation of universities to ensure compliance with the provisions of this Act or any regulations made under section 70.¹⁰²

In the case of *Republic v Commission for Higher Education Ex-Parte Shitanda*,¹⁰³ the court held that the power of recognition of foreign degrees rests with the CUE. The applicant had obtained a degree of Bachelor of Business Administration fast track learning program for Adult Learners with the Business University of Costa Rica (BUCR) which according to him is a fully recognized and approved University in her country of origin and is further listed with UNESCO in Paris since 1999 to date. The applicants wrote to the Commission for Higher Education for the recognition and equation of his degree which was rejected. The applicant therefore prayed for orders of certiorari, mandamus and prohibition on the decision of the Secretary of the Commission for

¹⁰⁰ Legal Education Act, No. 27 of 2012, Laws of Kenya.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ *Republic v Commission for Higher Education Ex-Parte Shitanda*[2013] eKLR

Higher Education not recognizing his degree certificate. Arguing that this was in bad faith, the Applicant wanted the court to evaluate the lawfulness, procedural propriety, fairness and rationality of the decision.

In the case of *Republic v Council of Legal Education & another Ex-Parte Mount Kenya University*,¹⁰⁴ after an inspection by the Council of Legal Education, they directed that Mount Kenya University suspend the admission of students for the LLB program in 2016. The main issue in this case was which body was authorized by statute to accredit and inspect universities offering the LLB program in Kenya. And whether it was appropriate to be subjected to parallel accreditation procedures by separate bodies. Section 5 of the Universities Act 2012 places the function of accrediting and inspecting university programs in Kenya on the Commission for University Education. The court held that it is the Commission for University Education and not the Council of Legal Education that is legally mandated to accredit legal education providers and therefore the Council of Legal Education erred in taking action against Mount Kenya University's accreditation of the LLB program.

4.2. Advocates Training Programme

After attaining an LLB degree, one is required to proceed to the Kenya School of Law for the Advocate Training Programme (ATP). The Advocates Training Programme lasts for 18 months, of which 12 months is for continuous in-house clinical training and 6 months' pupillage on a full time basis. Minimum requirements are set out in the Legal Education Act, 2012 and the Legal Education Regulations 2016 as; a bachelor of law degree from an accredited university, or where applicable, a certificate of completion of a remedial programme or proof of academic progression from certificate to diploma to degree and a certificate of completion of the pre-bar examination.¹⁰⁵

Kenya School of Law is the only institution that offers ATP in Kenya. However this may change as there is a Bill before parliament to among other things allow law schools to offer the advocates Training Programme. The Bill proposes to amend section 4 of the Kenya School of Law Act, 2012, to remove the current exclusivity and open up the licensing of other education providers to train advocates under the Advocates Act. The amendments also seek to take away KSL powers to administer pre-bar exams and give it to the CLE.

¹⁰⁴ *Republic v Council of Legal Education & another Ex-Parte Mount Kenya University* [2016] eKLR

CLE administers the bar examination while KSL teaches; some students have attributed the massive bar examination failures to the disconnect between teaching and examination.¹⁰⁶ Others have attributed the massive bar examination failures to the fact that there is overcrowding of students with classes having up to four hundred students.¹⁰⁷

¹⁰⁶ The Star, “Bill seeks to allow competition in advocates' training” <<https://www.the-star.co.ke/news/2019-04-18-bill-seeks-to-allow-competition-in-advocates-training/>> Accessed on April 29, 2021.

¹⁰⁷ Ibid.

5.1 CHAPTER FIVE

CHALLENGES FACING THE QUALITY OF KENYA'S LEGAL EDUCATION, RECOMMENDATIONS AND CONCLUSIONS

This will be the final chapter of this paper. There will be an analysis of the challenges facing the quality Kenya's legal education, recommendations and conclusions.

5.1. Challenges facing the quality of Kenya's Legal Education

5.1.1. Legal education does not adequately address the needs of the 21st Century

In some ways, legal education does not address the challenges of the 21st Century.¹⁰⁸ We appreciate the fact that law is sometimes slow in keeping up with the changes in the world and that emerging issues may take long before being legislated. With technological advancement, the law has been left behind in so many ways. There are long and complex procedures that makes it almost compulsory to have a middleman between an individual and justice who in most cases is a lawyer, all because the law has not fully embraced technology. Technology is a very important aspect in the 21st century. There is need for privacy laws based on the increase in the use of social media and the capitalization of people's personal information. We need laws on crypto currency, block chain and many more. There is need to introduce courses that deal with the problems of the 21st century.

“Education, in other words, can be a dangerous thing...It is time, I believe, for an educational ‘perestroika’, by which I mean a general rethinking of the process and substance of education at all levels, beginning with the admission that much of what has gone wrong with the world is the result of education that alienates us from life in the name of human domination, fragments instead of unifies, overemphasizes success and careers, separates feeling from intellect and the practical from the theoretical, and unleashes on the world minds ignorant of their own ignorance.”¹⁰⁹

5.1.2. Liberalization effects: quantity versus quality

Since the early 1990s there has been a growing need to increase access to legal education, although the intent of liberalization was to allow access to higher education, the increasing number of law schools and large admissions of law students has brought with it a number of problems regarding

¹⁰⁸ See note 12.

¹⁰⁹ David W. Orr, *Earth in Mind: on education, environment and the human prospect* (Chicago, Island Press, 2nd Edition).

the quality of legal education and legal services offered to community by these professionals.¹¹⁰ Liberalization allows students would not have qualified before to be admitted into higher education.¹¹¹ Consequences of liberalization is the production of low quality graduates, this is because lack of training facilities such as equipped libraries and lack of proper monitoring on the standards of quality among those engaged in legal education and training.¹¹²

5.1.3. Inadequate legal training

This is due to the following reasons:

1. Weak Clinical and skill programmes

Most of legal education in Kenya is mostly theory, this is because of the nature of legal training. It is important for students to have access to practical skills, however, the clinical aspect or practical aspect of legal education appears only to be the prerogative of the Kenya School of Law.¹¹³ The current pupillage system at KSL has deficiencies. For example there is no placement system that aids a freshly graduated student to feel accepted in the office, only a few senior lawyers have the time and dedication to diligently train and mentor law students to be effective practitioners and as a result pupil is quickly tossed into the world of legal practice and is expected to learn almost everything by themselves.¹¹⁴

2. Lack of full time lecturers

Most of the lecturers teaching in law schools are part-time lecturers most of them are involved in private legal practice while some teach multiple law schools, "...this often eats into their time and has a result of producing tired and drained teachers who lack adequate preparation, arrive late and are often unavailable for consultation."¹¹⁵

3. Over-emphasis on foreign curriculum

One of the weaknesses of Kenya's legal education curriculum is that there is an overreliance in foreign curriculum. We appreciate the fact that Kenya was colonized by Britain and as a result

¹¹⁰ See note 12.

¹¹¹ Ibid.

¹¹² See note 16.

¹¹³ See note 12.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

common law finds its way in our legal system and the fact that some legal principles were developed in other jurisdictions. However, Kenya has developed its own jurisprudence over the years which could adequately teach some legal principles. However, today in most Kenyan law schools more emphasis is put on decisions and materials from foreign jurisdictions as compared to Kenya. One of the recommendations of the Lord Denning Committee was that legal education needs to be to reflect the needs of African students and special courses on African customary law and Islamic law were to be introduced.¹¹⁶ However, to this date elements of Kenyan culture and heritage that have been overlooked, such as African dispute resolution.¹¹⁷

4. Out-dated learning materials and facilities

Institution of legal training in Kenya face challenges in accessing learning materials. Library facilities such as books and access to online materials for learning are still a challenge for most law schools.

“Kenya’s institutions in legal training have not sufficiently responded to the needs of changing times and society. It is trite knowledge that there has been little or no development in the infrastructure and training programmes in law to meet the challenges of the 21st Century. The legal training offered in Kenya’s tertiary institutions is little suited to impart the competences required to face the many challenges of the 21st century. There is therefore an urgent need to develop new strategies and to invest in the development of institutional infrastructure and human resources in this regard.”¹¹⁸

5.1.4 Poor Student assessment

University education is very important, it provides students with relevant and quality education required to prepare the country’s workforce to meet the needs of the society and as such, quality is of essence.¹¹⁹ However, it is sad to note that the quality of education offered in Kenyan universities especially when it comes to assessment of students is worrying, there have been incidences of “sexually transmitted grades” (students having affairs with lecturers to obtain better

¹¹⁶ See note 34.

¹¹⁷ See note 12.

¹¹⁸ Ibid.

¹¹⁹ See note 97.

grades), commercially acquired term papers, project papers and thesis; student assessment has become problematic.¹²⁰

As that is not enough, public universities have been affected by inadequate invigilation and supervision.

“However, quality in public universities is affected by inadequate invigilation and supervision of examinations. The issue of lack of control measures against exam cheating and detection mechanisms is yet to be addressed Gudo, (2011). The missing marks syndrome is infectious especially in public universities. Students jam corridors looking for course lecturers to provide the missing marks. One wonders if there are clear regulations governing examinations and how marks for some students go missing and not others.”¹²¹

The situation at the Kenya School of Law is not better, there have been in the recent years issues of massive bar examination failure at Kenya School of Law. In the November 2018 bar examination results for example, out of the 1572 candidates who sat for the bar examination, only 308 of them (19.59%) passed and were admitted to the bar.¹²² Some students have attributed this to the fact that CLE administers the bar examination while KSL teaches which results in a disconnect between teaching and examination.¹²³ According to KSL, they have been submitting their course outline to CLE to aid them in setting their exams.¹²⁴

5.1.5. Enforcement of the standards of institutions offering legal education

In the case of *Republic v Council of Legal Education & another Ex-Parte Mount Kenya University*,¹²⁵ after an inspection by the Council of Legal Education, they directed that Mount Kenya University suspend the admission of students for the LLB program in 2016. The main issue in this case was which body was authorized by statute to accredit and inspect universities offering the LLB program in Kenya. And whether it was appropriate to be subjected to parallel accreditation procedures by separate bodies. Section 5 of the Universities Act 2012 places the function of accrediting and inspecting university programs in Kenya on the Commission for University

¹²⁰ See note 97 above.

¹²¹ Ibid.

¹²² See note 22 above.

¹²³ See note 107.

¹²⁴ Nation Media, “End Law School monopoly, players say following recent mass failures” <<https://www.nation.co.ke/news/1056-5205124-r5jbvk/index.html>> accessed April 29, 2021.

¹²⁵ *Republic v Council of Legal Education & another Ex-Parte Mount Kenya University* [2016] eKLR

Education. The court held that it is the Commission for University Education and not the Council of Legal Education that is legally mandated to accredit legal education providers and therefore the Council of Legal Education erred in taking action against Mount Kenya University's accreditation of the LLB program.

The problem with the ruling is that although under section 8 Legal Education Act, CLE has the function of regulating legal education and training offered by legal education providers, licensing legal education providers and supervising legal education providers it does not have the power to revoke a licence of an institution offering an LLB program. If CLE conducts an inspection and finds that an institution is not fit to offer an LLB program, it does not have the power to revoke its licence; instead it has to wait for CUE to revoke. CUE evaluates all the programs offered by Kenyan Universities, it would have been better if the CLE had the power to revoke licenses of law schools that fail to meet the required standards.

5.2. Recommendations

5.2.1. End Kenya School of Law Monopoly in offering the Advocates Training Programme

In Kenya, only Kenya School of Law offers Advocates Training Programme. There is a Bill in Parliament that seeks to allow law schools to offer ATP. The Bill seeks to amend section 4 of the Kenya School of Law Act, to remove the current exclusivity given to KSL to offer ATP and open up the licensing of other education providers to train advocates under the Advocates Act.

The then Law Society of Kenya president Allen Gichuhi welcomed the move, saying it would reduce congestion at KSL and financial distress on students, "Personally, I think this is a good thing. Right now everything is congested at the Kenya School of Law and the feeling was there are other universities which are also capable of offering that same training and to decentralize everything from one spot..."¹²⁶

5.2.2. Make law schools centers for research and innovation

Law schools need to be more than a place where people go to in order to be able to practice law, they need to be centers for legal research and innovation. Education should embrace creativity and have the capacity to manage the cognitive dissonance that gives rise to our failure to

¹²⁶See note 107 above.

comprehend reality, we must therefore move towards a lifelong learning that embraces research and innovation.¹²⁷

The digital revolution is here and technological advancements are the order of the day. There exists digitization of information, unprecedented access to data and the democratization of knowledge which is transforming every sector of our economy – from healthcare, transportation to energy and beyond. The scope, scale, and ubiquity of these disruptions is unprecedented. As a result, these areas need to be addressed. Law schools need to train students to use their legal minds to address and coming up with solutions to these issues. Students do not need to wait for parliament to make laws on these issues so that they can study them. They should be able to research on the implications on different aspects of technological advancement on human rights and public policy and come up with scholarly articles and papers and even make recommendations in bills that parliament can adopt.

5.2.3. Regular inspection of accredited legal institutions

Institutions that have been accredited to offer LLB programmes should be regularly inspected. If they fail to meet the required standards their licence should be revoked. To remedy this, the CLE should intervene to ensure that the set standards are strictly adhered to for any institution for receive accreditation. CLE should also regularly review the standards set for accreditation of law schools to ensure that legal education evolves with the changing times.

5.2.4. Enhancing the practical aspects of legal education

It is worth noting that most of legal education and training is mostly theoretical in nature. However, it is important for students to have access to practical skills in the course of their legal training. It is sad to note that the clinical aspect or practical aspect of legal education appears only to be the prerogative of the Kenya School of Law.¹²⁸ Law schools need to embrace the practical aspects of legal training. The pupilage program at KSL needs to be reformed to ensure that students obtain quality practical legal training and exposure.

5.2.5. Use of technology in learning

The world is evolving at a fast rate due to technological advancement. Law schools need to catch up and keep up with these changes. A key problem ailing the legal education in Kenyan institutions

¹²⁷ Global University Network for Innovation, “The Challenges of Higher Education in the 21st Century” <<http://www.guninetwork.org/articles/challenges-higher-education-21st-century>> accessed April 29, 2021.

¹²⁸See note 12 above.

is the lack of adequate learning resources such as well stocked libraries, electronic information retrieval databases, information and communications technology and computers.¹²⁹ Embracing technology will ensure that students have access to adequate materials not only for their class work but also enough to facilitate research and innovation.

5.3. Conclusion

From this research it can be clearly seen quality of legal education is very important and that one of the major challenges facing Kenya's legal education is quality. This research has demonstrated that there have been problems with regard to the quality of legal education in Kenya. There is need to ensure that all changes in legal education take to account the evolving nature of the society and its needs and the role that professions play in it. Failure to take into account these changes serious damage to the reputation of the legal profession could occur. However, all is not lost, there is hope for Kenya's legal education. With the consistent changes and strict demand for adherence legal education in Kenya is forging its path to success.

¹²⁹ See note 16 above.

Bibliography

Books

Curzon L B, *Jurisprudence* (Cavendish Publishing Limited, 1995).

David W. Orr, *Earth in Mind: on education, environment and the human prospect* (Chicago, Island Press, 2nd Edition).

Eisenstadt, S. N. and Englewood Cliffs, *Modernization: Protest and Change* (Prentice-Hall, 1966).

Omony John Paul, *Key Issues in Jurisprudence: An In-Depth Discourse on Jurisprudence Problems* (1stedn Law Africa).

Roy Struckey, *Best Practices for Legal Education* (Clinical Legal Education Association, 2007).

Journals

Admissions to Higher Education Steering Group, “Fair admissions to higher education: recommendations for good practice” Available at, <https://www.ucas.com/file/233136/download?token=Scfuab79> accessed on April 29, 2021.

Arundhathi Thangeda, Bakisanani Baratiseng, Thatoyamodimo Mompoti, “Education for Sustainability: Quality Education Is A Necessity in Modern Day. How Far do the Educational Institutions Facilitate Quality Education?” *Journal of Education and Practice* (Vol.7, No.2, 2016).

D.A. Olaniyan and T Okemakinde, “Human Capital Theory: Implications for Educational Development” [2008] *Medwel Journals* 479.

Dean C. Tipps, “Modernization Theory and the Comparative Study of Societies: A Critical Perspective” *Comparative Studies in Society and History*, Vol. 15, No. 2 (Mar., 1973), pp. 199.

Dr. Emmily M. Sitati, “Quality Assurance in Higher Education. A case of legal education and training in Kenya” *IOSR Journal of Humanities and Social Science (IOSR-JHSS)* Volume 22, Issue 6, Ver. 8 (June. 2017).

Giovanni E. Reyes, “Four Main Theories of Development: Modernization, Dependency, World-System, and Globalization” *University of Pittsburgh USA, Nómadas. Revista Crítica de Ciencias Sociales y Jurídicas* | 04 (2001.2).

Hemant Shah, “The Production of Modernization: Daniel Lerner, Mass Media, and the Passing of Traditional Society” Temple University Press, 2011. 226 pp.

J. B. Ojwang and D. R. Salter, “The Legal Profession in Kenya” Journal of African Law, Vol. 34, No. 1 (Spring, 1990), pp. 9.

John A. Harrington and Ambreena Manji, “Mind with Mind and Spirit with Spirit: Lord Denning and African Legal Education” Journal of Law and Society, Vol. 30, No. 3 (Sep., 2003), pp. 376.

John Flood, “Legal Education in the Global Context: Challenges from Globalization, Technology and Changes in Government Regulation”
<https://www.academia.edu/2665887/Legal_Education_in_the_Global_Context_Challenges_from_Globalization_Technology_and_Changes_in_Government_Regulation> accessed on accessed April 29, 2021.

Kantai Sayei Joseph, “Challenges & Prospects of the Legal Training in Kenya. Post 2010”
<https://www.academia.edu/13507535/Regulation_of_Legal_Training_in_Kenya_Challenges_And_Prospects> accessed on accessed April 29, 2021.

Leroy Almendarez, “Human Capital Theory: Implications for Educational Development”
<<https://www.open.uwi.edu/sites/default/files/bnccde/belize/conference/papers2010/almendarez.html>> accessed on accessed April 29, 2021.

McGuire, “Lawyers and the U.S. Supreme Court: The Washington Community and Legal Elites” American Journal of Political Science, Vol. 37, No. 2 (May, 1993), pp. 365.

Okere G. Okoth, “The Legal Education in Kenya: A Historical Analysis”
<https://www.academia.edu/11300374/The_Legal_Education_in_Kenya_An_Appraisal?auto=download> accessed on accessed April 29, 2021.

Olive Mumbo, “Legal Education in Kenya from the Perspective of a Law Student”
<https://www.academia.edu/19647196/Legal_Education_in_Kenya_from_the_Perspective_of_a_Law_Student> accessed on accessed April 29, 2021.

Peter Mwendwa Mark, “Legal Education in Kenya and the United Kingdom”
<https://www.academia.edu/31083534/Peter_Mwendwa_Mark.LEGAL_EDUCATION_IN_KE_NYA_AND_THE_UNITED_KINGDOM> accessed on accessed April 29, 2021.

The revised UK Quality Code for Higher Education (2018). Available at, https://www.qaa.ac.uk/docs/qaa/quality-code/revised-uk-quality-code-for-higher-education.pdf?sfvrsn=4c19f781_8> accessed on April 29, 2021.

UNICEF at the meeting of The International Working Group on Education Florence, Italy June 2000, “Defining Quality in Education” Available at, https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNICEF_Defining_Quality_Education_2000.PDF> accessed on April 29, 2021.

Newspaper Articles and Websites

Council of Legal Education, “Regular Sitting November 2018 Bar Examination Results” <http://cle.or.ke/july-2018-bar-examination-results-2-3-2/>> accessed on April 29, 2021.

Global University Network for Innovation, “The Challenges of Higher Education in the 21st Century” <http://www.guninetwork.org/articles/challenges-higher-education-21st-century>> accessed April 29, 2021.

Nation Media, “End Law School monopoly, players say following recent mass failures” <https://www.nation.co.ke/news/1056-5205124-r5jbvk/index.html>> accessed April 29, 2021.

Nation Media, “Has Moi University been producing half baked lawyers?” <https://nairobinews.nation.co.ke/news/has-moi-university-been-producing-half-baked-lawyers>> accessed on April 29, 2021.

Standard Media, “Reasons for half-baked graduates from Kenyan universities” <https://www.standardmedia.co.ke/ureport/story/2000223958/reasons-for-half-baked-graduates-from-kenyan-universities>> accessed on April 29, 2021.

Strathmore University, “SLS – Anjarwalla & Khanna partnership” <https://strathmore.edu/news/sls-anjarwalla-khanna-partnership/>> accessed on April 29, 2021.

The Star, “Bill seeks to allow competition in advocates' training” <https://www.the-star.co.ke/news/2019-04-18-bill-seeks-to-allow-competition-in-advocates-training/>> Accessed on April 29, 2021.