

Need to reform legal education in Kenya

A ruling by High Court judge John Mativo directed the council of the Law Society of Kenya (LSK) to unravel the worrying trend of low pass rates for the Bar examinations.

This came after the Council of Legal Education (CLE), which administers exams, revealed that only 445 of 1,991 students passed in all nine subjects in the November 2017 exams. That was a paltry 22 per cent of the candidature at the Kenya School of Law (KSL).

It is in the public interest that high standards of competence are instilled in the legal profession and maintained. That is why the legal education sector ought to undergo major reforms for the good of law students and the general public.

Although various stakeholders have pointed fingers at the CLE, the law school and universities, the blame cannot fall squarely on any one institution. There need be a collective effort to improve legal education in the country.

The KSL is the only institution that runs an advocates training programme (ATP) in Kenya. However, since it admits more than 1,500 students yearly, it ends up straining in its attempt



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to offer quality training with limited resources owing to the overwhelming numbers.

Individual assignments cannot be given due to the sheer numbers at the school; they must be done in groups of 10 or more students.

Ease burden

Universities ought to complement the work of the KSL and offer this programme so as to ease the burden for the school. That would help to

raise the standard of training of future advocates.

Law schools could also be asked to train students for five years instead of the usual four with the fifth year committed to advocacy training. The students would then proceed to pupillage at various law firms directly from the individual law schools.

The Bar exams would still be administered by the CLE to ensure quality in setting, marking and moderation, as well as credibility.

Commercialisation

The selection criteria for admission into law school also need to be reviewed. There is increased commercialisation of legal education with law schools admitting students at very low cut-off grades.

A student who wishes to undertake a law degree programme should, ideally, have an excellent academic record, a good grasp of English and the ability and competence to appreciate the technical nature of the substance and procedure of the law.

Law schools also need to endeavour to offer quality training to students to prepare them to be good lawyers. The lecture method of teaching, where lecturers dictate to

their students, is increasingly becoming outdated.

Global best practices show that it is advisable to complement lectures with tutorials, cold calling, the Socratic modes of learning, group activities and other innovations in order to have active learning in the classroom.

Guest lectures by legal practitioners largely enrich learning and bring the much-needed practical perspectives to the classroom. When lawyers have a good foundation from the individual law schools, they are better placed to grasp the Bar curriculum, which would raise the pass rates.

These reflections are not exhaustive, nor are they the end-all solutions to the problem, but attempts at reforming the legal sector will maintain the much-needed standards of competence in the profession.

As Albert Einstein stated, you cannot solve a problem from the same level of consciousness that created it; you must learn to see the world anew.

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