Curriculum Development and Teaching Methods in Law Schools in Ethiopia : Problems and Proposals

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Abstract

Formal legal education in a law school began in Ethiopia in the 1950s at the Law Faculty of Haile-Selassie I (now Addis Ababa) University. This Faculty remained the only national law school for more than thirty years until 1990s, when it was joined by other - private and public - law schools around the country.

Some of the main challenges of the Addis Ababa University Law Faculty (AAULF) have been keeping itself up to date, effective and relevant in terms of curriculum development and methods of instruction. Traditionally curriculum, seldom change at the AAULF and so they often fail to be flexible enough to accommodate changes in the country and in the society. The reasons for such problems is the modus operandi of the AAU and AAULF. Perhaps more disheartening is the fact that the curriculum of the AAULF has been dominated by too many compulsory courses with almost no room for areas of concentration. It also has been devoid of skill-based courses, though some improvements have been notable in the curriculum now in force. As it will be argued in the paper, even when there are skills courses, the method of teaching has always been unsatisfactory. It will be argued in this paper that these defects in the curriculum of the AAULF have been transplanted to newly emerging public and private law schools around the country.

The problem with the instructional method is equally disheartening at law schools. The method of teaching has been totally dominated by a lecture system, which gives very little space for students to be in the driver's seat in the teaching learning process. The involvement of students in the teaching learning process is totally haphazard and is dependent on the decision and/or ability of the instructor concerned.

This paper argues that the law schools should seriously consider developing more effective ways of training their law students, by incorporating methods of learning by doing and making sure that law professors follow the instructional requirements of courses. It will also make suggestions based on learning by doing that have borne fruit in law schools elsewhere in the world.

Introduction

Modern legal education began in Ethiopia a little over half a century ago. It started solely with the help of expatriate staff, as there were literally, no Ethiopian staff to use. The expatriate staff were the dominant workforce in the Law Faculty of Haile-Selassie I University until early 1970s.

Contents of a program of legal education and the mode of delivering the content to the students determine to a large extent the quality of the products. There has been a great concern whether the curricula and teaching methods used in the country's law schools are adequate. The Government of Ethiopia has embarked upon a legal education reform program to comprehensively look at the problems of legal education in the country. Curricula and teaching methods are identified by the reform program as great problems. This paper will look at reforms dealing with curriculum and delivery.

In this paper, an attempt is made to look at the problems of curricula and instructional methods. The paper also makes some suggestions on how to deal with the problems in these two areas. I have included some comparative literature regarding curriculum and teaching method in other systems, to enable the reader see the Ethiopian problems in context.

I am more familiar with public law schools than those privately owned. However, the problems and suggestions made in the two areas dealt with in relation to public law schools are equally valid for private ones.

Law Curriculum and Teaching Methods in Ethiopian Law Schools in Retrospect

Formal legal education began in Ethiopia in February 1952. In this year, upon the request of the Minister of Justice, law courses were designed and offered by the University College of Addis Ababa. The University College was itself just one year old, inaugurated in February 1951. The School of Law formally became one of the three units of the University College in 1952, headed by a dean. The other two units were Faculty of Arts and Faculty of Science. During those years the Law School held evenings courses to reach persons in the profession and did not offer regular courses. However, the establishment of a Law Faculty had to wait until 1963 under the Deanship of James C.N. Paul[1].

Since its establishment under the then Haile Selassie I University, the Law Faculty has made changes in its curriculum from time to time. For example in the 1960s, in addition to the Code-based courses, which are still part of the current curriculum, courses that were offered included Legal Profession in Ethiopia (in 1 cr. hr.), Urban Planning, Legal Analysis, Taxation, Agricultural Land Reform, Brief writing, Legal Process and Summer Reading (in 1 cr. Hr.)[2]. A major curricular change was made in1979 following the coming to power of the Derg. Due to the socialist state ideology, courses reflective of this need were introduced in the curriculum revision undertaken in 1979. However, due to further changes in ideology, those courses were discarded, from 1990, when mixed economy programs were proclaimed by the then military government. From 1990 onwards, minor changes were made from time to time with no major curriculum revision until 2001.

The dominant method in the Ethiopian law schools has been lecturing. This has always been the case except in the early days of the AAU Law School, when a Socratic Method was used by expatriate-_staff who were well versed in the method.

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[1] See generally G. Krzeczunowicz, "The University College Period of Legal Education in Ethiopia (1952-59)", in Journal of Ethiopian Law, Vol. 8, No. 1 (1972), pp. 89-103; Getachew Assefa, "The Current Situation of Legal Education in Ethiopia", in *Why a Justice Sector Personnel Training* Center for Ethiopia? (Addis Ababa 2003), pp 2-19.
[2] See Getachew Assefa, Op. Cit. at 9.

The challenge now is to decrease the reliance on lectures as the sole instructional means. This paper attempts to make some suggestions in that direction.

The Current Law Curricula in Law Schools of Ethiopia: An Assessment of the Current curricula

In 2001, a significant curricular revision was undertaken by the AAU Law Faculty and this revised curriculum has been phased-in during 2002/2003 A.Y. 2005 was the first class to graduate under the new curriculum. This curriculum has made a considerable departure in terms of including certain skills and practice oriented courses. Courses such as Lawyering Process (which is to be given as three courses), legal reasoning, ADR and Legal Ethics are skill and practice oriented[3]. The new curriculum also included other courses such as Psychology for lawyers, Introduction to management, Customary law, Criminology, Current legal topics, Law of Bankruptcy, Law of investment and International organizations. These courses are added to take into account the current needs of the country as well as to acquaint legal professionals with certain interdisciplinary knowledge[4]. As one can see from the 2001 Curriculum document, these courses incorporated a number of interests such as an interdisciplinary approach to legal education, the post 1991 developments in the economic and political life of the country, as well as the feedback of the stakeholders, that legal education should equip graduates with legal skills in which they were found wanting[5]. Moreover, the new AAU law curriculum has not fully taken into account the changes in socio-economic as well as politico-legal spheres in the country and responded accordingly.

In 1994, about seven new university law schools went into operation in Ethiopia[6]. With some variation in the amount of skills and elective courses, there is much similarity in curricular contents of these law schools.

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[3]Their practical contributions have always depended on how they are taught. See Getachew Assefa, Op. Cit., at 11-12.

[4] Id.

[5] Addis Ababa University Faculty of Law, Revised 5 year LLB Curriculum, July 2001 (copy of the curriculum is on file with the Author).

[6] The number of new law schools would be eight if we include the Law Faculty of the Ethiopian Civil Service College, which is now in the process of winding down its LL.B. program. There are some more universities with law schools to be opened in the near future as well.

Parented by the AAU Law Faculty in different ways, the law schools, to a large extent, emulated the latter's curriculum.

The current LL.B. curricula throughout the public law schools in the country suffer from a syndrome of 'coverage' (to borrow a word used by a Scottish Law Society) as it is fashioned on the belief that every new lawyer should not be permitted to graduate unless and until he/she demonstrates knowledge of all the existing Ethiopian laws. The belief that almost all courses throughout the years of law school should be mandatory has made inclusion of areas of concentration through elective courses impossible. This is one of the major problems of law curricula in Ethiopia.

The Legal Education Reform program being undertaken under the auspices of the Ministry of Capacity Building (the Legal Education and Training Reform or the Reform) has made a number of important findings regarding the problems of legal education in the country[7]. In the following section, I shall make a brief evaluation of the curriculum part of the Reform.

The Legal Education Reform: A Short Evaluation

The Reform observes a lack of responsiveness of the curriculum to the changing needs of the stakeholders. It states that the curricula in use do not carry courses on good governance, economic development issues, social justice issues, skill-oriented courses and professional ethics.

Inability to determine minimum standards or requirements for courses, inexistence of detailed syllabi, non-existence of specialization areas and making most courses mandatory are all problematic.

[7] Reform on Legal Education and Training in Ethiopia (Draft), June 2006, Addis Ababa. A copy of the 115 pages draft Reform Document is on file with the Author. It is to be noted that a two day workshop (17 -18 July 2006) was organized to discuss the draft reform document. The Workshop participants were all instructors of public law schools and St. Mary's University College.

The Reform develops standards (and interpretive guidelines for the standards) to address the major problems of law curricula in the country. Accordingly, it develops standards for program content, graduate profile, syllabi and course offering[8].

In its guidelines on courses offered, the Reform divides up courses of study in to three: Core, elective and support. With some details on criteria for considering a course as core, it goes on to list 31 courses as core courses for the LL.B. program and states that every law school in the country must offer them[9]. The Guideline states also that the total credit for core courses should not be more than 99 while it also states that the minimum credit hours for LL.B. program is 135.[10] It also lists about 37 courses as elective and 5 courses as support courses, the latter being mandatory. (***Editoroal Note**: The number of total credit hours is 172 based on feedback and subsequent Ttechnical Ccommittee decisions).*

I do not wish to critique this Reform document, I should like however to stress that the Reform in fact repeated the stricture of too many mandatory courses in the existing LL.B. curricula. According to the Reform's own terms, out of the 135 units of study, about 99 and 15-18 credits are given to core and support courses respectively, what remains is 21/18 credits for elective courses. The current AAU Law Curriculum allots around 12 credits (out of 143) for electives, with other public law schools such as Mekelle having a few more. The Reform does not seem to go far enough. In my opinion, there should be many more electives therefore mandatory courses should be reduced to about 20.

I believe at least half of the law school years should be devoted to specialization courses, in which students focus on areas they want to pursue in the world of work.

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[8] Id., at 56-60.
[9] Id., at 85-87.
[10] Id., at 87.
12 Roy Stuckey, "The Evolution of Legal Education in the United States and United Kingdom: How one System became More faculty-oriented while the other became consumer-oriented ", in *6 Int'l J. Clinical Legal Educ.101-148 2004, at 113.*
13 For a very comprehensive summary of the development of legal education in USA and the UK, see Roy Stuckey, Op. Cit.
14Id., at 115

The specialization courses should be diversified as far as possible, and above all, that offered should be outcome based in the sense that they would be tailored to produce legal professionals able to solve problems at different levels of society.

General Overview of Law Curricula in Other Systems

Both in the UK and the USA, formal legal education began at about the same time, around 150 years ago[11]. Before law schools legal education, professional training was gained in both jurisdictions, through apprenticeships[12]. When universities started to offer legal education, in the UK, they started to give theoretical and philosophical training in legal principles, with subjects such as Roman law, Jurisprudence, international law, legal history and Constitutional law[13]. Currently, U.K. College students who want become lawyers major in law and receive LL.B. Degree which is recognized if the content the program is approved by relevant solicitor' and barrister'/advocate' organizations. The approved core subjects deal with basic substantive law topics: Legal Research, Criminal Law, Equity and Trusts, Law of the European Union, Obligations I (Contracts) Obligations II (Torts), Property Law, and Public Law[14].

The ability of law schools to teach legal skills has always been a matter of concern. In fact when we see the contents of the curriculums of the US and the UK, as well as the debates during the formative stages of formal legal education in these jurisdictions, we see that university legal education was meant to give theoretical and philosophical training in legal principles as part of the liberal education rather than legal skills[15].

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[15]Roy Stuckey, "The Evolution of Legal Education in the United States and United Kingdom: How one System became More faculty-oriented while the other became consumer-oriented ", in *6 Int'l J. Clinical Legal Educ.101-148 2004, at 113.*

[16] For a very comprehensive summary of the development of legal education in USA and the UK, see Roy Stuckey, Op. Cit.

[17]Id., at 115.

[18]Degree required courses in Ireland and Scotland are also the same with those in the UK with variation a course or two. See Roy Stuckey, Op Cit. at 105. Students who major in other disciplines can also qualify for the vocational stage by taking a long course in the UK (obtaining a post graduate diploma) while in Scotland, they can obtain a aw degree in two years in stead of three. See Id. at 106.

[19]Id., at 135 and 139. In the UK, Ireland and Scotland, depending on what they want to be (general lawyers – solicitors, or trial specialists – barristers or advocates), prospective lawyers have to attend sets of professional courses d work under the supervision of experienced barters ranging from two to three years. See Id.

US law schools also achieved an overwhelming similarity in curriculum, by 1900 following Harvard's lead[16].

The US Law schools' curricula at present exhibit a great deal of similarity in the first year courses which are required courses[17]. These are normally Constitutional Law, Law of Contracts, Criminal Law (all in two parts), civil procedure, Torts and law of Property. Most law schools also require First Year Lawyering/legal writing course. The second and the third years of study in the US are almost totally devoted to elective courses, whereby students select courses available and tailor them according to their interests in consultation with their faculty advisors.

For example, Harvard Law School offers 20 areas of specialization with a total of around 450 courses[18].

We see the pattern of recent curricular reforms in the US law schools, as starting to incorporate courses on skills such as negotiation, drafting and counseling. A recent survey in the US shows that they are giving more emphasis to skills and professionalism and have added more second and third year electives. The survey also revealed that simulated and live-client clinical courses have grown in number and sophistication[19].

In continental Europe law curricula consist of four to seven years of training. Students in continental Europe, unlike American, come directly from high school[20]. The contents of the Law curricula in these schools are based primarily on law codes or statutes.

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[16] Id., at 123.
[17] It is to be noted in this connection that from 1960 onwards, 4 years of college education (resulting in a pre-law degree) is a requirement for admission to US law schools, and law school education takes three years at the end of which a J.D. (Juris Doctorate) Degree is obtained by the graduates.
[18] See for example Harvard Law School, Graduate Program Application Materials, 2004-2005, pp. 22-27.
[19] Id., at 135. In fact, in America, there has been a strong desire expressed especially in the 1970s to shorten the general education to two years and devote the third year to apprenticeship or clinical works.
[20] Frans Vanistendael, "Curricular Changes in Europe Law Schools," in 22 *Penn St. Int'l L. Rev. 455-458 (2004) at 455.*

Certain courses in humanities and social science are also included in the curricula during the first year or so[21].

After the Sorbonne-Bologne Declaration of 1999, a joint declaration of the European Ministers of Education, European law schools have been required to design the curricula in two consecutive stages; the first a three-year curriculum that leads to a bachelor's degree, the second one or two years leading to a master's degree[22]. Continental European Law curricula have more mandatory or required courses than those of America. For example, Leuven Law School (Belgium) has had around 21 mandatory courses in the curriculum before the Sorbonne-Bologne Declaration. It was required to reduce around a third of mandatory courses to accommodate changes brought about by the above-mentioned Declaration[23].

An Assessment of the Current Teaching Methods in Ethiopian Public Law Schools

The method of instruction adopted in practice law schools in Ethiopia now almost totally is lecture oriented seldom using other means, such as group discussion and presentations. The use of other methods of teaching than lectures is totally haphazard and depends on the whims of the instructors. There is no pre-set requirement in the course syllabus or in the curriculum. Under the lecture method, depending on the nature of the course, the instructor makes an extensive preparation for him/herself and lectures normally for 1:30 hours with very few interruptions or time for questions. In the courses which are not code-based, the contents of the lecture would be determined solely by the choice and knowledge of the instructor. This no doubt means that the contents of instruction of the same course vary to a considerable degree from year to year.

Some law instructors claim that they use a Socratic Method of instruction. But this seems to me to be conceit rather than an accurate characterization of their teaching method.

[21] Id., at 456.
[22] Id.
[23] Id., at 456-57.

As we shall see from the short description about the Socratic Method in this paper, it is employed basically as a textual criticism by using the appellate cases in the casebooks. We do not use that kind of material to teach students.

We do not have other texts and materials either for the students to be assigned reading in preparation for class, a serious problem bearing on teaching methods.

One can say that we need not do that as court decisions are not a source of law for legal systems like ours. But, cases could and should be used as interpretive guidelines and for doctrinal analysis purposes to see how the legal rules in the law books (statutes) have been interpreted by the sitting judges. So we have to develop other suitable methods of teaching in our law schools.

Instructors at Ethiopian law schools use some degree of question and answer for classroom instruction, in relation, for example to dissecting certain statutory provisions, to measure and then develop analysis capacity of the student to look at the legal rule from different angles. This is usually done in the form of "What if …" questions with or without hypothetical cases prepared in advance by the instructor. But this cannot be considered as a Socratic Method of teaching[24].

As we have indicated in the discussion on curricular contents above, there are skills and practice oriented courses in the existing curricula of the public law schools of the Country. Good Examples are the three lawyering Process courses in the AAU Law Curriculum and trial advocacy and trial skills and practices course in the Mekelle University Law Curriculum. But the mode of delivery has been inadequate, in almost all cases. It is not clear what was intended to achieve. There is no clear objective in the curriculum, nor are there well worked out syllabi, guiding instructors in the delivery. At the AAU, in particular, the non-existence of interested and/or qualified faculty has aggravated the problem, and seemingly the Faculty does not consider this as a serious problem.

[24] See the discussion on Socratic Method in the following Section.

Teaching Law in Other Systems

The Mode of delivery of legal education has been a matter of serious concern in many law schools around the world. In almost all systems, recipients of graduate law, members of the community and professional associations show dissatisfaction that law graduates are not equipped with enough skills to meet the challenges of real life.

The most common complaint (except in the USA) about methods of delivery in legal education is that it is almost totally dependent on the lecture method[25].

The dominant teaching method being used in American is the Socratic Method[26]. Law School Socratic Method consists of a process of question and answer in which students are barraged with questions by their professors to state and specify or clarify the rules of the law or opine about a given legal issues and fact patterns. The ideal setting for the application of this method is a case from which the professor wants the students to single out the rules applicable to that fact pattern[27]. It is the question and answer rather than a lecture that will be used to reach valid interpretation of the text or the extraction of the rules from the texts of cases. Dean Langdell of the Harvard Law School was the person who started and popularized the case method of teaching in American.

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[25] See for example, T.O. Ojienda & M. Oduor, "Reflections on the Implementation of Clinical Legal Education in Moi University, Kenya," in *2 Int'l J. of Clinical Legal Educ.. 49-63 2002.* Ojienda and Oduorb state that "In Kenya legal education has over the years been imparted through he traditional lecture method"; Id., at 49.

[26] William C. Haffernan disputes whether the method American Law Schools use is really the method Socrates used in his dialogue. Haffernan says that legal education in the US can best be described in terms of the *paideia* (which roughly means "education" in Greek) offered by Socrates' great rival, the Sophist Protagoras. See generally Haffernan, "Not Socrates, But Protagoras: The Sophistic Basis of Legal Education," in *29 Buff. L. R. 399 – 423 1980.* Several articles have been written on the exposition of the Socratic Method in American Law Schools. See for example, Lon Fuller, "On Teaching Law" in *3 Stan. L. Rev. (1950);* D. Kennedy "How the Law School Fails: A polemic" in *1Yale Rev. of Law. and Soc. Act. (1970);* Patterson, "The Case Method in American Legal Education: Its Origins," in *4 J. of Legal Educ. (195)*; Stone, "Legal Education on the Couch," in *85 Harv. L. Rev. (1971)*; John O. Cole, "The Socratic Method in Legal Education: Moral Discourse and Accommodation", in *35 Mercer L. Rev. 1983-1984.*

[27] Id., at 401.

He is also believed to be the first person who described the method of teaching law, now commonly known as "Socratic". J. Redlich described the Socratic instructional method used by Langdell himself in the following words:

> Langdell began his [classroom instruction] by having each of the cases, which the students have to study carefully in preparation for class, briefly analyzed by one of them, with respect to the facts and the law contained in it. He then added a series of questions, which were so arranged as gradually to lay bare the entire law contained in that case.
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> This stimulated questions, doubts and objections on the part of individual students against whom the teacher had to hold his own ground in reply. Teacher and pupils then, according to Langdell's design, work together unremittingly to extract from the single cases and from the combination or contrasting of cases their entire legal content, so that in the end those principles of that particular branch of law which control the entire mass of related cases are made clear[28][…].

Socratic Methods of teaching were introduced with the case method and curriculum in the Harvard Law School by Langdell. The case method of instruction is a system in which appellate court cases over specific areas of the law are written into a casebook (Usually under the title "Cases and Materials"; hence, 'Constitutional Law: Cases and Materials', etc.) to become the main course materials for the students taking the course. Thus in the US Law schools today, all major courses (core as well as bar and some other popular courses) have casebooks from which students will be taught through the Socratic Method of instruction.

The case method has been subjected to intense criticism from inception. It was for example attacked by the ABA (American Bar Association) in its 1890 Report on Legal education as "Unscientific".

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[28] J. Redlich, *The Common Law and the Case Method in American University Law Schools: A Report for the Carnegie Foundation For the Advancement of Teaching (1914),* cited in W.C. Haffernan, OP. Cit. at 402.

BA aired its concern stating that the case method of instruction is fashioned in such a way to create litigious lawyers, rather than attempting to keep them out of court[29].

It is also criticized as isolating the study of law from the living context of the society. It does not also pay attention to the development of the lawyer's other skills such as drafting documents, analyzing policy, counseling clients, etc[30].

The ABA Council on Legal Education and Bar Admissions has recently approved a standard that requires all ABA approved law schools to provide each student with substantial instruction in legal analysis and reasoning, legal research, problem solving, oral communication, writing in a legal context and other professional skills regarded as necessary, such as appellate advocacy, ADR, Counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, drafting, and real-life practices appropriately supervised[31]. This standard no doubt would require most of the US law schools to make curriculum adjustments as well as instructional methods.

The Socratic Method of teaching (just like the case method on which it is based) also has been under attack since its start in the late 19th Century even from within the American Law Schools. It detractors say that it is oppressive and imposes patriarchal domination on students, is inept and fails to teach many qualities needed for legal professionals, It is said to be particularly unfit to teach other systems, techniques and skills than the common law. However, its supporters strongly argue that the Socratic Method inculcate in the students the capacity to think like lawyers and to be prepared for the actual real work as attorney or judge. While these debates persist the Socratic Method of teaching remains, in the US, to be the most commonly used method of teaching to date.

[29] Roy Stuckey, Op. Cit., at 121.
[30] Id., at 118-119.
[31] Roy Stuckey, Op. Cit. at 1

Another useful delivery system that emerged in the US and burgeoned in the 1960s and 70s is the 'clinical legal education' (CLE) system[32]. This method essentially is learning experientially, by taking a role of a lawyer.

The two main ways used for employing the clinical methodology is by simulation (such as mock trial and moot court or in classroom setting in a less formal way) and handling actual cases in a live-client clinic setting. Most law schools in the US have both components of CLE program. The live-client clinic programs have grown in number and sophistication. In the Northwestern University (USA), second year and third year law students can obtain a temporary license for legal practice The CLE program requires that courses to serve both of its components be included in the curriculum, in adequate number to serve both aspects of CLE. All the skills courses can be taught by the use of clinical methods through different kinds of simulation as shall be suggested later in this paper.

The Legal Education Reform: A Short Evaluation

The Reform observes that teaching at law schools is lecture dependent and that the instructors lack pedagogical skills, to adopt problem solving teaching methods[33]. In the standard on course delivery method, the Reform states that delivery shall focus on experience, be problem-based, problem solving and participatory and shall also encourage independent thinking[34]. It also states that experiential learning, such as clinical programs will be integrated in the delivery mode[35].

This is all very general and shed little light on how delivery should be improved. Therefore, I would not consider the Reform as having done its job[36].

Out of the desire to contribute my share, I have given a general outline of delivery method in the following sections of this paper.

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[32] See Richard J. Wilson, "Training for Justice: The Global Reach of Clinical Legal Education," in *22 Penn St. Int'l L. Rev. 421-432 2004.* Wilson says that contemplation about clinical legal education was already started in early 20th Century.

[33] Legal Education Reform, Op. Cit., at 18-19.

[34] Id., at 64.

[35] Id.

[36] In fact under its Action Plan (see page 109 of the Reform), it includes as one of the tasks development of guidelines for delivery wherein minimum standards of delivery would be developed. So, we may have to wait until the action plan is completed. I believe my suggestions in this paper will eb taken into account in the preparation of the details.

Teaching Skill Courses

As indicated earlier, the review of existing LL.B Curricula in law schools in Ethiopia reveal that there are some courses that are evidently designed to teach lawyering skills and practical experiences. For example, in the AAU Law Curriculum, Lawyering Process I, II & III (total 7 cr. hrs.), Legal Reasoning (2 cr. hrs.), Legal Ethics (3 cr. hrs.) and Alternative Dispute Resolution (3 cr. hrs.) courses are skills and practice-oriented courses.

In the remaining part of this paper, I will focus first on the Lawyering process courses of the AAU Law Curriculum, to develop my idea of delivery methods for the skills courses[37].

The other three courses indicated above are also capable of being transformed into useful practical or clinical courses. I, in fact, believe that the contents and delivery modes of all of the above courses should be designed as a cluster, so that they would supplement and build on each other in a sequentially suitable way. I will also say a few words on the live-client clinic program as an area that our law schools should use for experiential learning and to serve members of the community surrounding them. I shall finally turn to incorporating skills teaching into the substantive courses as an additional option of delivery mode.

The course description in the curriculum for each of the Lawyering Process courses says little about what they are meant to accomplish.

[37] In the Legal Education Reform, in its suggestion for mandatory courses, we find courses such as Legal Research Methods, Trial Advocacy, Legal Writing, Moot Court I and Externship, while in the suggestion for elective courses ADR, Clinical Program, Pre-trial and Trial skills, Moot Court II and Judgment Writing are included (see pp. 86-89). It seems to me that the contents for courses such as legal writing, trial advocacy, Moot court, pre-trial and trial skills are those that are incorporated in the Lawyering Process courses in principle. In fact I would prefer the latter naming as it allows the Faculty and the professors have some room to flexibly design the course syllabus. In any case, my suggestion on the lawyering process courses can as well be applied to these skills courses should naming in the in the Legal Education Reform be opted for in future curricular revisions.

The description for Lawyering Process I states that the mode of delivery for the course is Lecture and that it is meant to teach "pretrial lawyering skills such as legal writing and research, etc."[38]

The method of delivery for Lawyering Process II and III are said to be "Lecture and Learning by doing approach" and the contents of Lawyering Process II is "Pre-trial lawyering skills such as negotiation, counseling, fact investigation, drafting, conveyancing, etc." while those of Lawyering Process III are teaching "trial advocacy, moot court, direct examination, cross examination, appellate trial."[39] So one can see that instructors who are handling these courses are not given clear direction how to accomplish their job. For the sake of clarity, I shall present my suggestions for each course separately.

Lawyering Process I

This course represents the first block, and whatever the name, law schools can use this to offer the first part of a clinical component.

At the AAU, the description of this course begins by stating that it is meant primarily to teach legal writing and legal research techniques. In the current sequencing arrangement of courses offered at AAU, it is given in the second semester of the first year. Ideally, I believe, it should be placed in the second semester of the second year for students will have taken, at that stage, a good number of substantive and procedural law courses to exercise legal writing in the areas covered by the law courses.

In the absence of a legal research methods course in the existing LL.B. curriculum, in some public law schools, this course can be made to incorporate important aspects of the legal research methods. In this part of the course, students should be taught basic legal research and writing skills, accessing and using legal materials, and be made to write a few graded exercises that will be critiqued by faculty and returned to the students. However, in law schools where a legal research methods course is offered separately, the content can be made to focus on advanced legal writing and drafting of briefs, etc.

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[38] Addis Ababa University, Faculty of Law, Revised 5 years LL.B. Curriculum, July 2001 (Copy on file with the Author).

[39] Id.

The remaining part of the course, should involve advanced legal writing lessons such as drafting of briefs on the basis of real or hypothetical cases with effective and close supervision from the faculty.

One can not over-emphasize the use of effective writing for effective lawyering. The course should be arranged to incorporate a given set of graded writings that involves again a required amount of readings and analysis. Students should be given clear comments on written assignments they submit. It might also involve oral arguments on the case briefs.[40]

Lawyering Process II

This would be the second block of clinical courses in a curriculum. This course should be offered during the first or second (more sensibly second) semester of third year law school[41]. Its contents should be devoted to teaching different pre-trial techniques.

The method of delivery should be dominated by students 'learning_by_doing' (where they play different roles) with limited lecture designed to direct the students' experiential learning. Video tapes or demonstrations should be used in appropriate places. The components of the Course should be designed from simple to complex for the learners to have clearer understanding of the steps involved.

The pre-trial techniques and activities should include, sequentially general introduction about how lawyer-client relationship would be established and the responsibility of the lawyer in the relationship, interviewing techniques (plaintiff, defendant and witness interviewing), techniques for the investigation and collection of evidentiary documents and materials (both civil and criminal), and preparation of statements of claim and defense.

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[40] Tom Geraghty and Cynthia Bowman of the Northwestern University Law School have suggested back in 1995 that Legal writing course (at the AAU Law School) be offered in two semesters as part of the clinical program. A Copy of the Memorandum they wrote to the Dean of AAU Law Faculty is on file with the author.

[41] According to the current sequencing, it is offered during the second semester of 2nd year of law school.

These phases should be followed by students filing of and arguing motions and after-motion matters[42]. All of these activities would have to be conducted on the basis of the casefiles prepared for the course.
In all of these processes students should be assigned role plays, individually and in groups, as needed, under the supervision and guidance of the faculty.

At the end of any major activity of the course, adequate time should be set aside for review and comments of the roles played by the students. The review should be conducted both by the faculty and by students watching the role-play (peer review). Sufficient readings should be assigned in advance to guide the theoretical and doctrinal discussions and reviews. T. Geraghty and C. Bowman also suggest that students are required to keep individual journals throughout the semester which would be discussed in class towards the end of the course. I also believe that this is necessary and that students be advised to keep a journal in which they record all the impressions, questions, doubts, comments, etc during the progress of the course. Marks should be given for this journal.

Lawyering Process III

This course, as the last of the three main clinical blocks, should be offered during the following semester after Lawyering Process II course. So, that can be, either during the second semester of the third year or first semester of the fourth year of law school. The course should be devoted to teaching trial techniques applicable to both civil and criminal cases. The method of teaching should be predominantly 'learning-by-doing' by students, but instructors should also lecture when putting the experiential learning in theoretical context.

This course should be sequentially designed to take students step by step through the following skills activities: Opening statements, Direct examination, Cross-examination, Impeachment, Re-direct examination and rehabilitation, and Final argument.

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[42] T. Geraghty and C. Bowman have suggested that activities on negotiation of the parties' claims be included in this Course somewhere after students have argued motions. But, I think that if the Curriculum contains a course on ADR, this would be unnecessary as negotiation skills could be appropriately dealt with in the latter course. See Memorandum, Op. Cit.

Other important skills such as case analysis, persuasion, expert testimony, objections and exhibits should be placed in suitable sequential place delivered by the appropriate combination of teaching methods. Towards the end of the course, a major trial should be organized for students to take part in. This can be used as a way to choose a moot court team for international competitions.

With regard to the casefile, student journal, readings and time for peer and faculty review, my suggestions for Lawyering Process II would be appropriate here too.

Who should teach the skills/clinical courses? The ideal way of teaching the practice-oriented and skills course is by combining a full-time faculty and a practicing lawyer – judge, attorney or prosecutor as the case may be. Team-teaching by one faculty and one practicing lawyer would offer both the skills needed in practicing law and the ability to put the skills in a larger theoretical context of the legal science. I would not support the idea that skills courses should be taught by practicing lawyers alone. The perspectives of the faculty in the theoretical and analytical component of the skills courses would be as much needed as the art of practicing. Also, solo teaching by academic lawyers of these courses would be equally devoid of the practical aspect. Therefore, cognizant of these combined benefits, the law schools should make a planned and consistent endeavor to involve distinguished graduates who are in the law practice.

Sequencing of courses: As I have tried to indicate earlier, Lawyering process and also other related skills courses should be appropriately placed so that students will have covered all (most of) the necessary doctrinal courses to base their practice on them. As such therefore, the substantive and procedural doctrinal courses should be arranged so that they will at least be offered before Lawyering Process II and III (or courses under different names but with similar contents in other public law schools' curricula) are taken by students.

The need for Teaching Materials/Textbooks: Many things have been said about the lack of research at law schools around the country. But, it seems to me that this general statement about lack of research output of law schools does not accurately express the extent of the problems and their impacts on the quality of instruction.

What is happening is that literally all the courses at the law schools are being undertaken without any standard textbooks or even teaching materials[43]. So, one can not know the amount of readings that should be made for a course in order to fulfill the academic requirements. The instructors cannot set reading and activity requirements for courses they teach. Also, instructors will find it very difficult to follow-up the learning of the students as they don't have benchmarks or standards themselves. This is a serious problem that law schools individually or through the Legal Education Reform needs to address, with immediate effect so as to prevent further unnecessary damage.

Live- Client Clinical Program

As indicated earlier in this paper, clinical legal education (CLE) is an important innovation added to legal education. It has significantly improved the quality of instruction in law schools, where it is consistently applied. Live-client Clinical Component of CLE is experiential learning where students will be involved in the actual client advising, counseling and in some jurisdiction actual handling of court cases, under the supervision of practicing or academic attorneys.

For two years, Mekelle University and AAU Law Schools has used a live_client clinic program. Both law schools operate the legal clinic office off campus but there has not been a regularized and credited student involvement in the program. This cannot serve the experiential learning and the clinic will thus miss its main objective of being an educational tool.

The AAU Law Faculty's Live_client clinical office has been closed now partly due to lack of office space[44]. The problem observed while the clinic was in operation was that students' formal involvement was not designed. The main problem was that credit was not given to the students' times and they became unwilling to carry out the job for free.

[43] The problem is taken to be of lesser gravity in respect of courses that are being taught from the codes, such as parts of the civil code, commercial code, Penal code, etc. But, even in this case, the codes cannot be replacements for teaching materials made of problems, exercises, additional readings, etc.

[44] The Clinic Office was first opened in cooperation with OSJE, a local human rights based NGO, which paid the rent for a two-room office space and also purchased modest office furniture for the Clinic and also paid for one attorney for one year. The Project expired in February 2006, and the Faculty of Law was utterly disinterested to continue the Project with OSJE.

Also, the cost aspect of a live-client clinic is something that should be seriously thought about. One of the reasons for the interruption of AAU Law School's clinic office is finance. We could not pay for the office space. If we were able to keep the door open, we would solve other problems of the curriculum, and staff and Faculty's commitment for the program.

The live-client clinic program should be a required legal educational activity from law schools in Ethiopia. It provides a great opportunity for students to get in touch with reality. It will allow the law school to guide professionalism and ethics law students in their dealings with clients, which would not be so easy once they graduate. It does also generate a lot of practical material for conducting other courses, including simulations. In addition, it will create an opportunity for the law school, faculty and students to serve the disadvantage and indigents.

The Legal Education Reform underway has not given attention to its administrative and organizational aspects, among other things. It does not take a position that it will be a required educational activity in law schools. The Reform has to be revisited from this point of view and should clearly deal with administrative aspect of CLE and how students involved in live clinic be given credits.

Teaching Doctrinal Courses with Skills

It has been stated above that the dominant teaching method in Ethiopian law schools is lecture. The Socratic Method is not used by Ethiopian law professors. Because of this, students have become passive listeners with little or no opportunity to be critical, reflective or to independently.

Legal educators, mostly in America, are now rightly suggesting that a clinical teaching methodology be adopted in teaching doctrinal courses, i.e., the substantive and procedural courses offered in law schools[45]. This is a very helpful recommendation to be considered by our law schools.

[45] See for example, Elliot M. Burg, "Clinic in Classroom: A Step Toward Cooperation," in *37 J. Legal Educ. 232-252 1987.*

This approach calls for designing delivery systems for specific courses, by taking into account the peculiarity of the course. For example, the delivery system to be adopted for a court-based course (such as Civil Procedure) would not be the same as that of non-court based, like administrative law. In the former, a more simulation and hands-on way of teaching the doctrine would be required than say for administrative law. In the latter case, more lecture, student group research and, guest lecturers from agencies may do justice to the course.

So one might say that keeping the nature and peculiarities of the course as suggested above, a given doctrinal course may start for example with addressing those substantive and procedural principles, i.e., doctrinal issues, that dictate how people become entitled to some relief, or is subjected to some obligations under that law. Then the course may deal with the lawyering skills that are necessary for attorneys, judges or prosecutors such as legal research and writing, analysis of laws, regulations and cases and construction of arguments. The course may then proceed to treat overarching concerns of the legal profession that are particular relevant, such as politics, legal system, ethics, etc.

It would also be very helpful to stage some form of simulation during the course. Thus for Law of Contracts for example simulation problems to negotiate and then draft an agreement can be used. The problems can be set, to include roles for instruction of negotiating terms by opposing parties, interviewing of clients, negotiating, counseling and finally drafting agreement.

Therefore, it is possible to tailor an appropriate clinical teaching methodology for doctrinal courses by combining a necessary amount of lecture, student research in groups (including field research) on assigned or self-selected topics, guest lectures on deserving topics and simulations.

Concluding Remarks

University legal education, both in terms of content and mode of delivery, should give emphasis to skills inculcation in legal research, problem solving, effective oral and

written communications, self-initiative, leadership and teamwork. It has to also give emphasis to professional responsibility and ethics.

In order to ensure that the above qualities are met by the legal education in the country, there should be internal and external quality assurance mechanisms on the basis of clearly worked out standards. Interested professional bodies such as the Ethiopian Bar Association should be strengthened and be given the legal competence to monitor the quality of legal education in the country. Law schools should be given the resource to meet the financial demands of ensuring quality of instruction. Without empowering the law schools, all the talk of reform will be wishful thinking.

This paper has tried to point out some mechanisms of developing the delivery of both skills oriented courses and doctrinal courses. Implementing these suggestions requires first and for most development of teaching materials for all courses, but most urgently for those that are skills- oriented. The Law schools should put themselves to task to make that a reality.