

# Ethiopia's 2006 Legal Education Reform Programme: Aspirations and Standards

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## Abstract

Ethiopia's Legal Education Reform Programme (launched in 2006) was based on series of studies which identified the problems in Ethiopia's legal education, the causes and consequences of the problems and the standards that are required to be attained by law schools. After more than a decade, however, the level of compliance with the standards is still an issue of concern. This calls for self-assessment by each law school based on check-list regarding (i) the level of awareness about the standards for Ethiopian law schools, (ii) standards that are partly achieved and should be enhanced, (iii) what has not been achieved and should be pursued, and (iv) the problems that have been aggravated. Such self-assessment requires closer examination into the entry point (i.e., student admission and academic staff employment), inputs, processes, student-learning environment, and outputs. This article discusses the factors that necessitated the 2006 legal education reform programme and examines the core elements of the reform without, however, dealing with the details on achievements and challenges.

## Key terms

Legal education · Quality · Standards · LL.B programmes · Reform · Ethiopia

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## Introduction

Ethiopia's Legal Education Reform Programme aims at the enhancement of quality and standards of legal education and research. It emerged as one of the components of the 2005 Comprehensive Justice System Reform Programme (CJSRP), and was specifically formulated in the 2006 Legal Education Reform Programme which mainly focuses on LL.B programmes. Ethiopia's justice reform pursuits envisage the availability of adequate number of lawyers without compromising quality and standards in legal education. This article highlights the problems in legal education that were identified under the 2005 CJSRP<sup>1</sup> and the 2006 Reform on Legal Education and Training in Ethiopia (hereinafter the 2006 Legal Education Reform).<sup>2</sup> It also presents the *Standards* of legal education reform and some observations thereof.

The Guideline for Standard 5 states that the term 'program' "mainly refers to program of first degree in law (LL.B) whether it is given in regular, continuing or distance education".<sup>3</sup> Such focus is given to LL.B programmes because every graduate programme beyond LL.B merely adds value to what is already attained at the LL.B level by enhancing professional competence and deepening expertise in a specific area of the law. Even though capacity building projects in LL.M and PhD programmes (conducted by the University of Warwick - School of Law and the University of Alabama) were part of the legal education reform programme, their main objective was law school staff development to enhance the quality and standards of LL.B programmes.

This article focuses on the purpose and content of the standards that were expected to be attained in the 2006 Legal Education Reform Programme; and its achievements and challenges are examined in another article which is concurrently submitted to this journal. Sections 1 and 2 briefly indicate current law schools in Ethiopia and highlight the concerns on the quality and standards of legal education stated in the 2005 CJSRP. Section 3 deals with the problems that were identified in Ethiopia's 2006 Legal Education Reform Programme, and Section 4 highlights their causes and consequences. Sections 5 to 9 examine the respective parts of the standards of legal education reform.

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### Frequently used acronyms:

CJSRP    Comprehensive Justice System Reform Programme

JLSRI    Justice and Legal System Research Institute

<sup>1</sup> The 2005 Comprehensive Justice System Reform Programme (CJSRP) was based on baseline survey and series of research and workshops towards holistic reform of the justice sector in Ethiopia. It involved joint efforts of justice sector institutions, foreign experts and local experts. It was published in February 2005 by the Ministry of Capacity Building.

<sup>2</sup> *Reform on Legal Education and Training in Ethiopia*, June 2006.

<sup>3</sup> *Id.*, p. 83.

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## 1. Four Generations of Ethiopian Law Schools (1963-2018)

Addis Ababa University School of Law (formerly Haile Selassie I University Faculty of Law) was established in 1963. It was the only law school in Ethiopia until the Ethiopian Civil Service College (Currently Civil Service University) started to offer legal education in 1995 which mainly focused on the civil service. The former Law Faculty of Ethiopian Civil Service University is renamed Institute of Federalism and Legal Studies (IFLS). It only offers graduate programmes, and is not covered in this article.

At present, regular LLB Programmes are offered in 32 universities. The Consortium of Ethiopian Law schools has classified the law schools into three generations based on enrolment of the first cohort of LL.B students.<sup>4</sup> The following table shows the classification of law schools based on the year of student enrolment in LL.B programmes from 1963 to 2015.

**List of law schools in Ethiopia, 2018**

	<b>1<sup>st</sup> Generation</b>	<b>2<sup>nd</sup> Generation</b>	<b>3<sup>rd</sup> Generation</b>
1	Addis Ababa University (1963)	Arsi University (2007)	Oromia State University <sup>5</sup> (2011)
2	Mekelle University (2001)	Dilla University (2007)	Madda Walabu University (2011)
3	Bahir Dar University (2001)	Wollega University (2007)	Assosa University (2012)
4	Haramaya University (2002)	Wollo University (2008)	Debre Birhan University (2012)
5	Hawassa University (2003)	Debre Markos University (2008)	Adigrat University (2013)
6	Jimma University (2004)	Dire Dawa University (2008)	Aksum University (2013)
7	Gondar University (2005)	Jigjiga University (2008)	Mettu University (2013)
8		Wolaita Sodo University (2008)	Samara University (2013)
9		Mizan Tepi Univ. (2009)	Wolkite University (2013)
10		Arba Minch University (2009)	Bule Hora University (2014)
11		Ambo University (2009)	

Seven law schools (indicated in the table) that launched LL.B Programmes until 2005) are classified into the *first* generation. The law schools that launched LL.B Programmes from 2006 to 2010, and from 2011 onward are respectively classified into *second* and *third* generations. The universities that are established

<sup>4</sup> Minutes, Consortium of Ethiopian Law Schools, Agendum 4 (Meeting held at Jimma, Meskerem 20, 2009 Ethiopian Calendar), September 30, 2016.

<sup>5</sup> Formerly called Public Service College of Oromia

since 2016 are usually categorized as *fourth* generation. 26 of these law schools had graduating class (5<sup>th</sup> year) regular students who sat for the national LL.B exit exams in May 2018.

During the period from September 2006 to 2010, eleven law schools/law departments were established. This period has witnessed the fastest pace of legal education expansion because eleven law schools launched LL.B Programmes within a period of five years. This pace of expansion continued from 2010 to 2015 during which ten law schools (indicated in the third column of the Table above) were established.

Four law schools (that can be classified into fourth generation) have been established since September 2016. Among the fourth generation law schools, Wachamo University started admission of regular LLB Programme students in September 2016. Moreover, three law schools have been established since 2017: Jinka University (September 2017), Worabe University (September 2017), and Selale University (September 2018).

## **2. The 2005 Comprehensive Justice System Reform Program on Legal Education Reform**

Various findings and recommendations of the Comprehensive Justice System Reform Program (CJSPP) relate to legal education. The major shortcomings in legal education<sup>6</sup> indicated in CJSPP include:

- lack of autonomy in certain law schools (p. 199);
- absence of instructors from classes and failure to organize make-up classes (p. 200);
- involvement of teaching staff in “the development and implementation of the administrative system” as a result of which “the time that can be spent on teaching and research is substantially limited” (p. 200);
- insufficient networking among law schools (p. 201);
- gaps in curriculum (pp. 202-203), teaching methods that are “often limited to lecturing to large classes” (pp. 203-204), gaps in quality control and inadequate facilities (p. 204);
- inability to attract “good and well-qualified instructors at the various law schools” because potential candidates are not attracted by relatively poor salaries and benefits” (p. 205);
- funding “solely based on expected enrolment numbers” and failure to take into account “... the quality of teaching” (p. 205); and

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<sup>6</sup> *The Comprehensive Justice System Reform Program Baseline Study Report*, Ministry of Capacity Building, Justice System Reform Program Office, February 2005, pp. 199-205.

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- gaps in research and publications even if “the instructors are contractually bound to do research and publication” (p. 205).

The 2005 Baseline Study Report includes recommendations relating to curriculum development, facilities at law schools, upgrading law libraries, ICT services, pedagogy training, class size and staff/student ratio. It also recommends “participatory and practice-oriented methods of teaching such as moot courts, legal clinics, practical attachments, exercises in legal drafting and legal interpretation, field research, problem-based assignments, tutoring by legal professionals”; and reducing the number of part-time instructors so that the permanent staff ratio can steadily increase.<sup>7</sup>

The recommendations stated that “[t]eaching staff must devote more time and energy to research and publication” (*Recommendation 4*), and it, inter alia, indicated the need for improved law libraries, information technology and training in pedagogy and research techniques. It also underlined the need for significant increase in the salary of teachers “so that they can solely concentrate on teaching and research rather than combining different jobs” thereby making it possible to implement the “contractual obligations of teaching staff to undertake research.”<sup>8</sup> The *eighth* recommendation states the necessity of quality control through “criteria and systematic assessment methods”; and it underlines the need for “self-evaluation schemes with student participation.”<sup>9</sup>

### **3. Problems in Legal Education Identified under the 2006 Legal Education Reform Programme**

Legal education reform is one of the components of the 2002 Justice System Reform Programme<sup>10</sup> and the 2005 Comprehensive Justice System Reform Programme. The 2006 Legal Education Reform Programme embodies four components of reform as its framework: (i) curriculum, (ii) course delivery and assessment, (iii) law school administration, and (iv) research, publications and services.

The legal education and training reform programme was initiated in 2005 by the Ministry of Capacity Building as one of the pillars in Comprehensive Justice System Reform Programme (CJSRP). The Legal Education Reform Programme Technical Committee was chaired by the Director General of Justice and Legal System Research Institute (JLSRI), and its members included all deans of

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<sup>7</sup> Id., pp. 277-291.

<sup>8</sup> Id., pp. 281, 282.

<sup>9</sup> Id., p. 288.

<sup>10</sup> Ministry of Capacity Building, *Justice System Reform in Ethiopia: Proceedings of the Workshop on Ethiopia's Justice System Reform*, Africa Hall, 7-8 May 2002.

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Ethiopian Law Schools (seven public and three private law schools in 2005) and representatives from the judiciary, Ministry of Justice (currently Federal Attorney General), Ethiopian Bar Association, Ethiopian Women Lawyers Association, Addis Ababa University Faculty of Education, and other stakeholders.

The Steering Committee of the CJSRP was chaired by the Minister of Capacity Building. The periodic meetings of the Technical Committee and the Steering Committee facilitated harmony between the reforms in the various components of the justice system. To this end, the Presidents of Supreme Courts (at federal and regional state levels), the Minister of Justice, the Minister of Education, Commissioner of Anti-Corruption Commission and other stakeholders were represented in the Steering Committee.

It was under such institutional framework that assessment was conducted with regard to problems, opportunities, resources and constraints in Ethiopia's legal education. The assessment involved studies including exposure tours of law school representatives under the coordination of the JLSRI. The exposure tours to various law schools in Europe and the United States were conducted in January 2006. The members of the tour included technical committee members and other members (represented in the Steering Committee) such as representatives from courts. The problems that were identified during the extensive assessment (by the working groups and teams established under the Technical Committee) were classified into the four categories based on the framework indicated in the first paragraph above.

On May 29<sup>th</sup> and 30<sup>th</sup> 2006, the Legal Education and Training Reform Document was presented to the Legal Education and Training Reform Program Stakeholders' Seminar<sup>11</sup> which involved the joint meeting of the Steering Committee, Technical Committee and all presidents and vice presidents of (public and private) Higher Education Institutions that offer LL.B programmes.<sup>12</sup> The meeting endorsed the document with some comments which were incorporated in the June 2006 Draft titled "*Reform on Legal Education and Training in Ethiopia*". The June 2006 Draft included Standards,<sup>13</sup> Guidelines,<sup>14</sup> Implications and Assumptions of the Standards,<sup>15</sup> Action Plan<sup>16</sup> and annexes.

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<sup>11</sup> The Seminar was chaired by the Minister of Capacity Building and the participants included Presidents and Vice Presidents of law degree program offering Higher Education Institutions, representatives of supreme courts and Justice Bureaux, law school deans, the Legal Education and Training Reform Program Steering Committee, Technical Committee, and other stake holders. (Venue: Ministry of Capacity Building, Addis Ababa)

<sup>12</sup> Standards for Ethiopian Law Schools (and Guidelines of Interpretation)", *Ethiopian Journal of Legal Education*, Vol. 2, No. 1, January 2009, p. 97, Footnote 1.

<sup>13</sup> *Reform on Legal Education and Training in Ethiopia*, supra note 2, pp. 48-82.

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The June 2006 Draft was sent to law schools so that all law instructors and stakeholders could deliberate on the details, and it was further discussed and approved at the *Law Instructors' Workshop* held at the Ethiopian Management Institute on 17<sup>th</sup> July 2006. The instructors at the workshop were drawn from all law schools in Ethiopia that offer LL.B programs.<sup>17</sup> The two major changes made upon approval by the workshop involved sequence of courses and the increase of the required number of credit hours from 135 Credit Hours (that was suggested in Standard 7/6 of the Draft) to 154 Credit Hours of coursework plus 8 Credit Hours for Exit Exam and 12 Credit Hours for Externship.

The Legal Education Reform Programme (approved at the Workshop) was sent to all law schools for implementation in September 2006 upon endorsement by the Directive of the Ministry of Education. This, inter alia, resulted in the extension of the duration of the regular LL.B programme from four to five years, and exit exam became a requirement (at the end of the 5<sup>th</sup> year) to all students enrolled since September 2006.

### 3.1 Problems in curriculum

The 2006 Reform on Legal Education and Training (hereinafter the 2006 Legal Education Reform or the Reform Document) identifies *seventeen* problems<sup>18</sup> with regard to curriculum:

- a) The *first* problem relates to inadequacy in *responsiveness*. Six gaps were identified in this regard, namely: (i) inadequate emphasis to “good governance, democratization, economic development and social justice and other constitutional values”, (ii) insufficiency of skill-oriented courses; (iii) inadequate attention to ethical, technological, environmental and global concerns, and inadequate number of courses “that shape the ethical expectations and responsibilities of a law graduate”, (iv) gaps in gender sensitiveness, (v) “[I]ack of awareness in the importance of effective consultation with stakeholders in the design and review of curriculums with the view to addressing their concerns and needs” and (vi) “[I]ack of adequate efforts to emphasize on local contents in the design and delivery of courses.”
- b) *Problems 2* and *3* deal with the absence of mission statements and objectives, and the need for clear and comprehensive graduate profile.

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<sup>14</sup> Id., pp. 83-98.

<sup>15</sup> Id., pp. 99-103.

<sup>16</sup> Id., pp. 104-114.

<sup>17</sup> *Ethiopian Journal of Legal Education*, Vol. 2, No. 1, *supra* note 12.

<sup>18</sup> *Reform on Legal Education and Training in Ethiopia*, *supra* note 2, pp. 14-17.

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- c) The issues that relate to course syllabi, course folders, course sequencing, and related issues are addressed under *problems 4 to 8*.
- d) The need for the institutionalization of *co-curricular activities* to which adequate credits should be attached was identified as the *ninth* problem. It included the need for moot courts and clinical legal programs.
- e) The *tenth* problem relates to *quality assurance* and the Reform Document states the absence of “standards against which existing law curriculums are assessed”, lack of an “external functional body to evaluate the quality of legal education”, and gaps in “systematic self-assessment practices in law schools.”
- f) With regard to the process of admission, the *eleventh* problem states that public law schools “have no or little participation in the process of student admission” and it indicates that they “are forced to admit student population extremely disproportionate to their human and material resource capabilities.”
- g) *Problems 12 to 17* deal with the generalist approach of the curriculum, administrative issues in course/credit transfer and course exemptions, distance education programs, staff development schemes and “critical shortage of human and material resources.”

### 3.2 Problems in delivery and assessment

The 2006 Legal Education Reform states seven problems in course delivery<sup>19</sup> and four problems in assessment. The *first* problem in course delivery is the gap in *teaching competence and pedagogy* manifested by:

- a) dependence /predominantly/ on lecture based, less interactive, and more lecturer dependent teaching;
- b) lack of adequate knowledge on teaching methodologies;
- c) failure to apply problem solving teaching methods;
- d) failure [of instructors] to create student friendly teaching environment;
- e) little exposure of teaching staff and students to the real world;
- f) failure of lecturers to clearly determine and notify students on his/her role and the role of the students during the course of delivering the subject;
- g) insufficient use of teaching materials; and
- h) failure to allocate student consultation hours and to use personal tutor system.

According to the observations of the second reviewer of this study, the problem stated under ‘c’ above as “failure to apply problem solving teaching methods” should not have been presented as ‘failure’ because there were some

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<sup>19</sup> Id., pp. 17-20.



attempts in using the problem-solving teaching method (PBL) in certain law schools. He also noted that the problem indicated under 'd', i.e. "failure [of instructors] to create student friendly teaching environment" is too general because "it does not reflect the reality in all law schools even if it could be true in some law schools". Moreover, the reviewer has indicated elements of generalization in the statements under 'f' and 'h' which respectively deal with the role of students in the process of course delivery and consultation hours. The word 'failure' in the statements 'c', 'd', 'f' and 'h' can thus be interpreted as problems of inadequacy that needed to be addressed.

*Attitudinal problems* on the part of staff and students were identified as the *second* major problem in course delivery. It was found that "[l]ittle devotion to teaching profession is observed in a significant number of teaching academic staff". The "[w]eak reading and participation culture" on the part of students was also noted.

Even though the problems with regard to course file and syllabus are identified in relation to curriculum, these problems are also indicated as a *third* problem in light of their impact in course delivery. It is indicated that "[a]bsence of course file system that maintains institutional memory by filing course syllabi, handouts, exams, tests, project, etc... of the preceding academic years" adversely affects the quality of course delivery. The gaps in using "sufficiently informative course syllabus", gaps in the course descriptions of various syllabi, failure to periodically review course syllabus, and "[l]ack of clear indicators against which course descriptions and/or course syllabi may be reviewed" are indicated.

The *fourth* set of problems identified under course delivery include resources and teaching-learning environment, inadequacy of infrastructure/teaching facilities, library facility and collections, reading resources, excessive teaching load and large class size, gaps in research fund and experience sharing among law schools. The *fifth*, *sixth* and *seventh* sets of problems respectively refer to Guidelines and Processes, Quality Assurance Mechanisms, and other problems. In addition to the six sets of problems highlighted above, there were two gaps stated under 'miscellaneous'. They are "[a]bsence of special support, delivery and assessment system for disabled/disadvantaged students", and gaps in orientation sessions to students.

With regard to *assessment*, the 2006 Legal Education Reform<sup>20</sup> states four sets of problems that relate to (i) competence and methods, (ii) guidelines and procedures, (iii) transparency and complaint handling, and (iv) the usage of assessment merely for grading rather than using it as a tool in the learning

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<sup>20</sup> Id., pp. 20- 21.

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process. The gaps stated with regard to competence and methods of assessment are the following:

- a) Dependence on the more traditional method of written final exam or group work assessment;
- b) Use of little variety of assessment methods;
- c) [Gaps in] assessment guidelines and trainings on assessment methods;
- d) [Gaps in identifying] assessment methods that can be distinctively applied for skill, knowledge and attitude oriented courses;
- e) Inadequate usage of continuous assessment methods or inability to apply such methods due to reasons such as large size class or excessive work load;
- f) Non-existence of external examiner system;
- g) Inflexible senior thesis requirement; and
- h) Absence of a mechanism of assessing students in a summative manner, e.g., absence of exit exam.

The guidelines and procedures that are lacking relate to (i) marking and grading; (ii) “equal participation of students in group seminar/assignments/presentations”; and (iii) grading the participation or work of students “in legal aid clinic, moot court competition, practical attachment, and role play.” Moreover, the Reform Document, *inter alia*, indicates gaps in “transparency on assessment and the methods employed”, the need “to inform students in advance about the method/s of assessment to be used during the delivery of the course” and it calls for “transparent and adequate complaint handling mechanisms”.

### 3.3 Problems in law school administration

The first two sets of problems in law school administration that are stated in the 2006 Legal Education Reform are lack of law school autonomy and over-centralization in law school administration thereby “leaving law schools little room for innovation, self-initiative and development.” The following problems stated in the Reform Document<sup>21</sup> indicate lack of autonomy of law schools:

- a) Budgetary decision making: Law schools have little control over budget preparation, defense, approval, disbursement of appropriations;
- b) Library Administration: the libraries, while called law library, are centrally administered by main libraries;
- c) Personnel administration: the administration of personnel is done centrally, and law schools have little say on the recruitment, promotion, transfer, and discipline of support staff;
- d) Management of physical infrastructure: this is also outside law schools, making it difficult for the law schools to synchronize their needs with their infrastructural capacities. This is particularly grave in the

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<sup>21</sup> *Id.*, pp. 21- 22.

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management of classes. Classrooms are either too small or too large, and there is a serious shortage of classrooms.

- e) Admission of students: law schools are not consulted by admission bodies about the number of students they can accommodate ...

In addition to the gaps in law school autonomy, the 2006 Legal Education Reform Document states the challenges of non-participatory management in the internal management of law schools as the *third* problem in law school administration.<sup>22</sup> This problem, *inter alia*, includes: (i) the inadequate support that deans receive from qualified and able administrative staff, (ii) failure of law schools to “involve students, teachers and other stakeholders in their management” in a manner that is “conducive to participatory spirit, team or group work” [beyond the participation of student and staff representatives in Academic Commission meetings], (iii) lack of “clear set of rules on selection, appointment, and qualifications of law school deans and other leaders of law schools”, (iv) lack of “leadership enhancement training in the course of their deanship”. As a result of such gaps, law school deans are engaged in routine work thereby failing to provide adequate time and attention to the supervision and follow up of the teaching/learning process very well.

The *fourth* problem relates to inadequate strategic planning and lack of clear roadmaps in development schemes as a result of which law schools are governed haphazardly in the course of responding to exigencies as in the case of staff development in law schools which “responds only to the availability of scholarship opportunities rather than the current and future needs of the law schools.” The issues of transparency, feedback and complaint handling that are noted under delivery and assessment have also been indicated as the *fifth* set of problems in law school administration.

The *sixth*, *seventh* and *eighth* sets of problems in the administration of law schools<sup>23</sup> are: (i) ineffectiveness in managing the teaching, research and service functions, (ii) inadequacy of resources, and (iii) the problems that are related to quality assurance mechanisms. The problems that are identified with regard to “management of quality assurance mechanisms” are the following:

- a) Law schools do not have clear quality assurance management schemes. Law schools do not prepare self-evaluation (self-study) documents that will allow them to reflect upon their services in general. As a result, problems are left lying around for decades without any action.
- b) The lack of or at least the inadequate clarity of staff recruitment, staff development, staff rewarding and staff promotion policy has adverse

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<sup>22</sup> Id., p. 23.

<sup>23</sup> Id., pp. 24-26.

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effect in the recruitment, promotion and retention of competent and experienced academic staff.

- c) Lack of systematic database and absence of mechanisms of institutional memory adversely affect the incremental usage of data information in the day to day activities and management of law schools.
- d) There is lack of performance measurement against which the academic and administrative activities of law schools can be evaluated.<sup>24</sup>

### 3.4 Problems in research, publications and consultancy services

The 2006 Legal Education Reform Document classifies problems in the domain of research and publications into five categories: “(a) cultural problems; (b) problems related to structure and procedures; (c) problems related to resources; (d) problems of competence; and (e) problems of lack of networking and forums”.<sup>25</sup> The *first* category of problems<sup>26</sup>, i.e. cultural problems, include ‘complacency with ... work merely as teachers’, absence of requiring research outputs as a condition for tenure, inadequate “attempt to work beyond the positive laws,” and gaps in incentives of course load reduction for research engagements. The cultural problems indicated also include gaps in “team spirit for research and publications” and in innovative “diversification of publications, problems regarding spheres of focus in research”, inadequacy in the use of “research products in the legal professional community and in government institutions, and poor state of constructive feedback”, and “inadequate attention to relevance of research to the real life or actual problems of the society.”

Thirteen challenges are stated under the *second* category of problems.<sup>27</sup> They include absence of “transparent, efficient, accessible, and predictable research procedure”, “inflexible financial processing system”, gaps in the clarity of standards “for publishability and vague editorial policies which tend to be more prohibitive than facilitative”, lack of “faculty autonomy and/or delegated authority to solicit and negotiate with sources of external funding institutions and to utilize the fund”, absence of “publishers specializing in publishing law books; heavy cost of publication, and “[l]ack of strategic planning on research and publications.”

Resource constraint, which is one of the problems in the components of legal education reform discussed above, is likewise indicated as the *third* problem in research and publications.<sup>28</sup> The problems in this regard include “[l]ack of research fund allocated at national, state, university, faculty, department levels”,

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<sup>24</sup> Id., p. 26.

<sup>25</sup> Id., pp. 26-30.

<sup>26</sup> Id., pp. 27-28.

<sup>27</sup> Id., p. 28.

<sup>28</sup> Id., p. 29.

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“[p]oor salary scale for teachers –which forces teachers to exhaust their efforts/energy on part-time teaching, distance module writing, tutoring, etc”, “heavy teaching load, strained staff-student ratio,” inadequate availability of “books, journals, Internet access and network, database, libraries, book allowance, photocopy services, conference fees etc that create conducive research environment”, lack of incentives for research including gaps in “acknowledgement, research leave, teaching buy-outs, etc.”, and exorbitant publication cost.

The *fourth* set of problems in research and publications relate to the research, writing and editing capacity of academic staff in Ethiopian law schools.<sup>29</sup> The *fifth* category of problems<sup>30</sup> deal with gaps in networking opportunities (with potential stakeholders) and forums such as “colloquia, public lecture, seminars, symposia” that stimulate, facilitate and enhance research. This category of problems also indicates gaps in links with publishers, “access to minutes of debates on bills, *avant projet*, of the legislature”, and “access to information in various institutions”. The five categories of problems highlighted above apply *mutatis mutandis* to consultancy services by law schools.<sup>31</sup>

#### 4. Identified Causes and Consequences of the Problems

Based on the problems identified above, the 2006 Legal Education Reform indicates comparative experience<sup>32</sup>, analyzes the causes and consequences of the problems,<sup>33</sup> and forwards conclusions.<sup>34</sup> According to the Reform Document, the key “causes of the existing poor conditions of law schools in Ethiopia” can be classified into “cultural, ideological, institutional, structural, attitudinal, crisis in value system, and critical shortage of human and material resources.”

The *cultural factor* relates to complacency<sup>35</sup> “prevalent in the wider community” which “has prevented law schools from being self-reflective” toward building on what they have. The Reform Document, as an example, states the failure to sustain “the good conditions of the Law School at Addis Ababa University [formerly Haile Selassie I University] in teaching and research in the 1960`s and early 1970`s” owing to factors such as “lack of critical self-reflection.”

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<sup>29</sup> Id., pp. 29-30.

<sup>30</sup> Id., p. 30.

<sup>31</sup> Ibid.

<sup>32</sup> Id., pp. 33-40.

<sup>33</sup> Id., pp. 42-45.

<sup>34</sup> Id., p. 46.

<sup>35</sup> Id., p. 42.

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The *political factor* that has adversely affected legal education in Ethiopia relates to the fact that “politics reigned at the expense of law and legal education” as a result of which the political establishment since 1974 “considered law as a component of the old order”.<sup>36</sup> The Reform Document states that although “legal education [prepares graduates who are] vibrant legal professionals with a commitment in the rule of law and democracy,” this objective was undermined and legal education was deprived of the requisite attention.<sup>37</sup>

The *third* factor that is indicated as one of the causes for the problems in Ethiopian law schools is *institutional*. This is attributed to factors such as the absence of internal and external review mechanisms (in Ethiopia’s education system including legal education) towards ensuring quality and standards. The *fourth* factor that was identified is *structural* owing to fixed budgets irrespective of levels of performance thereby failing to “discourage a law school with poor performance”, and in contrast encourage law schools whose performance is commendable.<sup>38</sup>

*Attitudinal problems* such as gaps in *strategic thinking* are indicated as the *fourth* and *fifth* causes of the problems (in Ethiopia’s legal profession at large including academic staff). “[S]ense of indifference, a propensity of externalizing problems and lack of self-evaluation” are regarded as contributory factors, and the teaching staff is generally “reluctant to invest their time and expertise in institution building”.<sup>39</sup> With regard to gaps in *strategic thinking* and *value systems*, it is noted that law schools “rarely use carefully designed and result-oriented plans” and “are not usually founded on consciously articulated” values, and they fail to recognize and reward “hard-working and visionary law teachers and leaders” and “meritorious legal professionals.”

*Resource constraint* –which is stated as a critical problem in the preceding sections– is considered as the *sixth* causal factor to the problems thereby manifesting reciprocal and bidirectional cause-effect-cause relationship. The Reform Document underlines that the size of teaching staff, library resources, computer and Internet access<sup>40</sup> do not match up with the student population.

The 2006 Legal Education Reform Document provides an overview of the *consequences*<sup>41</sup> that have resulted from the problems highlighted above. It indicates the lack of a strong and vibrant legal profession which can proactively

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Id., pp. 43-44.

<sup>39</sup> Id., p. 44.

<sup>40</sup> Id., pp. 44-45.

<sup>41</sup> Id., p. 45.

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match up with the objective realities such as a shift in constitutional order, and the Reform Document expresses concerns regarding “legal professionals with unethical practices.” It further indicates gaps in the commitment of law students, law teachers and legal professionals to devote their time to public commitment and engagement thereby contributing to the poor performance of the justice sector. In the realm of performance, the Reform Document notes the consequences manifested in competence levels among LL.B graduates with lower levels of “competence in basic lawyering skills such as writing, speaking and negotiating” and lawyers whose enthusiasm toward community service is weak. As a result, “members of the legal profession have taken a back seat in the struggle for the supremacy of law and constitutional order in the country.”

On the basis of the problems that were identified and the causes and consequences of the problems, Part V of the 2006 Legal Education Reform Document<sup>42</sup> came up with 60 (sixty) standards in legal education reform. The standards are meant to serve as benchmarks toward the solution of the problems. These standards have indeed drawn lessons from good practices of various foreign law schools. The standards state thresholds of performance to address the problems that are identified in Ethiopia's legal education. The corresponding Guidelines for the interpretation of the Standards are stated in Part VI.<sup>43</sup>

The preamble of Part V<sup>44</sup> of the Reform Document notes that legal education is “the main gateway to the legal profession, teaching and scholarship” and states the need to address the gaps in curricula. It also states the necessity of addressing the problems in the teaching-learning process and law school management which include “teacher-centered teaching ..., absence of continuous assessment, [inadequate] material resource base, centralized management style”, and the “attitudinal, technical and institutional impediments” that hamper “meaningful research activities.”

The Standards “aim at providing uniform and quality program of legal education while at the same time allowing law schools the necessary latitude for diversity, flexibility and innovation”. The Standards envisage “that law schools shall provide sound legal education that motivates students to protect the interests of the public and the profession, promote democracy, good governance, sustainable peace, equality and social justice and to use law and legal institutions imaginatively to sustain development.” The Standards<sup>45</sup> and

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<sup>42</sup> Id., pp. 47-81.

<sup>43</sup> Id., pp. 82-97.

<sup>44</sup> Id., p. 51.

<sup>45</sup> Standards for Ethiopian Law Schools (and Guidelines of Interpretation) published in *Ethiopian Journal of Legal Education*, supra note 12, pp. 97-126

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Guidelines<sup>46</sup> were published in the *Ethiopian Journal of Legal Education*, Vol. 2, No. 1 (published by Justice and Legal System Research Institute in January 2009).

The Standards in Ethiopian Legal Education are classified into six parts. They are: the General Part (Standards 1 to 4), Curriculum (Standards 5-17), Course delivery and assessment (Standards 18-28), Law school management (Standards 29-48), Research, publications and consultancy services (Standards 49 to 58), and Miscellaneous, i.e. new programs and quality assurance (Standards 59 & 60). It is to be noted that these are minimum standards, and law schools are encouraged to go beyond these thresholds in their pursuits of sustained improvement towards steadily enhanced levels of excellence.

## **5. Some Observations on Standards for Vision, Mission and Core Value Statements of Law Schools**

### **5.1 The need for realistic vision and clear mission statements**

The General Part of the Standards in Legal Education<sup>47</sup> deals with vision, mission, and core values that law schools are expected to formulate and pursue. The vision of law schools (Standard 1/1) is, inter alia, expected to be integrated with the visions of their respective universities and visions at national level. They should also aspire “towards elevating the standard and quality of legal education to the level of leading law schools in other countries, and towards preparing graduates who will have optimum impact in Ethiopia’s development, democracy, good governance and social justice.” (Standard 1/2)

The vision statement (in *Standard 1*) embodies three elements. The *first two elements* (in Standard 1/1 and the first unit in Standard 1/2) relate to the integration of a law school’s vision statement with the University’s vision and the elevation of the standard and quality of legal education by aspiring towards the level of leading law schools in various countries. The *third element* (i.e. the last unit in Standard 1/2) shows the aspiration of law schools to bring optimal impact in Ethiopia’s pursuits of “development, democracy, good governance and social justice”. This shows that the enhancement of quality and standards is not an end-in-itself, because in addition to its intrinsic function of professional development in the graduates, it also envisages the ultimate societal impact.

There are some vision statements, among the ones that are accessible online, that fail to meet the thresholds expected in the Standard on vision statement. For example, the vision statement of one of the first generation law schools reads “The School of Law aspires to become center of excellence in legal education,

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<sup>46</sup> Id., pp. 127-136.

<sup>47</sup> *Reform on Legal Education and Training in Ethiopia*, supra note 2, pp. 52-55.

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research and community services, celebrated nationally, respected in Africa and renowned globally.” The words, ‘celebrated’, ‘respected’ and ‘renowned’ are subjective, and they depend on what others perceive rather than the *envisioned state of being* and *performance* of the law school.

Vision statements balance two elements. On the one hand, they are expected to be ambitious, and at the same time the statements should not be unrealistic because they need to be reasonably attainable. Lagging far behind what was aspired during the timeframe stated in a vision statement adversely affects the reliability of vision and mission statements. An example in this regard can be the vision statement of one of the third generation law schools which reads, “The School of Law aspires to be among the leading School[s] and center[s] of excellence in the area of law by the year 2020.”

Other examples include the following four vision statements which focus on ranking and bear the tone of a competitive match:

- “The School aspires to be the best in the nation and globally competent; While striving for academic excellence, it also aims to strengthen administration of justice and law in the country.”
- “The College of law aspires to be the most preferable college for the study of law in the country by 2020.”
- “The School aspires to be the best Law School in the nation and competent enough internationally. We endeavor for academic excellence and to see the community best served by legal knowledge we create and/or transfer to them.”
- “... [The] School of Law aspires to be one of the top three societal problem solving universities in Ethiopia by 2025.”

Apparently, law schools are not engaged in competitive matches. They should rather target at mutually shared objectives. The performance and professional attainment of every graduate from any law school (as legal advisor, attorney, public prosecutor, judge, academic, office holder, etc) depends upon the levels of competence, integrity and commitment of graduates from all Ethiopian law schools. The extent to which each law school aspires and achieves higher standards in quality and relevance determines (and reinforces) its potential for further achievements, and this is indeed to the benefit of all law schools and the legal profession at large.

Law schools are thus expected to (at least) attain the minimum quality and standards such as the ones articulated in the 2006 Legal Education Reform Document. After the attainment of these minimum standards, they should compete against their own attainments (toward sustained superior achievements) so that they can steadily raise the standards of performance in student learning, research and services thereby marching in the path of excellence. Vision

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statements such as the following can thus suffice without the need to express heights to be achieved that are superior to other law schools:

Haramaya University, College of law aspires to be a center of quality higher learning and research with community of scholars devoted to producing well-trained, competent, and responsible legal professionals who could make a significant impact in Ethiopia's socio-economic development, democracy, good governance, and social justice.<sup>48</sup>

Three mission statements are presented in *Standard 2* as alternatives so that law schools can use them as tentative samples which can be modified based on their particular circumstances. The first alternative seems to be too general, and uses generic elements thereby compromising content in favour of brevity. It requires law schools to “actively work for the enhancement of democracy, good governance, tolerance, equality, social justice and economic development for the people of Ethiopia through quality programs of teaching, research and public service”. The second option reads:

Law schools shall work for the advancement of the intellectual and social conditions of the people of Ethiopia by providing equitable, accessible and quality legal education through teaching, research and service in order to prepare competent and responsible members of the legal profession who actively contribute towards rule of law, democracy, human rights, good governance, social justice, equality, tolerance and development.

The elements that follow the word “work for” in the first two alternative mission statements (*Standard 2*) show the end in view, while on the other hand, the words “through” (in alternative ‘1’) and “by providing” (in alternatives ‘2’ and ‘3’) indicate the path that can take a law school to its end-in-view. The words ‘competent and responsible members of the legal profession’ in alternatives ‘2’ and ‘3’ relate to the *cognitive (knowledge/awareness)* and *affective (will/volition)* domains in learning, i.e. competence and professional values. The subsequent phrase (in alternatives ‘2’ and ‘3’) reads: “who actively contribute towards rule of law, democracy, human rights, good governance, social justice, equality, tolerance and development”. This phrase represents the behavioural (*connative*) attributes of law professionals upon LL.B graduation and their contribution in the course of applying the *competence* and *professional values* that they have attained.

## **5.2 Critical thinking as one of the core values and objectives in legal education**

The extent to which the fifteen values (stated in *Standard 3*) can be embedded in the moral standards of law graduates, inter alia, depends upon what the

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<sup>48</sup> <<http://www.haramaya.edu.et/academics/college-of-law/>> Last accessed, March 10, 2019.

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university administration does and how the teaching faculty actually behaves. Professional values are mainly internalized as individual moral standards through observations and practice rather than instruction. Unfortunately, key offices of various university administrations are pre-occupied with big 'construction projects' that are susceptible to corruption. Such projects are underway to the detriment of space that is *sine qua non* for serene green campuses (free from noise pollution) conducive to higher education.

A case in point is the construction of multi-storey buildings (in the main campus of Addis Ababa University) that has substituted the former serene green background to Yekatit 12 Martyrs' Monument at Sidist Kilo. The 'rationale' may be related with the catchword, 'entrepreneurial university', while in fact this trend substantially reduces open space, and can also breed corruption to the detriment of the core 'soul' of a university, i.e. pursuits of inquiry, reason, truth and knowledge in the context of *integrity*. Entrepreneurial universities generate income through services and innovative activities and not through speculative economic rent gathering.

Deeply held and widely pursued professional values and principles should be the core foundations in the *modus operandi* of law schools in the pursuits of their mission which represents their 'function' and purpose of existence ('*raison d'être*'). Fifteen values are stated under *Standard 3*, and they are indeed clearly articulated. Yet, law schools can further include '*critical thinking*' among the core values in lawyering, even though it is stated among the objectives stated in *Standard 4(b)*. Critical legal analysis is also given due attention in *Standard 5(1)(b)* which deals with curriculum content.

*Critical thinking* is a core value and moral character that enables a lawyer to objectively analyze and evaluate issues from different perspectives before arriving at conclusions and judgments. In fact, the quality of legal education cannot be measured by 'rote learning' of legal provisions because the laws that were discussed in class can be changed, or a lawyer can be employed in a jurisdiction whose statutes or case decisions were not discussed during her/his years at law school. The quality of legal education is thus measured by the extent to which it nurtures, sharpens and hones a graduate's self-development in the avenues of thinking, exploring, questioning, interrogating, reasoning, problem solving, and proactively envisaging unfolding realities in addition to the substantive and procedural elements of the laws that were tools and inputs in the learning process.

Critical thinking rectifies the problem of unquestioning complacency that was identified in the 2006 Legal Education Reform Programme<sup>49</sup> as one of the

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<sup>49</sup> *Reform on Legal Education and Training in Ethiopia*, supra note 2, p. 42.

cultural root causes of the problems in Ethiopian Legal Education; and it varies from the extremes of conceit and nihilism. Complacency may take the forms of opportunism and apologetic self-deprecation (under regimes such as absolute monarchy or ‘Marxist’/‘revolutionary’ autocracy); and critical thinking rectifies this vice without resort to the other extreme of nihilism.

Complacency may be attributable to an education system which pursues the banking model in education that was criticized by Paulo Freire<sup>50</sup> whereby teachers and textbooks deposit data or information in the minds of students followed by inventories through exams. As Girma W. Selassie observes:

A student who merely studies the law without uncovering the policy that underlies it could be likened to a person who buys a package without finding out what it contains. ... We certainly cannot teach our students about every conceivable policy. That is impossible. But we can teach them *how to think* in terms of policy.<sup>51</sup>

Girma takes the era of rapid change into account and he underlines that law students who are “future lawyers should not only be able to readily absorb and work with the constantly changing laws but should have the necessary attitude, talent and breadth of knowledge to help craft and engineer them”.<sup>52</sup> This, according to Girma, can be realized only if law schools can focus on *making students to think*, as opposed to learning by rote memory. He illustrates his point:

... If the law requires that two witnesses should attest all written contracts, ask why documents should be attested and why two witnesses? ... In the process of trying to answer these questions, students get *to think* and know something about ... some of the social, economic and political realities of the country – [beyond] a single provision of the law.<sup>53</sup>

In the absence of attention to critical thinking and proactive problem solving in the process of legal education, it can be difficult to attain the objectives that are stated in Standard 4(b) which requires the provision of legal education that prepares “graduates with legal knowledge, and skills that enable them to serve the country with critical, analytical and creative ability as well as professional responsibility.”

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<sup>50</sup> Paulo Freire (1970), *Pedagogy of the Oppressed*, (Translation, 2005: Myra Bergman Ramos), Continuum Publishing Group.

<sup>51</sup> Girma W. Selassie (2007), “Nostalgic Thoughts on Teaching Law in Ethiopia”, *Mizan Law Review*, Vol. 1, No. 1, p. 125.

<sup>52</sup> *Id.*, p. 126.

<sup>53</sup> *Ibid.*

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## 6. Standards for Curriculum Reform

### 6.1 Program content and graduate profile

Subsections 'a', 'b' and 'c' of Standard 5(1) state the knowledge, understanding and skills that should be acquired. The latter sub-sections (i.e., 'd', 'e', and 'f') deal with values, ethical responsibilities to clients, officers of the courts, other public institutions and the duty to "[p]rotect the interests of the public and the profession". Standard 5(2) states the duty of law schools to "maintain an educational program that prepares their students to address current and anticipated legal problems".

Standard 6 requires law schools to prepare graduates who demonstrate the *knowledge and understanding* stated under Standard 6(a) and the *application* and *problem solving skills* indicated in Standard 6(b). Moreover, it requires the attainment of the research and legal information identification and retrieval skills (Standard 6/c), the skills in analysis, synthesis and critical judgement stated in Standard 6(d), capability for autonomous initiatives in legal tasks, self-learning and independent research (standard 6/e), communication skills and level of proficiency "to read and discuss legal materials which are written in technical and complex language" (Standard 6/f).

The standard on graduate profile further requires law schools to enable graduates to demonstrate the ability "to use, present and evaluate information provided in numerical or statistical form" and to produce a word-processed essay or other text and to present such work in an appropriate form". It also requires demonstration of the ability "to use some electronic information retrieval systems; and to work in groups as a participant who contributes effectively to group's task" (Standard 6/g). In the domain of integrity, Standard 6(h) envisages ethical responsibilities of a legal professional.

The core elements required in graduate profile (under Standard 6) thus embody the *knowledge and skills* required of a law professional, *transferable skills* (such as skills in communication, language proficiency, teamwork and autonomy in performance and sound judgment), and *key skills* which relate to interdisciplinary elements such as the ability "to use, present and evaluate" numerical and statistical information". According the Guideline,<sup>54</sup> the latter key skills do not involve complex statistical or mathematical calculations (that require expert intervention) but "to be able to use and evaluate the information provided as the basis of an argument".

Comparative experience in other countries shows that the elements of a graduate profile are clear and measurable. Lessons can, for example, be drawn

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<sup>54</sup> Id., p. 84.

from UK's experience where the Quality Assurance Agency indicates the subject benchmarks in various fields of study including law.<sup>55</sup> The 2007 Subject Benchmarks in Law issued by UK's Quality Assurance Agency<sup>56</sup> classifies areas of minimum level of performance that should be demonstrated by any LL.B graduate into three broad categories: (i) Subject-specific abilities, (ii) General transferable intellectual skills, and (iii) Key skills. Each category contains specific areas of performance.

## 6.2 Academic achievements and related issues

Standard 7 (entitled 'Academic Achievements') deals with elements that should be put in place so that the graduate profile stated under Standard 6 can be attained. These include quality assurance schemes (Standard 7/1), monitoring academic progress and achievement of students "from the beginning of and periodically throughout their study" (Standard 7/2), and academic advising, adequate information, guidance and academic support (Standards 7/3 & 7/4).

After having fulfilled the standards in Sub-sections 1 to 4 of Standard 7, if it becomes sufficiently manifest that a law student is unable to do satisfactory work, "[l]aw schools shall not (according to Standard 7/5) continue retaining a student" in such a manner that "the student's continuation in school would inculcate false hopes, constitutes economic exploitation or detrimentally affect the education of other students." The practice in various universities, however, shows excessive focus on retention rates and statistical reports in the number of graduates. There are pressures to implement what is known as the Fx scheme. Under this scheme, F grades can be removed after having given tutorials and make-up exams (usually during the summer term) without the need for a student to be registered and attend formal classes with other students. Such tutorials do not involve additional payments to instructors and they can induce some teachers to consider the 'C' grade as the lowest and refrain from giving 'F' because the latter might be removed anyway.

There is also the tendency of universities to exert pressure on law schools to conduct summer and continuous LL.B programmes aside from the regular programmes. Concessions in lowering standards in these programmes can adversely influence the thresholds envisaged in Standard 7(5) because a student who seems to be unable to meet the academic standards of the regular LL.B Programme might excel many students in the special, summer, or continuing

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<sup>55</sup> See, for example: *Subject Benchmark Statement: Law*, Quality Assurance Agency, UK Quality Code for Higher Education, Part A: Setting and maintaining academic standards, Quality Assurance Agency for Higher Education (July 2015), Section 2.4, p. 7. Available at: <http://dera.ioe.ac.uk/id/eprint/23774> (Accessed: 19 December 2018)

<sup>56</sup> Julian Lonbay (2010), *Legal Education in England and Wales*, Birmingham Law School, pp. 15, 16 (citing Benchmark Statement: Law, Quality Assurance Agency, 2007).

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programs. There should thus be objective standards in learning outcomes and criterion-referenced grading thresholds, irrespective of the steady decline in the standards of the non-regular LL.B programmes.

Standard 7(6) had set the minimum threshold in LL.B programs to 135 credit hours, and Standard 7(7) states the learning-time weightage per credit hour. As stated earlier (in Section 3), the number of minimum credit hours stated in Standard 7(6) of the Legal Education Reform Programme was raised from 135 to 174 credit hours based on the decision of the Workshop of Instructors from all Law Schools that was held at the Ethiopian Management Institute, 17 July, 2006. It requires 154 credit hours of coursework (graded in Cumulative Grade Point Average),<sup>57</sup> plus 8 credit hours of Exit Exam, and 12 credit hours of externship. The 20 credit hours of exit exam and externship use pass/fail classification based on numeric marking.

The credit hour system was adopted based on US experience since the early years of Addis Ababa University (formerly known as Haile Selassie I University). Standard 7(7) pursues the same tradition and attaches credit hours to courses. According to Standard 7(7), *one credit* represents one class hour per week “for the duration of the semester” [which has sixteen weeks] and it states that “... for every hour of credit; it is expected that the student spend a minimum of two hours per week in supervised study. Each credit hour shall represent 700 minutes.”

As indicated in Standard 7(7), the numeric designation in the credit-hour system represents classroom contact sessions. The last sentence in Standard 7(7) equates one credit hour to 700 minutes and this should be interpreted as 50 minutes (per class hour) multiplied by 14 weeks of class sessions in a semester. In addition to class sessions, students are thus required to devote two hours for off-class learning (i.e. reading, assignments etc). In effect, for each credit hour, Standard 7(7) requires law students to weekly devote one hour of class session plus two hours of off-class study. This involves three hours of learning per week for fourteen weeks, i.e., a total of forty two hours of learning per credit hour. Along with summative assessment periods<sup>58</sup> (during the mid-term and the final week of the semester), the total number of learning hours per credit thus represents 45 to 48 hours of learning.

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<sup>57</sup> *Course Syllabus Catalogue*, 2008. (Justice and Legal System Research Institute), Prepared by the Curriculum Implementation Committee which was comprised of representatives from law schools of public and private universities.

<sup>58</sup> These assessments are expected to be given in addition to the continuous formative assessment that is conducted in the process of course delivery.

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Standard 7(8) states the need to determine the “proportion of time to be given to lectures, tutorials and practical attachment”. The remaining three sub-sections of Standard 7 (i.e. 7/9, 7/10 and 7/11) deal with minimum and maximum credit hours per semester in regular and extension LL.B programmes and the need to indicate academic achievement through letter grading.

### **6.3 LL.B Programme duration**

Standard 9(3) is commendable in stating that law schools “shall require the course of study for LL.B degree to be completed in five academic years, each having two semesters.” In effect, the duration of LL.B programme was raised from four years to five years thereby reinstating previous practices (that prevailed until early 1990s). Students who join LL.B programmes from advanced standing owing to prior diploma in law can be allowed course exemptions and transfers. However, the duration of study for such students shall not, according to *Standard 16(10)*, be below two years for regular students and four years in extension programmes. LL.B degree study through extension program shall, according to Standard 9/4, “take a minimum of 6 years and a maximum 9 years.” Without prejudice to these durations of study and the number of contact hours and off-class reading hours to each course, law schools may have “an eight-week *Kiremt* [summer] program” (Standard 9/5).

Standard 9(6) requires regular attendance and punctuality; and according to Standard 9(7), “the minimum class attendance may not normally be less than 75% of the total course duration.” To this end, Standard 9(8) forbids full time students to be employed for “more than 20 hours per week in any week in which the student is enrolled.” The number of hours could have been reduced because course work per week for a regular student who, for example, is registered for 16 credit hours will be 16 class hours plus 32 hours of off-class study, i.e. 48 hours per week. The maximum number of hours that a regular student may devote for employment cannot thus (in the normal course of events) be beyond a maximum of ten hours so that the student can give due attention to class sessions and off-class learning.

A similar indicative threshold with regard to law instructors could have been introduced so that they can be on-campus for most parts of the week to enhance their focus on research and be available to student advising. The challenge in this regard is the level of remuneration and benefits which render it difficult for law instructors to settle their basic subsistence bills with the low salary scale at universities which does not match up with the steady rise in house rental rates and price of basic necessities.

### **6.4 Course offering, syllabus and curriculum review**

*Standard 10* deals with core, elective and support courses. In addition to these courses, *Standard 11* requires law schools to attach credits to clinical programs

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(which can encourage students to actively participate in legal clinics that offer legal aid), moot courts and student participation in law journals. The gaps relating to course syllabi and course files are addressed under *Standard 12* which requires law schools to “ensure the preparation of syllabus for each course they offer” (Standard 12/1) as opposed to the traditional usage of very short course outlines that merely summarize course content and list of readings. Significant alteration of a course outline by an instructor requires prior consultation with the law school (Standard 12/2), and students should be provided “with a course syllabus at the beginning of each course” (Standard 12/4). Law schools shall keep course files (Standard 12/3) that include syllabi, exams and tutorial exercises. The Guidelines for Standard 12 indicates the eight components of a syllabus: (a) course identification, (b) course description, (c) measurable course objectives, (d) teaching method, (e) mode of assessment, (f) attendance policy (g) course outline, and (h) available learning resources.

The revised curriculum was implemented in September 2006. Thus, law schools made use of the sample syllabi that were assessed and approved by series of workshops after they were prepared by teams of law school instructors. The final compiled LL.B course catalogue was distributed to all law schools in 2008. Based on model syllabi, teaching materials were prepared for all required courses and most elective courses. A memo (dated January 03, 2011) that was submitted by the Curriculum Implementation Committee to the Technical Committee (for the Legal Education Reform Programme) indicates that teaching materials are prepared for 67 (sixty seven) courses and they were “assessed at different workshops by assessors and different participants from law schools and other stakeholders”. The memo further states that 16 (sixteen) teaching materials were “identified as below standard”.<sup>59</sup>

The participation of law schools and stakeholders in syllabus preparation, workshops and expert reviews relating to curriculum reform and the preparation of teaching materials were indeed commendable. However, there were teaching materials that had yet to be upgraded<sup>60</sup> to the levels that were agreed upon by law schools, and there were also plans to publish series of textbooks by using the teaching materials as foundational resources.

Standard 15(1) requires curriculum review “every five years in consultation with stakeholders including students, government and businesses, as the case may be”. Sections 2 and 3 of Standard 15 require pre-appraisal of curriculum

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<sup>59</sup> See Elias N. Stebek (2015), “Legal Sector Reform Pursuits in Ethiopia: Gaps in Grassroots Empowerment”, *Mizan Law Review*, Vol. 9, No. 2, p. 273.

DOI <http://dx.doi.org/10.4314/mlr.v9i2.2>

<sup>60</sup> Ibid.

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review by law schools “two years before curriculum review to determine whether such review is necessary” and establish “a body responsible for periodic review of its curriculum including review of a course syllabus.”

### 6.5 Admission to law school

Standard 16(1) requires “prior and effective consultation with law schools by a concerned authority” with regard to student placement in public law schools. Until the freshman programme was reinstated in October 2019, the process of admission to public law schools was primarily conducted by the Ministry of Education,<sup>61</sup> with some role given to the universities in assigning students to particular departments. This does not fulfil the standard of participation of law schools that was envisaged under Standard 16(1) of the 2006 Legal Education Reform Document which requires “prior and effective consultation with law schools.”

Standard 16(3) states that admission “shall be consistent with educational programs and resources available for its implementation.” However, most of the newly established universities were (during the years of extensive university expansion) tempted to open law faculties and admit law students because they considered it relatively easy to buy some Codes of law and textbooks, and thereafter use the teaching materials and syllabi prepared under the coordination of JLSRI from 2006 to 2009. The following are examples accessed online in January 2019:

- At Arba Minch University, “Department of Law was established during the 2009/10 academic year having staff members of 3 lecturers and about 40 students”<sup>62</sup>
- “Debre Berhan University College of Law “started its program with 50 regular & 41 extension students in the L.L.B program, having 4 Academic staff members.”<sup>63</sup>
- “Madda Wallabu University School of Law “was launched in 2011 and after its establishment, ... with 37 degree regular and 47 extension program students. ..., the School had only three fulltime instructors”<sup>64</sup>

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<sup>61</sup> The regulatory authority in charge of higher education is currently the Ministry of Science and Higher Education.

<sup>62</sup> Arba Minch University, School of Law, Background of the Program: [https://www.amu.edu.et/index.php?option=com\\_content&view=article&id=132&Itemid=131](https://www.amu.edu.et/index.php?option=com_content&view=article&id=132&Itemid=131); Accessed January 01, 2019

<sup>63</sup> Debre Berhan University, School of Law, Overview of the College: <http://www.dbu.edu.et/index.php/2017-05-11-13-34-17/2017-05-11-13-39-18/college-of-law>; Accessed January 01, 2019

<sup>64</sup> Madda Walabu University, School of Law, Message from the Dean: <http://www.mwu.edu.et/home/school-of-law>; Accessed January 01, 2019

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At present these law schools have indeed enhanced their academic staff profile and other resources. Yet, the facts shown above indicate how public universities could easily launch LL.B programmes with three or four academic staff members (who are usually graduate assistants) in violation to Standard 16(3) of the Legal Education Reform Document.

Standard 16(4), as noted earlier, states that admission to law school shall be based on reasonable expectation that the student can “achieve the standard required for completion of the program.” Former practices at Haile Selassie I University, for example, involved admission to LL.B programmes upon completion of first year on a competitive basis. The freshman programme was introduced at HSIU (currently Addis Ababa University) in September 1969 based on series of studies since the early 1960s.<sup>65</sup> Law school admission procedures (for four-year post-freshman LL.B Programme courses plus one year of service in externship) in September 1970, for example, involved (i) comparing first year CGPA among applicants for admission, (ii) interview, and (iii) impromptu short essay of about a page after interview. During the initial years of the law school, LL.B admission required completion of second year in another field of study and three years of legal education.

Recent developments after the Ethiopian Education Development Roadmap (2018-30) are indeed encouraging because students are not directly assigned to law schools by the Ministry of Education (currently Ministry of Science and Higher Education) as was the case during the last two decades. According to the Draft National Harmonized LL.B Curriculum prepared by the Consortium of Ethiopian Law Schools in November 2019, students are first admitted to freshman programmes in universities, and admission to law schools is made on a competitive basis among social science first year students who have completed the first semester.

## 6.6 LL.B Exit exam

The exit exam is one of the commendable outcomes of the Legal Education Reform Programme and it duly serves as gate keeper to the legal profession. As Tsegaye Regassa noted:

The key purpose of the exit exam is to determine if the student (would-be graduate) has developed a *comprehensive personality of law studies* or a *would be legal professional*. It is intended to serve as an instrument of determining whether in the law student there is the synthesis of the required

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<sup>65</sup> See Wondwosen Tamrat (2019), “Another freshman programme, will it work this time?”, *University World News, Africa Edition*, 02 October 2019, Available at: <https://www.universityworldnews.com/post.php?story=20190930054657294>

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knowledge, skills and attitude that qualifies a candidate for the legal profession.<sup>66</sup>

There were critics who argued that it should be the responsibility of universities to certify whether a student has successfully completed the courses offered under the LL.B programme. Others forwarded a counter-argument that owing to the steady decline in quality and standards in legal education, ‘exit exam’ is expedient. The latter further argued that universities should not shy away from exit exam as long as they can enable their graduates achieve the learning outcomes embodied in the LL.B curriculum.

The National Educational Assessment and Examination Agency (NEAEA) conducts exit exams. Law students who were admitted in September 2006 (under the 2006 curriculum) sat for the exam in March 2011 (Megabit 2003 Ethiopian calendar, i.e., during the Academic Year 2010/2011). During the initial phase, the Technical Committee for Legal Education Reform had formed an Exit Exam Council to support NEAEA. This arrangement encountered problems after the coordination of the legal education reform programme was transferred from JLSRI to the Ministry of Justice.<sup>67</sup> Since the second exit exam (Academic year 2011/2012, i.e. 2004 Ethiopian calendar), the Consortium of Ethiopian Law Schools collaborates with NEAEA in various responsibilities regarding the exit exam.<sup>68</sup>

The level of coordination in the preparation, correction and management of exam results is indeed successful. However, there is extremely high fail rate in non-regular LL.B programmes such as distance learning. This is so in spite of lowering the passing mark to the ‘cut-off score’ of 30%, 35% or 40%. In principle, the minimum of 50% should have been regarded as the pass/fail cut-off score. The first compromise to lower the threshold started during the first (March 2011) exit exam because a significant number of regular students had an average score below 50%.

It was assumed that the enhancement of quality and standards in legal education (within a few years) would enable the passing cut-off threshold to be steadily raised up to 50%. Unfortunately, however, the pace of enhancement in quality and standards did not match up with the expectations under the legal education reform. Due attention should have been given to enhance the level of attainment of learning outcomes rather than lowering the pass mark cut-off

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<sup>66</sup> Tsegaye Regassa (2010), “Between Closure and Opening: Exit Exam in Ethiopian Law Schools – An Essay”, *Journal of Ethiopian Legal Education*, Vol. 3, No. 1, p. 16.

<sup>67</sup> Education Strategy Center (2015), *Evaluation of the Law Exit Examination System in Ethiopia*, (Researchers: Abduljebar Abdulahi, Addiswork Tilahun, Belay Hagos, Endawek Tsegaw, Mizanie Abate, Nurilign Mulugeta, Yenehun Birle) Addis Ababa, June 2015, p. 37.

<sup>68</sup> *Id.*, p. 38.

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points (to 30%, 35% or 40%), because the latter option seems to have rather lowered the level of preparation (by regular students) towards the exam.

Nevertheless we can say that the exit exam has commendable outcomes because legal education, unlike various fields of study, has a gate keeper against the risk of LL.B degree mills in the name of distance, special, extension, summer etc. programmes. In the absence of such exit exams, inflated grades in some Higher Education Institutions distort preliminary selection processes in short-listing applicants for vacancies thereby adversely affecting graduates from universities that observe non-inflated, fair and proper grading policies. However, the exit exam cannot be said to have fully attained the objectives that were envisaged (under the 2006 Legal Education Reform Programme) if the pass/fail threshold continues to be lowered below 50%. In the absence of *criterion referenced* pass/fail threshold such as 50%, the cut-off pass mark runs the risk of arbitrary decisions.

Series of studies, presentations and workshops were conducted towards developing the Guidelines of the Exit Exam issued in 2010<sup>69</sup> which was revised in 2017. Article 3 of the Revised LL.B Exit Examination Guidelines issued by Education Strategy Center and the Consortium of Ethiopian Law Schools (in March 2017) embodies the following five objectives:

- “Monitoring whether the graduate profile of LL.B curriculum has been achieved;”
- “Monitoring levels of achievement in the learning outcomes of courses under the LL.B curriculum;”
- “Facilitating the efforts of students to revise the core learning outcomes of the courses covered by the exit examination;”
- “Ensuring that only lawyers competent to meet the needs of prospective employers graduate from law schools;” and
- “Creating a constructive competitive spirit among law schools in Ethiopia with a view to encouraging them to give due attention to the quality and standards of legal education;”<sup>70</sup>

According to Article 4.1 of the Revised Exit Exam Guidelines, the scope of the learning domains to be assessed in the exit exam are “(a) Knowledge and comprehension; (b) Application, analysis, synthesis and problem solving; (c) Critique and evaluation; and (d) Written communication (with due attention to accuracy, brevity, clarity and coherence).” The six categories embodied in

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<sup>69</sup> Consortium of Ethiopian Law Schools (2010), *LLB Exit Exam Guideline*, Justice and Legal System Research Institute, Article 1.

<sup>70</sup> Education Strategy Center and the Consortium of Ethiopian Law Schools (2017), *Revised LL.B Exit Exam Guidelines*, March 2017.

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Article 4.2 of the Guidelines customize Bloom's taxonomy of learning domains<sup>71</sup> in the context of legal education.

In the course of weightage distribution in the allocation of marks for the elements of the exam items, Article 5 of the Revised LL.B Exam Guidelines requires the following:

- 5.1 The learning outcomes of courses stated in the various syllabi and course materials shall determine the percentage of focus to the domains of learning outcomes stated in the preceding provision.
- 5.2 Predominantly concept-focused courses shall give more focus to the knowledge and comprehension learning domain.
- 5.3 Skill courses offer major weight to the presentation, application and problem solving domains;
- 5.4 Courses that mainly involve substantive and procedural laws fairly include all domains of learning without unduly neglecting any one of the domains.

According to Article 21.1 of the Revised LL.B Exit Exam Guidelines, the exit exam shall be annually administered during the second semester of the final year. Moreover, Article 21.4 allows re-examination once a year during the month of October (Tikimt).

## **7. Standards for Course Delivery and Assessment**

Standards 18 to 28 of the 2006 Legal Education Reform Document deal with course delivery and assessment.

### **7.1 On-campus engagement of academic staff**

Standard 18 requires law schools to "have academic staff with appropriate qualification and research and scholarly experience that ensure effective implementation of the missions and programs of the law school." Moreover, according to Standard 19(1), the number of academic staff members must be sufficient to enable law schools "to meet the standards and meet their goals." The appropriate size of staff is determined by the "number of students [enrolled during an academic year], nature of courses or programs offered, and the academic obligations of the full time staff to teach, conduct research and render community services" (Standard 19/2). Due attention is given to the employment of regular staff so that a law school "may not have part time staff in excess of 25% of the total academic staff." (Standard 19/3).

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<sup>71</sup> Benjamin S. Bloom (Ed.) *et al.* (1956). *Taxonomy of Educational Objectives, Handbook I: The Cognitive Domain*. New York: David McKay Co Inc.

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There are standards that need further attention owing to the gap between the thresholds enshrined in the standards and the facts on the ground. Standard 20(3) provides that “[s]ubject to reduction due to various responsibilities, course load shall not exceed 12 credit hours per week”. These credit hours can take a combination of teaching classes, advising, research engagements or community services. The course load of an academic staff in a law school is expressed in terms of credit hours (i.e., twelve or eight in LL.B and graduate Programmes respectively). This is so because weekly work hours of the academic staff further include off-class tasks of preparation, research, correcting assessments, and other (on campus and off-campus) academic engagements. Instructors in LL.B programmes are thus expected to weekly devote about 24 hours (i.e., double the duration of contact hours) to off-class academic engagements in addition to the contact sessions of 12 hours per week.

In the absence of such commitment, the requirements under *Standard 20 (1&2)*, i.e., the duty to assume “the major part teaching at the law school” and demonstration of effective teaching cannot be realized. To this end, *Standard 20(4)* of the June 2006 Draft stated that “[a]n academic staff may not spend more than 10 percent of his/her time outside law school engagements [without] prior permission.” Apparently, this was not meant to imply the ‘punch-in, punch-out’ model of supervision over academic staff, because autonomy and self-management are salient features of universities and research institutions. Yet, it envisaged not less than 90% of an academic staff’s work hours to be dedicated to teaching, advising and pro-bono community services. Upon approval, the words “may not spend more than 10 percent of his/her time” were duly amended, and the phrase reads “may not spend a significant percentage of his/her time outside law school engagements that impair his/her academic duties without prior permission”.

Intrinsic fulfilment in the process, outcomes and impact of academic pursuits and gratification in steady self-development are more important to academic staff than the transactional aspects of financial gains. Yet, levels of remuneration and benefits become issues of concern particularly when pay scales are not commensurate with housing, transportation, subsistence and other bills. This, in the Ethiopian setting, is a core challenge in the practical implementation of Standard 20(4) in relation with most university instructors.

After an academic staff member gets into the habit of looking for part time engagements (including law practice), the ‘income enhancement’ element can be at the wheels thereby adversely eroding focus on academic engagements. These challenges not only adversely affect the length of on-campus engagements, but can gradually create an organizational culture which equates academic tasks with class room sessions. The longer such trends continue, the

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more unlikely would new academic staff members pursue the track of full-time academic commitment envisaged under the legal education reform programme.

There are good practices with regard to efforts by various universities to address the housing concerns of their academic staff. Even though steadily rising house rental rates are issues that need deeper policy reform (such as land reform) to address house rental market imperfections, universities are expected to continue paying good attention to these concerns.

## 7.2 Course delivery and co-curricular student engagement

As stated in Standard 23(1), the course delivery methodology to be implemented at law schools “shall focus on experience and be participatory, practice oriented and problem-based.” It shall not be mainly teacher-centred lecture, but would rather engage students through practical issues, cases and problem based learning (PBL). As Duch *et al*, noted, *problem based learning* in undergraduate programmes addresses learning outcomes which particularly include the following:

- Think critically and be able to analyze and solve complex, real-world problems,
- Find, evaluate, and use appropriate learning resources,
- Work cooperatively in teams and small groups,
- Demonstrate versatile and effective communication skills, both verbal and written,
- Use content knowledge and intellectual skills acquired at the University to become continual learners.<sup>72</sup>

According to Standard 23(2), methods of course delivery “shall take the objective situation of the country into consideration, encourage independent thinking, reflect on current views and shall be problem solving”. Course delivery “shall be based on a syllabus that meets the specifications indicated in the guidelines and provide students with such syllabus at the beginning of a semester” (Standard 23/3). To this end, the Guideline for Standard 23 requires law schools to undertake:-

- a) compulsory pedagogic training that may involve training towards license in teaching;
- b) student evaluation every semester;
- c) peer class visits;
- d) tutorials that focus on real cases; and

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<sup>72</sup> Barbara J Duch, Susan E Groh, Deborah E Allen (2001), “Why Problem-Based Learning? A Case Study of Institutional Change in Undergraduate Education”, in *The Power of Problem-based Learning: a practical ‘how to’ for teaching undergraduate courses in any discipline*. BJ Duch, SE Groh, DE Allen (Editors), Stylus Publishing, p. 6.

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- e) moot court as a compulsory course followed by further electives that may be based on interest and performance.

Law schools shall also ensure the implementation of the co-curricular activities stated under Standard 24. Standards 24(1), 24(2) and 24(3) deal with *co-curricular* activities including moot courts, clinical programmes, internship and externship which enhance skills in writing, oral communications, litigation and student services. Standard 24(4) states the duty of law schools to encourage student participation in *extra-curricular* activities “such as student bar associations, honour courts, societies and clubs”.

It is to be noted that co-curricular engagements should be broad-based. In moot court competitions, for example, the current practice in most law schools is to pick outstanding students that can represent the law school based on their academic performance and communication skills. This practice is not in tandem with Standard 24 which envisages the engagement of all students in moot courts. The course titled ‘Thematic Moot Court’ which was designed under the curriculum (based on the 2006 Legal Education Reform Document) was meant to serve this purpose so that students will register for the course and participate in moot courts whose themes can be determined by the law school. After series of rounds (preliminary rounds, first round, semi-final and final rounds), the students who win intra-law-school moot courts can ultimately represent the law school at a national or international moot court competitions.

### **7.3 Student learning assessment**

Standard 25(a) requires law schools to “[d]esign student assessment mechanisms that fairly, validly, and reliably evaluate the level of knowledge, skills and attitudes of students against the intended learning outcomes”. The methods “may be tests, written exams, oral exams, presentation evaluation or other mechanisms depending on the nature and content of the course or training”. The processes of assessment adopt “transparent and reliable principles, procedures, and processes” (Standard 25/b), and should be based on regulations that are made known to students and that “implement clear criteria for the marking and grading of assessment”.

Standards 25(d), 25(e) and 25(f) state the responsibility of law schools to avail “transparent mechanisms for the resolution of student complaints” and to provide appropriate feedback to students with regard to assessment results in “tests, exams, papers or projects in a way that promotes learning and facilitates improvement” so that students have access to the feedback on the assessments. Standard 25(g) requires law schools to design the appropriate “assessment mechanisms for studies based on independent and supervised research self-study”. With regard to the blend of formative and summative assessments and

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periodic review on the assessment strategies, Standard 25 (h & i) require law schools to:

- incorporate continuous assessment strategies, ensure that the assessment methodologies blend both the formative and summative assessment methods, and where these have become impractical due to large number of students, assist principal teachers with teaching assistants or tutors; [and]
- assess and evaluate its assessment methods ... in order to reflect upon existing or prevailing assessment methods and their impact on the delivery of courses and the achievement of curricular objectives.

In their formative dimension, assessments facilitate the learning process, and do not merely evaluate the level of learning. Assessments further serve a summative function when they are provided in the forms of quiz or final exam. The holistic application of the assessment methods stated in Standard 25 require the attitudes and competence on the part of instructors in using valid and reliable assessments.

To this end, the Guideline for Standard 25 requires law schools to “issue assessment regulations”, ensure transparency in student performance assessment by, inter alia, “posting or distributing sample answers”; and “discussing marking breakdown and scaling policy with students.” With regard to the numerical point values in letter grading, the Guideline states that law schools “shall have clear, fair, reliable valid and predictable letter grading policy” and states that the “numerical point value of letter grading shall be ...: A= (4), A- (3.7); B+ (3.3); B (3); B- (2.7); C+ (2.3); C (2); C- (1.7); D (1); F(0).”

#### **7.4 Basic information, student support and facilities**

The last three standards on delivery and assessment (Standards 26 to 28) deal with cross-cutting issues, i.e., the need for basic information document, student support services, and resources and facilities. According to Standard 26, law schools “shall publish basic information document that provides information” that accurately reflects the actual practices with regard to “[a]dmission data; [c]ost sharing requirements for public law schools and tuition for private law schools; [e]nrollment data and graduation rates; [c]omposition and number of academic staff and administrators; [c]urricular offerings; [l]ibrary resources; [p]hysical facilities; [and p]lacement rates.”

These elements of basic information are expected to be available and easily accessible online, an objective which Ethiopian law schools should attain. Some of the elements in Standard 26 are available at the websites of a few law schools in Ethiopia. However, there are gaps in updating information. Most law schools do not have a functional website that provides the basic information stated under Standard 26.

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With regard to student support services, Standard 27(1) requires law schools to provide their students “with basic student services, including maintenance of accurate student records, academic advising and an active career counselling service to assist students in making sound career choices and obtaining employment.” Where these services are not directly available at law schools, students are entitled to “have reasonable access to such services from the university ... or from other sources” (Standard 27/2).

Standards 27(3) and 27(4), *inter alia*, deal with steps that “minimize student cost sharing obligations” and differential admission procedures on grounds such as disabilities, in accordance with the particulars to be determined by the law school. Such differential admission is subject to the condition embodied in Standard 16(4) mentioned earlier that admission to a law school shall depend on reasonable expectations that the student can pursue “the program for which he/she has applied and achieve the standard required for completion of the program.” Where such differential treatment relates to adults, the Guideline for Standard 27 requires support services that “include tutorials and English language proficiency upgrading programs.”

The Standards highlighted above are invariably related with the availability and effective management of resources. While the management aspect of resources is discussed in Standards 29 to 48, their availability is stated as a requirement under Standard 28. Sections 1 to 4 of Standard 28 (titled ‘Facilities and resources’) require that law schools shall have:

- “facilities such as lecture auditoriums, small-size class rooms for professional skills courses and tutorials, moot court rooms, and other facilities ...”;
- law library that is “sufficient in size, location and design ... collections, staff, operations, and equipment”;
- “sufficient quiet study and research seating” and “space suitable for group study and other forms of collaborative work”; and
- Adequate technological capacities.

The Guideline for Standard 28 states that the physical facilities of a law school “should be under the exclusive control and reserved for the exclusive use of the law school” and where “the facilities are not under the exclusive control of the law school or are not reserved for its exclusive use, the arrangements shall permit proper scheduling of all law classes and other law school activities.” As interpreted in the Guideline, adequate physical facilities shall include classrooms that are suitable and sufficient, suitable space for professional skills courses, suitable office rooms and space that is suitable for equipment and records.

The Guideline for Standard 28[4] interprets technological capacities and states what the facilities should include in terms of “sufficient and up-to-date

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hardware and software resources and infrastructure” so that they can “support the teaching, scholarship, research, service and administrative needs of the school”. The Guideline further requires the availability of “sufficient financial resources to adopt and maintain new technology as appropriate.”

There is indeed much to be attained in this regard in all law Ethiopian schools. Basic technological capacities such as computer labs that provide access to uploaded reading resources, subscriptions to law databases, induction and training programmes on the use of open access legal information including open access law journals, active and non-interrupted internet connections, etc are indispensable to attain the capacities envisaged under Standard 28.

## **8. Standards for Autonomy of Law Schools, Resources and Quality Assessment**

Standards 29 to 48 of the Legal Education Reform Document<sup>73</sup> deal with law school management which include issues relating to autonomy of law schools, resources and internal quality assessment.

### **8.1 Autonomy of law schools**

There have been changes in the structure of law schools that contravene the 2006 Legal Education Reform Programme. At present, there are law schools in Ethiopia that have become sub-units under a college (which is usually College of Law and Governance). The Reform Document had, however, envisaged law schools led by a dean (with regard to direction, external relations, networking, fund soliciting and other tasks stated under Standard 30).

Initially, this restructuring did not seem to have substantial impact on law schools where the dean of the college is among the academic staff members of a law school. However, invariably assigning a dean (for a College of Law and Governance) from a law school will be unfair and double standard to other departments in the college. Deanship to the college to which the law school head (or director) is accountable may thus be held by a staff member of another department thereby denying the law school direct access to the Senate and vice presidents of the university. Even where the college dean is a staff member of the law department/school, there can be conflict of interest between the deanship to a wider academic unit *vis-à-vis* differential allegiance to a law school at a sub-unit level.

Law school deans shall serve full-time (Standard 30/1) in the context of autonomy stated under Standard 29, and “shall be selected by the President of the University” among “three candidates recommended by members of the academic staff of the law school” (Standard 30/2). This procedure of

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<sup>73</sup> *Reform on Legal Education and Training in Ethiopia*, supra note 2, pp. 66-75.

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recommendation and selection has been violated on various occasions. Subject to renewal –which requires “approval of the members of the academic staff”– the law school dean’s term of office shall be three years (Standard 30/5 & 30/6). As the Guideline for Standard 30(2) indicates, law school deans are expected to give due attention to effective networking with external stakeholders. In view of the current organizational structure, clarity is required regarding the reference of these standards to both offices, i.e., the Dean of the College of Law and Governance, and the Head of Law School.

## **8.2 Physical facilities and law libraries**

Standards 44 and 45 provide details on physical facilities and law libraries to clarify the general thresholds enshrined in Standard 28 highlighted earlier (in Section 7.4). Standard 45 requires physical facilities to be fulfilled in law schools which include “sufficient quiet study and research seating for their students and staff” and “space that is suitable for group study and other forms of collaborative work”. It also requires law schools to “enhance their technological acquisitions that are adequate for their current programs and for program changes anticipated in the immediate future.”

Standard 44 requires law schools to “maintain active and responsive law libraries that enhance the educational life of the schools” (Standard 44 /1) and that can “support and supplement their teaching, scholarship, research and service programs” (Standard 44/2). The libraries should “satisfy the demands of law school curriculum, and facilitate the education of law students, support the teaching, scholarship, research and services of the staff” (Standard 44/10). This requires “competent staff, sufficient in number to provide appropriate library and informational services” (Standard 44/9) in law libraries.

To this end, law schools should “ensure sufficient financial support for their law libraries” (Standard 44/3), and “ensure that their law libraries are equipped with contemporary technology” (Standard 44/4). Law libraries shall operate with “sufficient administrative autonomy to direct [their] growth and development ... and to control the use of their resources” (Standard 44/5). Law libraries “shall provide suitable space and adequate equipment to access and use all information ... in the collection” (Standard 44/12), and they “shall formulate and periodically update a written plan” to develop their collection (Standard 44/11).

## **8.3 Internal quality assessment**

Standard 60 requires internal quality assurance assessment in law schools. This requirement is also embodied in Standard 46(1) which requires law schools to “institute internal quality assurance schemes” and to “develop a self-evaluation (self-study) document at least every five years”. These internal quality assessment schemes shall cover “admission policies, program approval and

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review, assessment regulations and mechanisms, monitoring and feedback processes, staff selection and development, staff appraisal, research and publications, and internal review” (Standard 46/2).

The Guideline for Standard 46 suggests various administrative framework modalities for internal quality assurance, such as “Staff/Student Consultative Committee, Academic Quality Assurance Committee, Course Review Committee, Curriculum Committee, Examination Board, Feedback Evaluation Committee, Research and Publications Committee”. These frameworks are merely indicative, and law schools may use structures of internal quality assessment that are suitable to their particular setting. If, for example, a university has established an office in charge of quality assessment, law schools can benefit from such organs which are likely to include pedagogy and assessment professionals. It is to be noted that the thresholds of quality assessment do not only relate to the Standards embodied in the Legal Education Reform Document, because the Consortium of Law Schools can, according to Standard 60(2) set standards against which the quality of law school performance can be assessed.

## **9. Standards of Engagement in Research and Publications**

### **9.1 Research engagement of academic staff and employment of research staff**

Standard 49(1) requires law schools to “establish recruitment criteria to ensure that each academic staff has a demonstrated capability to engage in research.” Moreover, law schools shall hire research staff who undertake research as their “primary area of concern and devotion” (Standard 49/2). Law schools shall also assign a director for research who may be “Associate Dean for Research and Publications” (Standard 49/3). The standard envisages a setting which can attract candidates that have demonstrated capability in research.

Competence in research is expected to develop throughout an academic’s lifetime and career, and law schools “shall provide a regular, periodic, and frequent training to their staff on the skills of conducting research, writing research reports, consultancy services, writing skills, preparation of publishable manuscripts”. Such training includes “the art of editing so as to enable the staff to produce manuscripts, to review and edit other manuscripts submitted for publication, and discharge other similar responsibilities” (Standard 51). The research and writing competence of an academic is thus expected to be steadily enhanced through staff development pursuits such as the schemes envisaged under Standard 51.

One of the critical factors in this regard is the academic’s commitment to inquiry and research. It is in this context that Standard 50(1) requires law schools to ensure that the employment contracts of academic staff “indicate that

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conducting research and rendering consultancy services is a privilege and a responsibility, a mandate and a duty.” Moreover, Standard 50(2) enables law schools to “allow a transfer of ‘teaching staff’ to ‘research staff’ under specific circumstances, the details of which shall be determined by law school regulations.” Law schools are also required to “create positions for Research Fellows, Senior Research Scholars, Visiting Scholars, or other similar positions that allow the presence of at least one capable research staff on the Faculty with full commitment and devotion to research and publication” (Standard 50/3).

Standard 49(2) requires the employment of research staff which undertakes research as its primary engagement. In this regard Guideline for Standard 49 states that law schools “are said to have complied with the requirement to hire research staff when at least 1/5<sup>th</sup> of the total number of its academic staff comprises research staff”, or if their research staff constitutes 1/10<sup>th</sup> of their academic staff “with the possibility to hire commissioned researchers and to transfer the labor of the teaching staff to research on the basis of research leave and other similar schemes.”

## **9.2 Resources and incentives to support research and publications**

As stated under Standards 52(1) and 52(2), law schools are required to “ensure the allocation of sufficient amount of budget for research” and they “shall make a continuous effort to ensure that research grant is solicited and obtained from governmental and non-governmental sources and utilized for research purposes effectively.” Standard 52(3) clearly requires the allocation of sufficient amount of budget for research, and it states the duty of law schools to sponsor the attendance of staff at academic or professional conferences. The responsibility of law schools relating to availing facilities “such as the internet, password to access school resources electronically, school e-mail account, library pass and identity cards that can help satisfy the requirements of the exigencies of research in the school” are stated under Standard 52(4).

Guideline for Standard 52 states that a law school is said to have complied with the standard if its “annual research budget constitutes up to 1/4<sup>th</sup> of the total budget of the school”. Moreover, the Guideline states that a law school is “said to have complied with Standard (52/3) if it sponsors at least one trip of an academic staff to a conference in a year.” As the resources of a law school develop, the latter interpretation of Standard 52(3) is expected to be broadened so that law schools can sponsor a higher number of academic staff members.

Incentives to research are addressed in Standard 53. It requires law schools to “prepare meaningful incentive schemes especially by invigorating non-financial schemes in consultation with the appropriate units.” This standard is related with Standard 50 which deals with the research duties of academic staff. The Guideline for Incentives in the context of Standard 50(2) –which is equally

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relevant to Standard 53– indicates incentive schemes in addition of sabbaticals and research leaves, such as “letter of appreciation, letter of acknowledgement, bonuses, honorarium, book allowances, and other similar forms of incentive schemes”

In addition to these incentives, Section 3 of the Guideline for Standard 50(2) deals with salary scale. It states that law schools “shall raise salary scales in such a way that it can keep [the] academic staff remain focused on their research activities. They shall be paid adequately enough not to want some more part time teaching job in their spare time elsewhere.” In the absence of concrete measures in this regard, it is difficult to effectively implement the standards that are set forth with regard to research and publications.

### **9.3 Publications and research performance evaluation**

According to Standard 55(3), law schools “shall ensure that all research products are disseminated through diverse mechanisms of publicizing including by publishing proceedings,” and to this effect, they “shall organize at least one annual conference on Legal Research” (Standard 55/4). A workable annual plan is required to be drawn to ensure the publication of a reasonable number of research outputs stated in Standard 56. The sustainability of research and publications requires a corresponding “workable annual plan for ensuring the sustained organization of academic forums in which public lectures, workshops, symposia, colloquia, is made possible.” These tasks along with a law school’s “expertise, human resource, and competence base” are required to be disseminated through “websites, brochures, flyers, pamphlets, and newsletters that are accessible to all segments of society” (Standard 57).

Standard 58 embodies thresholds of reporting and research performance evaluation. The initial step starts with the duty of “each academic staff to submit reports on their publications or other research engagements every year” (Standard 58[5]). This is followed by the preparation of a document on the research performance of a law school based on “the information gathered from each staff” (Standard 58[6]). The document serves as “baseline information on the state, conduct and management of research in the school and shall serve as a springboard for preparing the [law school’s research performance] report.” The Legal Education Reform Programme further requires law schools to “have staff appraisal methods that can ensure the staff’s progressive productivity in research and publication” and to “sanction failure to do so with threat of not renewing contracts or affecting tenure, if any” (Standard 58[7]).

In addition to these internal schemes and processes, Standard 58 requires the research performance of law schools to be “evaluated regularly by an external panel of reviewers” (Standard 58/1) and this evaluation shall, *inter alia*, influence “the budget that is granted to them” (Standard 58/2). The report shall include publications, major research engagements, procedures and policies,

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budget allocation, research infrastructure and facilities, staffing policy and others (Standard 58/4). As stipulated under Standard 58(3), this periodic evaluation (which requires law schools to submit the report on their research performance to the external panel of reviewers) is conducted every two years.

## 10. Concluding Remarks

In light of the problems that were identified and the standards envisaged under the legal education reform that was launched in 2006, the *way forward* requires preparation of check list by each law school with regard to (i) the level awareness about the Standards for Ethiopian law schools, (ii) what has been partly achieved and should be enhanced, (iii) what has not been achieved and should be pursued, and (iv) the problems that have been aggravated and that require holistic and strategic engagement. These tasks require political will, commitment of the academia, effectiveness of government organs in charge of legal education reform, engagement of the legal profession and budgetary resources.

The initial step in this regard can be self-assessment by each law school based on the Standards stated in the Legal Education Reform Document. The self-assessment has nothing to do with comparison and ranking because all law schools are engaged in preparing prospective members of the legal profession. A lawyer who graduates from any one of the law schools has a stake in the quality and standards of legal education in all law schools because he/she affects and is affected by the level of competence, commitment and integrity of other lawyers at the legislature, the bench, prosecution services, the bar, enforcement authorities, public offices, and law departments of companies.

Self-assessment by a law school is expected to give due attention to the core dimensions in legal education which include the entry point (i.e., student admission and academic staff employment), inputs, processes, student-learning environment, and outputs. Self-assessment regarding the *entry point* to legal education relates to academic base of students who are admitted to law schools and the role of the law school in the admission process. It further involves the entry point to the law school community as academic staff and research staff, i.e., ensuring that competence standards and employment processes are put in place. This, inter alia, requires significant raise in remuneration and employment benefits to attract and retain academic staff with demonstrated teaching and research competence.

Assessing *inputs* for legal education involves salary scales, resources and facilities including classrooms, library, ICT, internet connection, moot court rooms, offices for staff, space in the law schools, and adequacy of budget to teaching, research and legal aid services. The *process dimension* in self-assessment involves the level of law school autonomy in (financial and

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academic) administration, thresholds of course/module delivery (such as the level of problem-based learning) and modes of student-learning assessment. Valid and reliable student-learning assessment requires expressly articulated learning outcomes, curriculum specification and test blueprint to each course/module. It also requires continuous assessment and criterion referenced grading as opposed to the so-called zero per cent attrition rates or over 90% retention rates. The process dimension in relation to moot courts envisages broad-based student participation in moot court rounds within the law school as a prelude to inter-law school competitions at national and international levels.

Self-assessment by a law school with regard to the *student-learning environment* includes university-level (campus-level) concerns such as services (catering, lodging, health care, student support services, etc), noise pollution, the distance of *Khat* shops and *shisha* corners from campus, the university's organizational culture, widely held values and moral standards at the university and the local community, and harmony in the student community. The current trends of polarized ethnic radicalism and violence in various campuses are apparently detrimental to harmony and student-leaning environment. Legal education involves rational discourse that transcends ethnic and religious identities. Thus, peace and order in university campuses and harmony among students are *sine qua non* conditions for the enhancement of quality and standards in education, including legal education. In this regard, law schools in Ethiopia are currently in less favourable social settings than the initial years of the legal education reform programme, i.e., 2005/2006.

The *outcome* dimension in the self-assessment pursuits of law schools can be regarded as the capstone in the self-evaluation process. This dimension includes overall student performance in curricular and non-curricular engagements, the law school's scholarly outputs in research and publications, level of performance of legal clinics, student performance in exit exams, moot court competition at national and international levels, tracer study on the employability of graduates, employer feedback and alumni performance.

The article titled "Legal Education Reform Pursuits in Ethiopia: Attainments and Challenges (2006-2019)" –which is concurrently submitted to this journal– indicates that in spite of various achievements and substantial increase in the number of law schools, the quality and standards in legal education seem to have generally regressed behind the levels that existed during the take-off years of the legal education reform programme. Apparently, Ethiopia's law schools do not need to re-invent the wheel and design another Legal Education Reform Programme. The aspirations and commitment that are expressed in the 2006 Reform Document can indeed be reinvigorated (with additional inputs relating to new problems) thereby addressing the challenges of regression in the quality and standards of LL.B programmes in Ethiopian law schools. \_\_\_\_\_ ■

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