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# Incorporating Technology in Every Aspect of Legal Education

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## ABSTRACT

*In the current crisis, where the entire economy is in a standstill, appreciating, and incorporating new ideas to the legal education system has become imperative. And there is also another mandate that such new ideas should not truncate the importance of the existing pedagogical system. Technology is an enabling mechanism. It's not an end in itself. It can be used effectively to enhance the standard of existing setups.*

*Authors herein are endeavouring to elaborate as to how we can incorporate technology in every aspect of legal education on the pretext of the current COVID 19 Crisis. We are trying to expound how technology can be utilized for continuing and improving legal education, which has halted at present. firstly, how virtual learning can be used to globalize legal education by replacing various activities like foreign exchange programs. secondly, how can technology be used for continuing clinical legal education? Thus, the authors herein, for that purpose, recommend an "In-house online live clinic" in the Universities. The authors further expound the viable option of conducting online moot courts and demonstrates how important it is to take forward the online platform to the future.*

*And finally, authors are also trying to explain the dwindling cost of legal education, when it is more technology-centred. We argue that technology linked legal education will decrease the cost associated with it, and urge for making productive use of the technology during this testing time and push forward the platform to the Post corona legal education.*

**Keywords:** *Legal education, Pedagogy, technology, Cognitive learning skill, clinical legal education, cost of legal education*

## I. INTRODUCTION

Let us keep the following words in mind before starting the disquisition.

*Technology is an enabling mechanism; it is not an end in itself. It can be used effectively to*

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*enhance a system or a program that also involves in the flesh face-to-face exchanges between students and professors.”*

Association of American Law schools considered technology and changing legal education as one of the crucial problems of the 21<sup>st</sup> century.<sup>3</sup> Have we ever thought about why? There was a time when the legal luminaries were profound in using the Socratic method of teaching, and the role of technology in such kind of legal education was at the nadir. Here the role of a teacher was to pose questions, and the role of a student was to amass prior knowledge and experience while answering these questions. The central impetus for asking such questions to the students was to improve the critical thinking ability of the students. The role of a teacher was constricted to act as a guide or a helper, whose purpose was to actively aid the students, by engaging in salubrious dialogues.<sup>4</sup> Theoretically, it seems an excellent idea, but time had proved that this method no longer stands alone unless conjoined with other advancements.

The unprecedented and abrupt situation that humanity is facing due to the ongoing COVID 19 is indescribable. The world community has been facing a bizarre catastrophe, which we have never pondered, and the entire economy has come to a grinding halt. Education has been one of the worst affected sectors. In such a scenario appreciating, and incorporating new ideas to education has become rudimentary. The importance of technology linked education cannot be shunned further. What we have to think now is to continue the impeded education without compromising the original quality, effectiveness, and even the existing pedagogical system.

Authors through this Article is trying to link various aspects of legal education with technology, on the pretext of the Covid-19 crisis, to continue the legal education even during this critical time.

## **II. TRANSFORMATION OF LEGAL EDUCATION**

Before moving to the endeavour of incorporating technology in every aspect of legal education, it is desirable to state the changes that happened in legal education until now. Educators have a profound history of resisting changes; that is why when the printing press was introduced in the 15<sup>th</sup> century, many scholars proclaimed that:

*"the world has got along perfectly well for six thousand years without printing, and does not*

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<sup>3</sup> Anna Williams Shavers, *The Impact of Technology on Legal Education*, 51 J. Legal Educ. 407, 407-08 (2001).

<sup>4</sup> Haris Delic & Senad Becirovic, *Socratic Method as an Approach to teaching*, Research Gate, 512 (2016) [https://www.researchgate.net/publication/309634848\\_Socratic\\_Method\\_as\\_an\\_Approach\\_to\\_Teaching](https://www.researchgate.net/publication/309634848_Socratic_Method_as_an_Approach_to_Teaching).

*need to change now.*"<sup>5</sup>

And many of the scholars were vehemently opposing the newly introduced printing technology on the ground that this would significantly reduce the scholarships available to the students, and they feared it would also annihilate the conventional approach of education. Similarly, the introduction of chalkboards has also raised similar kind of tumultuous voices. So, it is a fact that revolution and changes in education have always been subjected to criticism.<sup>6</sup>

As time passed, when chalkboards, printed books, and other traditional tools have become outdated, the new era of technology-based education started emerging and has been developing to date. As we already stated, changes have always been criticized; technology-based legal education has also been subjected to the same. But when we stand in 2020, it has been widely accepted that education without technology is impossible in the current era. Hence the importance of incorporating technology-based learning has become imperative.

Earlier, if the teacher asks us to do some assignments or projects, students were voraciously searching for books, but instead, now they search for online materials. The habit of the use of the library in law schools has considerably reduced; a recent survey depicts it. The findings portray that students are no longer interested in searching for books in the library, but instead, they like to look the same on the internet.<sup>7</sup> So, it's something a dialectical change that we should accede. Students use the library as just a platform for soothing and a peaceful place of sitting and learning. An empirical study conducted in 2008 had revealed that in the method of researching, students are moving away from traditional library research to web-based research.<sup>8</sup> The peculiarity of this study is that it happened back in 2008, and now when we stand in 2020, the level of influence of technology upon education, including legal education, is profound. It is a fact that the approach towards legal education itself has changed considerably during this time.

The conclusion drawn by "Wang" in a study conducted in 2007 says that;

*Technology has a dominant role to play in contemporary legal education. It is a tremendous tool that succour students in legal research and writing.*"<sup>9</sup>

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<sup>5</sup> Diana G. Oblinger & Anne-Lee Verville, What Business Wants From Higher Education 53 (1998).

<sup>6</sup> "id."

<sup>7</sup> Anup Singh, ICT and its Impact on Library and Information Services: A Case study of Kendriya Vidyalaya Libraries, 4 IJSR 754, 754 (2015).

<sup>8</sup> Nina Shrestha, A Study On Student's Use of Library Resources And Self-Efficacy, 66, 67( 2008), <http://eprints.rclis.org/22623/1/NinaShrestha.pdf>.

<sup>9</sup> Wang, The impact of information technology development on the legal concept of signatures, 15 Intl J of law

Similarly, according to “Koo.”

*“The main focus of legal education in the current era should be based on the technological skills of lawyers, and this would enable an emerging lawyer to meet the real world.”<sup>10</sup>*

The upshot of the above discourse is that technology and education have an inextricable link, in such a way that education without technology has become difficult to persist.

Further, let's list some contributions that made legal education a more readily available and acceptable one. They are E-Books, E-Journals, Electronic Legal databases including Manupatra, West law, Jstor, SCC Online, JUDIS, Hein Online, etc.. All these databases have an innumerable number of legal information, including article, case laws, statutes, etc. So legal research is not an exhausting endeavor now; it is much easier and more effective. We don't need to search for colossal law reports to find case laws, but rather it is available at our fingertips.

Now let us move on to our main task of prepending technology with the various aspects of legal education. For the sake of convenience, the authors divide the aspects into the following heads;

- Learning from Distance education and virtual learning
- Globalizing legal education
- Pedagogy and clinical legal education.

### **Learning from distance learning**

The distance learning process is not a new-age process as such, it has existed for a couple of decades, but due to the advent of technology, there have been changes in the process, methodology, and the way of approach in delivering distance learning. Even today, we follow the old pattern of distance education to a certain limit. What happens in distance education is that the students do not have regular university classes; instead, they will have monthly or maybe weekly classes. Books and other reading material shall also be periodically provided to them.<sup>11</sup> It is more or less a self-learning process; most of the students would be working people who would be looking to pursue their higher education without affecting their ongoing jobs.

Having explained what distance learning is, our area of interest is, what should we learn from

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& information technology 263 (2007).

<sup>10</sup> Koo, G., New skills, new learning. Legal education and the provision of new technology, 4 HLR (2007).

<sup>11</sup> Catherine Arcabascio, The Use of Video-Conferencing Technology in Legal Education: A Practical Guide, 6 Va. J.L. & Tech. 1, 1-3 (2001).

the distance learning education during this COVID 19 Crisis?

Due to the advent of technology, the distance learning process has become more comfortable and accessible now, students are not required to attend the evening classes or monthly classes, but instead, they are provided with online video conferencing lectures. This type of distance learning is widely practiced in the US now. The paper materials and books are replaced with e-Books and e-materials.<sup>12</sup>

Let us learn from distance learning education, during these times, at least a few universities and schools have already started utilizing such options like online video conference lectures. In this unprecedented situation, the educational sector demands constructive actions and Video conferencing lectures are one of the key takeaways which are needed to be practiced widely. A commonly raised objection concerning the video conferencing lectures is that it impedes the one to one communication process, which is rudimentary in the process of learning and teaching. But reality has proved that one to one communication is not hindered in video conferencing lectures, a proper review mechanism with enhanced quality in presenting will help in wiping off the barriers attached to it.<sup>13</sup> It is a fact which we should accept that the online classes, more particularly the video conferencing lectures, are indeed a form of face to face communication process itself. But a major worry on this type of education is the internet connectivity problem, essentially the digital divide in the country. Recently Hon'ble Supreme Court of India declared access to the internet as a fundamental right<sup>14</sup>; such a progressive approach needs to be implemented in its letter and spirit so as to reduce the digital gap prevailing in our Country. For an effective video conferencing lecture, there is a need for uninterrupted connectivity for buffering, and if such connectivity is hindered, the expected output from the online classes is doubtful.

And another alternative is the recorded video or audio lectures. It is also, indeed a viable option in the current situation. The students can download and listen to the videos and audio lectures whenever feasible for them.

### ***Key takeaways and dimensions to be thought***

Generally, to globalize the law schools, universities often promote exchange programs. These programs are nothing but the exchange of teachers and students from one university to another university (foreign university) for a stipulated period, mostly for one semester. But

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<sup>12</sup> "id. At 3."

<sup>13</sup> "Supra note 16, at 3."

<sup>14</sup> Anuradha Bhasin V. Union of India, SC WRIT PETITION (CIVIL) NO. 1031 (2019)

[https://main.sci.gov.in/supremecourt/2019/28817/28817\\_2019\\_2\\_1501\\_19350\\_Judgement\\_10-Jan-2020.pdf](https://main.sci.gov.in/supremecourt/2019/28817/28817_2019_2_1501_19350_Judgement_10-Jan-2020.pdf)

often, teachers and students are not interested in taking part in such programs, due to the cost associated with it and barricades of leaving one's own country for such a long period. Most teachers and students hence prefer not to engage in such programs.

So, what we are mulling is the prospect of using online platforms instead of the exchange programs. The video conferencing and other online mechanisms can be used as a mean to globalize law schools. Indian Law schools can arrange foreign university faculties to teach their students, even the law students from abroad can interact with Indian law school students through video conferencing. And in such a way, students can experience versatile areas of legal education and teaching environment. Indian Universities can have a tie-up with foreign universities in this respect. The out-turn herein is that students who otherwise could not have afforded the cost of traveling to a foreign country would nonetheless have the opportunity of learning from a foreign professor.

In addition to the above suggestion, one important proposal on this respect is the combined group projects; basically, law schools in India can have an arrangement with foreign law schools to have combined group projects or thesis formulation. For this purpose, a group containing three to four students from both law schools can be created. And they can be assigned with interesting legal research and projects which fascinates both countries' legal education. In such a platform, students can explore more in comparative analysis and can experience different legal cultures.

And we authors believe this would be an excellent platform for globalizing legal education during this COVID 19 crisis and something which we should take forward to the post corona legal education.

### **Experiential learning and pedagogical system**

Experiential education is a pedagogical system where the learner develops knowledge and skills from direct experiences. "Experiential education integrates theory and practice by combining academic inquiry with experience."<sup>15</sup>

The North-eastern University in 2011 convened an alliance, and they tried to make a shared thought on experiential learning. And they put forth a comprehensive approach of experiential learning. A small summary of their approach is stated below;

*“Experiential education is an effective method of teaching that integrates theory and practice by combining academics with experience. It comprises many techniques and methodologies*

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<sup>15</sup> Margaret Martin Barry et al., Exploring the Meaning of Experiential learning, 67 J. Legal Educ. 660, 660 (2018).

*where educators deliberately design direct learning experience platforms. A reflection where learners can augment their knowledge, skills, values, and enhance people's potential to contribute to their communities. Experiential learning methodologies can have different forms; it can be a practical experience where students assume the role of a lawyer under a properly supervised platform, or it can be a mediation house where the student assumes a role of a mediator, etc. In all cases, learners are expected to show a high level of direct responsibility as a lawyer or to any position which he/she is assigned with.*"<sup>16</sup>

Clinical legal education is one of the pedagogical methods and the best example of experiential learning in law. It is an experiential learning process, where students learn from real-life clients and real legal problems. Clinical legal education has wide connotations, which is often restricted with a broad meaning. Experiential learning is the motto of every clinical legal education. It is a type of pedagogy that places students in a real legal environment; it puts students in a real-life situation as a lawyer, counsellor, mediator, public policy drafter, etc. In precise, it is a role-based education.<sup>17</sup>

Clinical legal education can be seen in different forms. One of the most commonly found clinical legal education technique is moot courts; it is an experiential learning process which exposes the students with various legal problems. Moot courts are usually a research-oriented programme and mock courts conducted by universities and law colleges to make students accustomed to the legal drafting and intricacies of the law.

Internships and externships do have a significant role in clinical legal education. These programs provide a pre-preparedness for the law students before entering the profession. And it also helps students to be accustomed to the legal environment and productively make use of the knowledge they have acquired while entering into the mainstream of the profession. Client counselling, legal aid clinics, temporary dispute resolution body, field survey, etc. are some other commonly found clinical legal education programs in India.<sup>18</sup>

### ***Linking technology and clinical legal education***

The unprecedented COVID 19 crisis is unlikely to dissipate in the mediate future. Continuing the legal education amidst the crisis in its letter and spirit is an arduous task. Even if we commence the completely halted legal education through online mode, the Kick-off of clinical legal education is impossible.

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<sup>16</sup>"id. At 663."

<sup>17</sup> Adrian Evans et al., Australian Clinical Legal Education 39 (2017).

<sup>18</sup> Margaret martin Barry, Clinical Legal Education in the Law University: Goals and Challenges, 2 Intl J of Legal Educ. 27, 27-28 (2017).

So, the question here is the prospect of linking technology and clinical legal education. We know the majority of law schools have legal aid clinics in their institution, and the functioning of such legal aid clinics is entirely disrupted. In such a scenario, what we are thinking is the possibility of forming an “*Online In-house live Clinics*.” “An in-house live clinic is an alternative to the current legal aid clinics; though it differs from legal aid clinics, the penultimate objective is similar, *i.e.*, “experiential learning. “It is nothing but a clinic that functions under the supervision of a faculty and an advocate appointed for that purpose to provide legal assistance to the client, analyzing legislation, mediating disputes, or doing other work performed by the lawyers.

Here Law schools will have to have a tie-up with various law firms for the effective functioning of this Clinic. All matters will happen online. The law firms can assign multiple real-life works to the students; this includes drafting works, research works, etc. Even students can be assigned with client interaction tasks. Conference call facility or other Video conferencing apps can be used for this purpose, the concerned faculty or the advocate is also needed to be present in this task so that a proper review mechanism and interference is possible, if necessary.

The authors were inspired by an in-house live clinic programme followed by some Australian law schools. They have associated with some law firms in the region to enable and facilitate the students to work in real legal scenarios. A live clinic is set up, and the real clients are arranged to meet the students in the presence of a concerned person from the law firm or faculty member. And thereby, students are provided with a platform to learn the real legal environment. The in-house live clinic also facilitates students to sit for mediation and conciliation with the help of an advocate; this will provide students with an opportunity to represent the client in a proper legal setup. In essence, students are given the role of lawyer they are assigned in interviewing clients and other works associated with such as drafting and preparing client counseling memos, etc.<sup>19</sup>

We believe that linking technology and legal education is a plausible solution for various problems faced by law students.

As law students, we have been observing the cost associated with moot courts. And authors also have had some personal experiences. The overall cost for a student to participate in moot court competition ranges from 10k-20k if it is a national moot, and if it is an international moot competition, the costs cross 50k per student. In most of the case, the individual students

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<sup>19</sup> “Supra note 21, at 50-53.”

themselves take 80 % of the cost associated with the moot courts. The university reimburses hardly a 10-20 percentage of the complete expense incurred.

So, the solution that the authors advance here is the possibility of linking technology and moot courts. Though the alternative has its limitations, it is indeed a smart option for the post-COVID 19 experiential learning. And the same has been proved by this year's Stetson International Environmental Moot Court Competition, wherein the finals were conducted online due to the COVID 19 crisis. So, an example is already shown by a prestigious moot competition. So, we believe this is a viable option, and we should take forward the platform set by Stetson in the post-Corona world. By making it online, the cost associated with moot courts will significantly reduce and thereby make it convenient for many law students.

### **III. COST OF LEGAL EDUCATION**

This year's budget had a slew of new measures focusing on transforming the educational sector. One of the important measures was permission to offer fully online degree courses to almost hundreds of pinnacle Universities in India. This is a major shift from the previous position that universities were allowed to deliver or offer only 20% of the degrees online. This was primarily due to the uncertainty and qualms regarding the quality and perfection of online degrees. Indeed, the bold steps taken by the government deserve great applaud, and the current crisis has further proved its value. The positive sequels of this step are accessibility, affordability, and even quality.<sup>20</sup>

By making some courses completely online, Universities can expand their audience without any geographical restrictions since there is no barrier of physical presence here. This would also facilitate the learners to interact and learn from various faculties globally and an excellent platform for them to access good quality education from the top universities throughout the country and across the globe. This would indeed benefit a lot of postgraduate students who would be interested in continuing their education without affecting their jobs. And affordability would be the most important benefit of an online degree. Making certain courses online will significantly reduce the cost associated with it, which makes it affordable to many and, in turn, increases accessibility as well. And when it comes to quality, there will be inevitable confusion, but thinking prospectively, we can say that the quality of online education will improve in the near future to a great extent. The main reason for this prediction is the “zero percent geographical constraints.” It will attract many students and will lead to competition among universities. Ultimately, it would have a positive effect on the

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<sup>20</sup> Hari Krishna Nair, In sync with Technology, *The Hindu*, June. 15, 2020, at 11.

outcome of such degrees as well.

So, what authors ponder here is the possibility of making some LLM courses Online, this is just an insight we had and something which we should think as well. A proper delivery mechanism with stringent rules on maintaining quality and review will have a significant role to play.

#### **IV. CONCLUSION**

Technology is a connection link. Using technology productively will help us to augment the existing educational system. It has the potential to diversify every aspect of the present-day education system itself. And this paper is just a demonstration of how we can productively utilize the enabling mechanism to enhance the existing legal education. And we already mentioned, technology has a vast potential; it can be used effectively for facilitating clinical legal education, globalizing law schools, reducing the cost of legal education, etc.

It is already stated the importance of technology during this critical time. When the entire humanity is facing a detrimental crisis, it is pertinent to realize that such a virus should not let us down, and this is the perfect opportunity to use this enabling mechanism in the true spirit. We should turn this crisis as an opportunity to incorporate and materialize a more techno-centered legal education. We are not saying we should shun away the existing system completely; instead, what we need is incorporating technologies into the current system to make it cost-effective and productive. We have perceived from this crisis that many travel can be avoided if we use the existing technology, and people started adopting such measures in the wake of the crisis. In the same way, legal education does have a lot of things to learn from this crisis. It has proved that many expensive programs could have been avoided if we had thought differently.

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