

Curriculum review in addressing challenges in legal education: reflecting on Strathmore Law School's curriculum development process

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Abstract

Legal education is constantly evolving while simultaneously trying to hold onto the fundamentals of training professionals in the field. This balancing act primarily plays out in the process of curriculum development and review in several stages. Firstly, at the inception of a school, where the prospective contents of the programme are rigorously vetted, agreed upon and implemented. With time, a review of curriculum takes place. Strathmore Law School is undertaking its second major review of its Bachelor of Laws programme. At the core of the process is the need to understand generally what the role of legal education is in the formation of a more equitable society, the need to meet market demands for proficient practitioners and professionals and, the need to broaden the range of practice areas available to the market among others. This paper will tackle the place and utility of curriculum development in the provision of a wholesome legal education, at first taking on a broad theoretical perspective on curriculum development and review. The paper will then consider what goes into curricula at the inception stages of a law school and the goals and primary considerations that go into subsequent review processes. The need for an effective and goal-oriented review process will be proposed as a means to resolve dilemmas that law schools face in deciding what to prioritise when teaching students.

Keywords: Legal education, globalisation, curriculum development, curriculum review.

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Introduction

We live in a changing world, and one in which the pace of change is becoming even greater. Neither the character nor the needs of any given society can remain static, and if the law is to fulfil its proper function it must keep pace with the changes. This is not to say that the law must be a straw in the wind; if law is to be an effective instrument of social order it must be a stabilising influence, but it must be flexible and it must be progressive, else it will hinder society in its progress and development – Kenneth Kaunda.¹

Legal education is constantly evolving while simultaneously trying to hold onto the fundamentals of training professionals in the field.² As global standards and concerns increase in tandem with an expanding interest in preparing students for the local market, the ever-present call for law schools to ‘move with the times’ continues and grows. Legal educators respond to this call through adjustments in their content offering and delivery methods in the process of curriculum development.

A study on ‘legal education in a changing world’ by the International Legal Center defines legal education as the experiences and training which help different kinds of people to understand and use law in society.³ The definition sought to be wide enough to cover formal intensive and structured education in law as well as an array of activities directed at different kinds of legal roles and knowledge needs.⁴ Such a perspective is useful in assessing the challenges faced by law schools in their constantly evolving responsibility in service to the economic, social and political dimensions of a society’s psyche.⁵ This perspective is indeed not meant to distract from, but to complement the significant and complex central role of these institutions, their delivery of training to tomorrow’s lawyers.

¹ Kenneth Kaunda, ‘The Functions of a Lawyer in Zambia Today’ (1971) 3–4 *Zambia Law Journal* 1.

² Simon Chesterman, ‘The evolution of legal education: Internationalisation, transnationalization, globalisation’ (2019) 10(6-7) *German Law Journal* 877, 879.

³ International Legal Center, ‘Legal Education in a Changing World’ (International Legal Center 1975), 16.

⁴ *Ibid.*, 17.

⁵ Willard Hurst, ‘Changing responsibilities of the law school’ (1968) 336(2) *Wisconsin Law Review* 337.

Law schools today are tasked with providing preparation to contend with the challenges and opportunities that come with developments in data and technology, evolving business regulatory schemes, a boom in access to information for themselves and prospective clients, and an array of other micro and macro factors for which there is little to no precedent.⁶ What is more, upon completion of said instruction, newly minted lawyers need capacity to define themselves in a market that appears to need fewer lawyers, as traditionally delineated, and more data analysts, legal technology architects and designers, risk mitigation specialists etc.⁷ This world is characterised by volatility, uncertainty, complexity and ambiguity and law schools must therefore be equipped for vision, understanding, clarity and agility.⁸ For these reasons, well thought out, effective and relevant formation becomes key.

The movement to enhance legal education is not a new one. Early in its development, legal training was done through the age-old practice of apprenticeship in certain regions such as England.⁹ In the 1870s in the United States of America, reformers of the day, such as Christopher Langdell, recognised the need and agitated for a more academically rigorous process wherein professional law teachers would advance the depth and breadth of legal training.¹⁰ Langdell's casebook method, for instance, sought to shift attention from studying abstract legal rules to the examination of judicial decisions from which the operation of these rules would be identified through the Socratic method.¹¹

This campaign towards a more methodical classroom legal education proliferated through private and government support to become the prevalent scheme in many jurisdictions across the world.¹² In East Africa, the

⁶ Deloitte Insight, 'Developing Legal Talent Stepping Into The Future Law Firm' (Deloitte Insight 2016) <<https://www.mondaq.com/uk/recruiting/468784/developing-legal-talent-stepping-into-the-future-law-firm-february-2016>> accessed 16 May 2025,, 3-5.

⁷ Mark A Cohen, 'How Will Legal Education And Training Keep Pace With Change?' (*Forbes*) <<https://www.forbes.com/sites/markcohen1/2018/09/10/how-will-legal-education-and-training-keep-pace-with-change/>> accessed 16 May 2025.

⁸ Robert C Bird, 'VUCA' (2017) 12 *Virginia Law and Business Review* 367.

⁹ Daniel J Morrissey, 'Saving Legal Education' (2006) 56 *Journal of Legal Education* 254..

¹⁰ *Ibid*, 256.

¹¹ Russell Weaver, 'Langdell's Legacy: Living with the Case Method' (1991) 36 *Villanova Law Review* 517.

¹² Bryant G Garth and Gregory Schaffer (eds), *The Globalization of Legal Education: A Critical Perspective* (Oxford University Press 2022), 14 and Thomas Geraghty and Emmanuel Quansah, 'African Legal Education: A Missed Opportunity and Suggestions for Change: A Call for Renewed Attention to a Neglected Means of Securing Human

introduction of local training of lawyers through university instruction was facilitated by the British government through the Denning Committee on Legal Education for Africa.¹³ This committee recommended the foundation of a university for legal training through which an individual would earn a degree followed by professional training at a school of law. In this system, the clearly weighty responsibility to prime budding practitioners for deployment rests squarely upon the law school during the undergraduate law programme and by extension upon its curricular offering.

The following sections shall examine some of the more persistent as well as contemporary concerns of curriculum development for law schools in general and in developing countries in particular.

Curriculum development in legal education: determining methods, content and outcomes

Learning, thinking and doing

Shifting legal training to the classroom appears to have formed a rift between the law class and the law office. The relationship between legal education and the practice of law has been described as ‘ambiguous’.¹⁴ This position draws from the variance in goals sought to be achieved by the said instruction. We see it, for example, where a legal educator may seek on the one hand to offer the law student a practical and technical understanding of the law, as one would do for a medical or trade student, and on the other, may prioritise the development of the student’s capacity for intellectual inquiry, a prospect with an abstract and philosophical slant that intends to encourage interpretation and active engagement with the ‘why?’ of the law. As a result of this divergence in aims, certain implications are observable in the nature of course content offered, its delivery and its assessment as well as in its results; with jurisdictions demonstrating a higher or lower rate of law students’ entry into private practice depending on instruction.¹⁵

Rights and Legal Predictability’ (2007) 5 Loyola University Chicago International Law Review 87, 88-89.

¹³ JB Ojwang and DR Salter, ‘Legal Education in Kenya’ (1989) 33 Journal of African Law 78.

¹⁴ Chesterman above (n2), 878.

¹⁵ Ibid, 879.

The question that seems to emerge here, which then becomes the concern of developers of law curricula, is whether the educator seeks to produce deeper thinkers in or better doers of the law. Whereas a more academic approach may seek to instil a capacity for analytical thinking and knowledge of black letter law in an area of study, the practical dimension may pay attention to the day to day intricacies of applying said knowledge in a given field. However, are these two aims truly diametrically opposed? Michał Kielb suggests that, in many legal courses, this is not a fundamental disagreement but an artificial one that may be resolved through an adjustment in the method of teaching a given subject area to combine both academic and practical interests.¹⁶ He acknowledges that it is simple enough to state that both can be done, but striking this balance may prove difficult where this 'law in practice' approach is taken as apart from the delivery of the course. This is seen where practical training is viewed as a separate stream of knowledge to be delivered through legal clinics, internships and moot courts, and not as part of the course content in itself. A reason why this is done is the disposition that the class is a knowledge collection point with a set pick-up period, the semester, trimester etc. This causes a highly memory-based learning system to arise where dogmatism is likely to flourish. Here, priority is given to remembering provisions of the law, their doctrinal description, summaries of rulings and reproduction of the same.¹⁷

Kielb suggests that a solution in finding a balance may be found not in fundamentally adjusting instruction to pay attention to practice or theory but away from a memory-based learning system.¹⁸ This is a disposition adopted by others, both in areas viewed as skewed in a somewhat dogmatic manner,¹⁹ as well as in legal education in general.²⁰ In his rendition, Kielb posits that this would involve direct engagement with the substantive as well as practical dimensions of a scenario wherein students do not only deal with the application

¹⁶ Michał Kielb, 'Legal Education from the Perspective of Legal Practice' (2017) 7 *Oñati Socio-legal Series* 1636, 1639.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ Ben Fitzpatrick, 'Using Problem-Based Learning to Enhance the Study of Criminal Law' in Kris Gledhill and Ben Livings (eds), *The Teaching of Criminal Law* (Routledge 2016) and Irawati Handayani, 'Problem-Based Learning as an Alternative Approach for Teaching International Law' (*Afronomicslaw.org*, September 2020) <<https://www.afronomicslaw.org/2020/09/29/problem-based-learning-as-an-alternative-approach-for-teaching-international-law>> accessed 16 May 2025.

²⁰ S Shalini, 'A Study on the Effectiveness of Problem-Based Learning in Legal Education in India' (2021) 8 *Asian Journal of Legal Education* 95.

of the law in a prescribed situation but also talk about the required procedure to assist a given client.²¹ He adds the need to have certain skill-based courses included in the LLB curricula that will assist in further bolstering these practical concerns such as in legal writing, analytical methods, trial advocacy and the like.²²

Imparting skills

On the matter of skills, some employers list the need for graduates to demonstrate soft skills such as self-motivation; common sense; communication; impact; stress tolerance; willingness to learn among other things.²³ General transferable skills are increasingly becoming additional items required to be built into the undergraduate law curriculum for students on top of learning legal principles.²⁴ A difficulty with this approach arises since the criteria for what constitutes a skill are varied.²⁵ Some of these skills are grounded in personality and to top this off there is little evidence on how they might be developed and reliably assessed.²⁶ This circumstance further challenges law schools in their pursuit of relevance in today's market.

In Australia, in 2010, the Learning and Teaching Council set out six 'Threshold Learning Outcomes' for the Bachelor of Laws programme offered in the country. These were knowledge, ethics and professional responsibility, thinking skills, research skills, communication and collaboration, and self-management.²⁷ Anna Huggins discusses the motivations behind these prescriptions as: advocacy for reform of legal curricula; tension between privileging prescribed areas of knowledge to the detriment of generic skills development; the increasing number of law schools in a context of funding shortages for legal education and a strong emphasis on research outputs; a national and international shift towards standards-focused and outcomes-

²¹ Above (n16), 1643-1645.

²² *Ibid*, 1645.

²³ John Bell, 'Key Skills in the Law Curriculum and Self-assessment' (2000) 34 *The Law Teacher* 175.

²⁴ *Ibid*, 176.

²⁵ *Ibid*.

²⁶ *Ibid*, 177.

²⁷ Sally Kift, Mark Israel and Rachael Field, 'Bachelor of Laws : Learning and Teaching Academic Standards Statement : December 2010 [Learning and Teaching Academic Standards Project]' (Australian Learning and Teaching Council 2011)

<<https://cald.asn.au/wp-content/uploads/2024/04/LLB-TLOsKiftetalLTASStandardsStatement2010-TLOs-LLB2.pdf>> accessed 16 May 2025.

focused curricula emphasising graduate outputs rather than teacher inputs; and the growth of whole-of-curriculum approaches to developing key learning outcomes.²⁸

Globalising or contextualising?

Beyond concerns of pragmatic and conceptual approaches to training, the changing economic and political realities of countries across the globe has become a critical factor to consider in the development of a law school curriculum. The existence of a global market and globalisation impacting financial services, telecommunications, manufacturing, e-commerce and investments cannot be ignored by any law school.²⁹ Globalisation has seen integration of markets on a regional and global level. The effects of globalisation are also felt in transactions involving international environmental and human rights issues including international adoptions, war crimes, family law and estate planning.³⁰ At the same time, countries and societies have been experiencing an awakening in identity and are taking greater care to more deeply self-examine in order to find autochthonous solutions to the challenges they face. Legal educators are therefore presented with the task of taking the student deeper inward in the examination of jurisdictional needs as well as awakening their awareness of a wider world.

The necessity of a robust understanding of one's local legal requirements cannot be overstated. This exigency is amplified when the impact of its recognition is great. In crafting a legal curriculum for a country with robust developmental needs, one holds the capacity for marked impact in the social, political and economic life of a society. Thomas Geraghty and Emmanuel Quansah, for instance, in 2007, cited a lack of 'meaningful training in key ethical, professional, commercial, and human rights-related subjects' in legal curricula as translating into a restriction to the development of humane, efficient and predictable justice systems in sub-Saharan Africa.³¹ In addition to impact on development, the importance of jurisdictional awareness stretches into the manner of crafting the educational regimen. Kankindi and

²⁸ Anna Huggins, 'Incremental and Inevitable: Contextualising the Threshold Learning Outcomes for Law' (2015) 38(1) *University of New South Wales Law Journal* 264, 265-266.

²⁹ Anthony A Tarr, 'Legal Education in a Global Context' (2004) 36 *University of Toledo Law Review* 199, 200.

³⁰ *Ibid*, 201.

³¹ Geraghty and Quansah above (n12), 90.

Chimbwanda in their article speak to the unique needs of the African law school which must contend with the reality of skewed practices owing to misplaced colonial policies that affected education.³² Such sets of circumstances are unique to each region and their history, therefore each law school must understand its position in addressing the challenges at hand.

Furthermore, an imperative is sometimes placed on the educator to instruct lawyers with a view to make them agents of social change, further emphasising the place of context.³³ Notably, at the establishment phase of legal education in Kenya, following the end of colonisation, the need to focus attention on the social context in which the law operates was emphasised.³⁴ However, J B Ojwang comments that this course of action, though backed with good intentions, was fraught with problems such as inadequate definitions and lack of depth which led to disenchantment on the part of students and lecturers alike.³⁵ Developers of curricula today must watch out for such possibilities and must go about crafting practically effective schemes to achieve the impactful ends sought.

Whereas context specific approaches continue to be highly relevant to certain branches of the law, they may play an increasingly peripheral role in others. An overly domesticated approach to legal education may then bear the risk of producing lawyers who are ill-equipped to engage with, and compete in, the international legal marketplace.³⁶ The challenge may not end there, they may run into difficulties in solving local problems that are increasingly taking on a global character as lawyers in a given jurisdiction are called upon to deal with transactions involving other and multiple other jurisdictions.³⁷ This implies not just a need for an understanding of the law beyond national boundaries but also an equipment with tools that make it possible to function despite unfamiliar rules and procedures.

³² Antoinette Kankindi and Victor Chimbwanda, 'Legal Education and Its Contemporary Challenges in Sub-Saharan Africa' (2021) 5 *Strathmore Law Journal* 145, 149.

³³ Yash Ghai, 'Law, Development and African Scholarship' (1987) 50 *The Modern Law Review* 750, 766 - 773.

³⁴ Above (n13), 85.

³⁵ *Ibid.*

³⁶ Rosa Kim, 'Globalizing the Law Curriculum for Twenty-First-Century Lawyering' (2018) 67 *Journal of Legal Education* 905, 906.

³⁷ Peter L Strauss, 'Transsystemia—Are We Approaching a New Langdellian Moment? Is McGill Leading the Way?' (2006) 56 *Journal of Legal Education* 161.

In spite of this reality, Rosa Kim suggests that the notion that law students should be prepared to solve global problems is yet to materialise into practice in many law schools.³⁸ This reality must, however, not be allowed to lead to complacency. Notwithstanding law schools appearing to be left behind, actors in the legal profession are seen to be keeping up with emerging trends.³⁹ This translates into students needing to play catch-up upon entry into the market and firms needing to expend resources to train them.

An individual professor who may be open to the globalisation of their specific area of legal instruction may face the internal control of the faculty administration with its varying approaches to training and loyalty to institutional values and methodologies of instruction.⁴⁰ Another obstacle in the face of the globalisation of the law school curriculum is law societies which wield the power to dictate what law students ‘need to know’.⁴¹ In the face of these challenges, the legal educator must be open to implementing global perspectives into their teaching rather than capitulating to the demands of others.⁴² The unique challenge of the legal educator is not merely to implement “global perspectives” into the curriculum but to implement them in a way that challenges the dominant understandings of globalisation that students already possess.

Some of the necessary steps that have been proposed to achieve the outcome of understanding the law in a global context include: the promotion of international and comparative law courses by law schools by making them compulsory and ensuring that each legal course incorporates an international law component.⁴³

The needs and wants of the student

Thus far, we have primarily examined the viewpoints of two players in the legal education scheme, those of the educator and that of the market. Peden describes the two as the ‘vendor’ and the ‘purchaser’ and mentions a third, the ‘subject

³⁸ Above (n 36), 906.

³⁹ Ibid.

⁴⁰ Brendan Jowett, ‘Turbulent Transitions: Implementing Global Perspectives in Legal Education’ (2013) 4 *Transnational Legal Theory* 645., 651.

⁴¹ Ibid, 652.

⁴² Ibid, 654.

⁴³ Aline Grenon and Louis Perret, ‘Globalization and Canadian Legal Education Symposium: A Global Legal Odyssey’ (2001) 43 *South Texas Law Review* 543, 553.

upon which the art is practised', the student.⁴⁴ These needs of the student as the rapidly, perhaps erratically, changing subject of legal education may indeed deserve urgent attention. Among the factors forcing change into the running of law schools is student well-being, further emphasised after the COVID-19 pandemic.⁴⁵ According to research, in comparison to other programmes, law students are at a higher risk of breakdowns, eating disorders and other related issues.⁴⁶

What causes some of the challenges faced by students engaged in the learning of law? Deborah Maranville pegs the problem on failing to nourish students' passions and values that directed them to law schools; failing to properly contextualise the doctrinal knowledge and, lastly, failing in the systematic assessment of the activities in the classroom and in turn in giving live feedback to students about their progress.⁴⁷ She highlights some of the repercussions of this as missing out on students' learning by failing to keep track of their progress and understanding the content presented to them.⁴⁸ Her discussion also gives a broad typification of law students and suggests certain means of addressing the needs of each group. These are: students who joined law school to help people require nourishment of the values and passions that led them to join law school; those who joined for the intellectual challenge require opportunities to develop skills beyond rules, and those who had less ideal motivations, such as the prospect of good earnings, may be served by the inculcation of the tradition of service.

Indeed, this is not to say that the students' preferences and desires need be specifically considered each time. Anthony D'Amato highlights the dangers of an overemphasis on the student's needs in legal teaching, terming the phenomenon 'student consumerism'.⁴⁹ This is not an ideal standpoint to take as the students who are passing through a system will constantly change and so will their subjective needs. This leads to a lack of stability. He suggests instead

⁴⁴ John R Peden, 'Goals for Legal Education' (1972) 24 *Journal of Legal Education* 379.

⁴⁵ Victor Quintanilla and Sam Erman, 'Mindsets in Legal Education' (2021) 69(2) *Journal of Legal Education* 412, 413.

⁴⁶ *Ibid.*

⁴⁷ Deborah Maranville, 'Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning' (2001) 51 *Journal of Legal Education* 51.

⁴⁸ *Ibid.*, 52.

⁴⁹ Anthony D'Amato, 'The Decline and Fall of Law Teaching in the Age of Student Consumerism' (1987) 37 *Journal of Legal Education* 461, 462.

a refocusing of energies in the law school towards providing a learning experience which will require a mental struggle on the part of the student.⁵⁰

It is evident at this point that the issues affecting legal curricula are broad-based and complex. Each concerned party brings their needs to the table and calls for a change in the way of doing things. The pace at which these newly arising issues and trends are ordinarily addressed has led some commentators to argue that the law schools' model is outdated, with stakeholders who are unwilling to change standing practices.⁵¹ However, we posit that, at times, a lack of awareness of efficient means by which to conduct careful consideration of implementing changes creates a lackadaisical response rate. This should not be the case as most law curricula have built-in modes of deliberating and dealing with these issues, the curriculum review process.

An overview of curriculum review approaches and models

Curriculum review or evaluation is a process that is geared towards obtaining information about a course or programme of teaching for subsequent judgement and decision making.⁵² The major reasons for undertaking an evaluation may include financial accountability to stakeholders; assessment of the effectiveness of knowledge dissemination through the course of a programme, and development of new delivery methods while critiquing existing ones.⁵³

General Approaches to Curriculum Review

The aforementioned objectives can be attained through the employment of different approaches oriented around objectives; management; consumers; expertise; adversarial standpoints, and participants.

⁵⁰ Ibid, 464.

⁵¹ Above (n7).

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M C Alkin and J D McNeil, 'Curriculum Evaluation' in *International Encyclopedia of the Social & Behavioral Sciences* (1st edn, Elsevier 2001).

⁵³ Ibid.

It is important to understand the broader approaches that underpin curriculum review in any educational institution. These approaches, though not exclusive to law schools, provide a foundational framework for curriculum evaluation and development. Each approach focuses on different objectives, stakeholders, and phases of the educational process, ensuring that the curriculum evolves in alignment with institutional goals, societal needs, and professional demands.

In examining the historical development of program evaluation, Lance Hogan notes the following approaches in curriculum review for the 21st Century:⁵⁴

1. **Objective-Oriented Approaches** These approaches focus on defining clear goals for the educational programme and evaluating the extent to which those goals have been achieved. For instance, in legal education, the objective could be to produce competent practitioners who can navigate the complexities of the legal system. The evaluation process would measure how effectively the curriculum has equipped students to meet these professional expectations. Such goals may also reflect the institution's vision for contributing to societal progress through legal education.
2. **Management-Oriented Approaches** These approaches emphasize meeting the requirements of institutional decision-makers, such as law school deans or university administrators. The focus here is on aligning the curriculum with the strategic priorities of the institution and responding to external pressures, such as accreditation requirements or market demands. In this context, the curriculum is reviewed to ensure it supports the institution's operational efficiency and long-term sustainability.
3. **Consumer-Oriented Approaches** Viewing students as both the product and consumer of legal education, this approach evaluates how well the curriculum meets the needs of its "consumers": students and the legal profession at large. A consumer-oriented approach would ensure that the curriculum produces graduates with the skills and

⁵⁴ R Lance Hogan, 'The Historical Development of Program Evaluation: Exploring Past and Present' (2007) 2(4) *Online Journal for Workforce Education and Development* art 5, 6–9.

knowledge needed in the current job market, while also providing students with a valuable and engaging educational experience.

4. **Expertise-Oriented Approaches** This approach relies heavily on the input of professionals — whether educators, legal scholars, or industry practitioners — to ensure curriculum quality. In the context of legal education, experts in law, pedagogy, and professional practice collaborate to design and evaluate the curriculum. This input is crucial, as it reflects both academic rigour and the evolving demands of the legal profession. Given the ambiguity in defining the exact goals of legal education, the balance between academic and industry expertise becomes a critical factor in shaping the curriculum.
5. **Adversary-Oriented Approaches** These approaches are built on the premise that objectivity in evaluation is difficult, if not impossible, to achieve. They focus on the tensions and opposing viewpoints among stakeholders in the curriculum review process. In legal education, this may involve debates between educators who favour a traditional doctrinal approach and those advocating for more practical or interdisciplinary training. Evaluators engage with these conflicts to uncover diverse perspectives that can lead to a more nuanced and balanced curriculum.
6. **Participant-Oriented Approaches** This approach prioritizes the involvement of all stakeholders — students, faculty, employers, and even the broader community — in determining the values, criteria, and data used for evaluation. In legal education, such inclusivity ensures that the curriculum reflects a wide range of needs and interests, from preparing students for the bar exam to addressing the ethical responsibilities of future lawyers. By involving multiple stakeholders, the evaluation process becomes more democratic and responsive to the needs of all parties.

In addition to these approaches, curriculum evaluation may also follow certain development models, each offering a structured method for reviewing and refining educational programmes.

The following are some models applied in curriculum development:

Tyler's model⁵⁵

- This model emphasizes aligning the curriculum with the institution's overarching mission and goals. It involves a four-step process: defining the educational objectives; determining the learning experiences needed to achieve those objectives; organizing those experiences, and evaluating the outcomes. Tyler's model is particularly useful for institutions seeking a coherent, mission-driven curriculum that evolves with changing educational priorities.
- **Beauchamp's model**⁵⁶ This model builds on Tyler's framework by adding administrative components and providing a systems approach to curriculum development. It unfolds in five stages: (1) defining the scope of changes; (2) identifying stakeholders; (3) establishing development procedures; (4) implementing the revised curriculum; and (5) evaluating its effectiveness. The approach provides written goals, cultural content, instructional strategies, rules for curriculum use, and a formal evaluation scheme—making it suitable for institutions embarking on significant curricular reforms.
- **Cronbach's model**⁵⁷ Cronbach's model shifts the focus to decision-making during the curriculum development process. Rather than comparing different curricula, it evaluates whether the programme has achieved its stated objectives. This model is particularly relevant in law schools where success is measured not only by how students perform in comparison to peers from other institutions but by how well they meet the internal standards set by the school and profession.

Given the complexity of curriculum evaluation, these approaches and models can vary and overlap depending on the stage of the programme's development and the institution's specific needs. For instance, at different points in a law school's lifecycle, the curriculum may require more input from external experts (expertise-oriented) or greater involvement from students and faculty (participant-oriented). Additionally, tensions between competing goals — such as preparing students for immediate legal practice versus fostering long-term

⁵⁵ A C Ornstein and F P Hunkins, *Curriculum: Foundations, Principles, and Issues* (7th edn, Pearson Education 2017) 101–2.

⁵⁶ F C Lunenberg, 'Curriculum Development: Deductive Models' (2011) 2(1) *Schooling* 3–5.

⁵⁷ L J Cronbach, 'Course Improvement Through Evaluation' (1963) 64 *Teachers College Record* 236.

intellectual growth — may lead evaluators to adopt an adversary-oriented approach to resolve these conflicts.

This dynamic interplay between approaches reflects the reality that established institutions, like law schools, operate with diverse, sometimes conflicting, interests and goals. Understanding these broader evaluation strategies sets the stage for more specific discussions on how law schools, in particular, can approach curriculum reform, as detailed in Johnstone's innovative models. By applying these broader evaluative frameworks to the law school context, institutions can better navigate the complexities of modern legal education and make informed, purposeful changes to their programmes.

Tailoring Curriculum Review for Legal Education

Quintin Johnstone's Law School Models⁵⁸

As relates to law school curricula in particular, Quintin Johnstone, in his article titled "Models for Curricular Reform", proposes that legal education should align more closely with the actual roles lawyers play in society and should address the varied purposes of legal training. He outlines four distinct models for law schools, each emphasising different educational priorities:

1. **Policy-Directed Law School** This model proposes law schools that integrate multidisciplinary education, blending law with social sciences, economics, and policy analysis to create a "new species" of lawyer. These schools would not only train lawyers but also function as research centres tasked with developing data and proposals for policy solutions. The curriculum would include courses on ethics, social processes, and law reform, alongside practical research projects, with law students playing active roles in multidisciplinary research teams. Johnstone emphasises that this type of law school would need to be closely integrated into major universities to draw on expertise from various disciplines. Johnstone stresses that if law schools fail to produce such policy-oriented professionals, other occupational groups might fill the void, leading to the potential obsolescence of the legal profession as currently structured.

⁵⁸ Quintin Johnstone, 'Models for Curricular Reform' (1967) 21 *University of Miami Law Review* 544.

2. **Legal Doctrine-Directed Law School** This traditional model aligns closely with traditional legal education, focusing on the mastery and application of legal doctrine. Johnstone acknowledges that legal doctrine is the foundation of lawyers' professional work and justifies their monopoly over legal practice. The goal of this model is to ensure that lawyers are thoroughly versed in legal principles, statutes, and regulations, with broad coverage across various fields of law. Johnstone, however, suggests enhancements to the doctrinal focus by calling for greater attention to statutes and administrative regulations, which he views as more significant than case law in contemporary practice. Additionally, this model would incorporate legal history and comparative law to offer students a comprehensive understanding of legal systems and their evolution. The model envisions an intensive four-year programme, including comprehensive examinations, and stresses the importance of students mastering the “seamless web” of legal knowledge.

3. **Skills-Directed Law School** In contrast to the previous models, the skills-directed law school emphasises practical training. The focus would be on teaching essential skills such as legal writing, oral advocacy, negotiation, counselling, and fact-finding. Johnstone argues that while broad education is important, law schools should prioritise developing these skills, leaving broader liberal education to undergraduate institutions. This model advocates for learning through experience, with instruction taking place in the context of real-world legal problems. The law school would be designed to ensure that students achieve high competence in essential skills before entering practice, possibly within a condensed time frame of one year. Instructors would include not only academics but also professionals with proven mastery of legal skills. There would be no traditional grading system; instead, students would either pass or be required to continue their studies until they met a high standard of proficiency.

To apply this model to the context of this article may demand a wholesale redesign of certain undergraduate disciplines to resituate the LLB's broader theoretical concerns. However, within the existing structure, the undergraduate LLB combines theoretical studies and skills training, and exists alongside a separate Advocates Training Programme (ATP) that provides post-degree practical instruction, that closely aligns with the

skills-directed framework. This creates an overlap in skills training, examples being undergraduate and ATP classes in civil and criminal procedure and professional ethics, among others. This redundancy underscores the value of clarifying the distinct roles of each programme.

4. **Combined-Purposes Law School** This model attempts to reconcile the different approaches of the first three models. It aims to provide students with a balanced education that covers legal doctrine, policy analysis, and practical skills. Johnstone envisions a three-year postgraduate law school programme that is structured as follows:

- **First Year** Focus on foundational courses in legal doctrine, such as contracts, torts, and property law. These would provide students with the basic legal knowledge they need to address more complex legal and policy issues later.
- **Second Year** Elective courses centred on societal sectors (e.g., business, international relations, education, health), where legal and policy issues would be examined in real-world contexts.
- **Third Year** Specialisation in one of the sectors studied during the second year, allowing students to delve deeply into specific fields of law and policy. Johnstone advocates for an emphasis on both independent learning and rigorous end-of-term examinations.

A distinctive feature of this model is its focus on post-admission education. Johnstone argues that law schools should remain involved in the continuing education of lawyers after they enter practice, offering specialised courses to help practitioners adapt to new areas of law as their careers evolve. He also proposes that third-year students should be allowed to transfer to different law schools that offer the specific specialisation they seek, allowing them to benefit from the strengths of different institutions.

Johnstone stresses that curricular reform should not occur in a piecemeal fashion or in response to external pressures without careful consideration of the fundamental purposes of legal education. He argues that a more systematic

evaluation of educational goals is necessary to ensure that reforms align with the changing needs of the legal profession and society.

Moreover, he notes that professional bodies, such as bar associations and the National Conference of Bar Examiners in the USA, wield significant influence over law school curricula by controlling admission to legal practice. He suggests that for meaningful curricular reform to take place, law schools must work in collaboration with these bodies to ensure that any proposed changes do not clash with existing professional requirements.

Gerhard Casper's Two Models ⁵⁹

The article “Two Models of Legal Education” by Gerhard Casper compares the United States of America’s (USA) and continental European (particularly German) models of legal education. Casper provides a historical and philosophical analysis of these two systems, tracing their origins and assessing their strengths and weaknesses. Below is a summary of the main points with the necessary nuance, building on our earlier discussion of law school curriculum review approaches.

1. **Continental European (German) Legal Education in the 20th Century**

- **Historical Roots in Roman Law** Casper traces the foundations of the continental European model to medieval Roman law education, which was deeply influenced by scholastic traditions. Roman law, though not directly applied as “positive” law across Europe, was studied for its rationality and authority, serving as a basis for the development of legal systems in Europe.
- **Emphasis on Doctrine and Systematization** Continental European legal education has traditionally focused on the systematic teaching of abstract legal principles. The study of law in Germany is rooted in the idea of *Rechtswissenschaft* (the science of law), where law is conceptualized as a coherent, logical system. This education, while rigorous, can

⁵⁹ Gerhard Casper, ‘Two Models of Legal Education’ (1973) 41 Tennessee Law Review 13.

become disconnected from practical applications and societal realities, particularly due to its focus on syllogistic reasoning and doctrinal interpretation.

- **Separation of Theory and Practice** Historically, the German model has placed a heavy emphasis on theoretical legal education, with practical training coming later through state-mandated internships. The model is two-tiered: university education followed by practical training in legal institutions. This separation often results in a lack of integration between academic learning and real-world legal practice.
- **Calls for Reform** Casper discusses attempts to integrate theory and practice in Germany, particularly through models like the “Hamburg Model”, which seeks to bridge the gap by incorporating practical legal experiences into academic education. However, he critiques this approach, suggesting that it may not fully succeed in offering students meaningful responsibilities in practical settings.

2. American Legal Education

- **The Case Method and Socratic Teaching** In contrast to the German model, American legal education has historically emphasized the case method and the Socratic approach, which are more practice-oriented. These methods encourage students to engage with real court decisions and develop “lawyering” skills by analysing the reasoning of judges and applying legal principles to new facts. The focus is on teaching students to “think like a lawyer”, rather than mastering an abstract body of doctrine.
- **Integration of Theory and Practice** American legal education incorporates more practical training through clinics, moot courts, and internships, which have been fully integrated into the core curriculum. Clinical education, has grown in importance evidenced by the American Bar

Association's requirement for experiential courses to be part of the curriculum.⁶⁰

- **Challenges with Legal Realism** Casper critiques the influence of legal realism on American legal education. While legal realism sought to bring law closer to social science by studying how judges make decisions in practice, it often led to an overemphasis on judicial behaviour at the expense of broader legal and policy issues. This focus on courts can narrow the scope of legal education, leaving out important areas such as legislative processes and the political context of lawmaking.

3. Comparison and Critique

- **Unitary vs. Specialized Education** Casper highlights the German model's aim of producing a "unitary" lawyer capable of handling a broad range of legal tasks. However, he points out that this approach has limitations, as it is increasingly difficult to cover all necessary fields of law, particularly with the growth of specialized areas like tax law. In contrast, American legal education tends to allow for more specialization, though this may come at the expense of broader doctrinal training.
- **The Role of Legal Theory** Both systems share a commitment to the scientific study of law, but the continental European model remains more committed to abstract legal theory, while American law schools focus on the pragmatic application of legal reasoning. Casper argues that neither approach fully addresses the need for lawyers to understand the complex interplay of norms, theory, and behaviour that underlies legal decisions.
- **Need for Modesty in Reform** Casper concludes that both American and continental European systems have

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https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2024-2025/2024-2025-standards-chapter-3.pdf

overestimated their ability to reform legal education by making it more scientific. He advocates for more modest reforms that focus on deep, context-rich analysis rather than broad coverage. He calls for legal education that teaches students to engage with legal problems at multiple levels—considering both causation and choice in legal decision-making.

In the context of broader curriculum evaluation frameworks (as discussed previously), Casper's critique aligns with several key ideas:

- **Objective-Oriented Evaluation** Casper's call for more modest, focused reforms suggests that law schools should clarify their objectives: whether they aim to produce generalist lawyers, policy-makers, or specialists. The American focus on skills and the German emphasis on doctrine reflect differing educational objectives, but both could benefit from a clearer articulation of their goals.
- **Consumer-Oriented Approaches** Casper acknowledges that legal education needs to respond to the demands of both students and the legal market. As specialization grows in importance, particularly in the U.S.A., law schools must balance broad doctrinal education with the need for practical, market-relevant skills.
- **Expertise-Oriented Approaches** The integration of legal practice into academic learning is a central concern for both models. Casper highlights the need for experts — whether academics or practitioners — to take a more active role in bridging the gap between theory and practice. This is particularly relevant in light of the Hamburg Model's past attempts to integrate practical experiences into legal education in Germany.
- **Adversary-Oriented Approaches** Casper's comparison reveals the tensions between different educational philosophies—whether legal education should be more practice-oriented (as in the U.S.A) or continue to emphasise theoretical rigour (as in Germany). His discussion of the failures of legal realism and the limitations of both models highlights the adversarial nature of these competing approaches.

In conclusion, Casper's nuanced analysis of American and continental European legal education models complements the broader discussion of curriculum reform. His critique suggests that both systems must confront their limitations and strive for more balanced approaches that integrate theory, practice, and a deep understanding of the socio-political context of law.

David Moss's Hidden Curriculum and Proposals for Reform⁶¹

David M. Moss's article, "The Hidden Curriculum of Legal Education: Toward a Holistic Model for Reform", critiques the traditional structures of legal education, particularly the implicit or "hidden curriculum" that shapes law students' perceptions of the legal profession. Moss argues for a holistic approach to reform that integrates both doctrinal knowledge and practical skills, and he explores how hidden curricular elements can obstruct meaningful legal education reform.

Key Themes and Nuances

1. The Concept of the Hidden Curriculum

- **Definition and Impact** Moss defines the *hidden curriculum* as the implicit lessons and messages students absorb from their educational environment, beyond the formal curriculum. This includes the ways courses are structured, who teaches them, and which topics are prioritized. He draws on the work of Philip Jackson, who coined the term, and argues that legal education conveys implicit messages about what is valued in the profession.⁶²
- **Perceived Hierarchies in Legal Education** Moss critiques how law schools in the USA prioritize doctrinal courses over practical skills-based learning, sending an implicit message to students that certain types of knowledge (e.g., appellate reasoning) are more valuable than others (e.g., dispute resolution or client interaction). This can result in a skewed perception of what it means to "think like a lawyer", as students may not realize the broader scope of legal practice.

⁶¹ David Moss, 'The Hidden Curriculum of Legal Education: Toward a Holistic Model for Reform' (2013) 1(3) Journal of Dispute Resolution Article 3.

⁶² Ibid.

2. Curriculum Mapping and the Formal Curriculum

- **The Limits of Curriculum Mapping** While curriculum mapping (identifying and documenting the formal sequence of courses) is a valuable tool, Moss argues that it is often insufficient in addressing the hidden curriculum. Mapping can highlight gaps in the formal curriculum, but it may not capture the implicit lessons students are learning, such as which subjects they believe are most important based on course scheduling or faculty assignments.
- **Faculty's Role in Curriculum Reform** Moss emphasizes that law faculty play a critical role in shaping both the explicit and hidden curriculum. He advocates for deliberate faculty conversations about the values and messages being conveyed to students through curricular choices, encouraging a reflective and integrated approach to reform.

3. Transdisciplinary Approach and Holistic Reform

- **Beyond Doctrinal Knowledge** Moss proposes a *transdisciplinary* curriculum as a solution to the fragmented nature of legal education. In contrast to interdisciplinary or multidisciplinary approaches, transdisciplinary education starts with real-world issues or problems, rather than focusing on disciplinary boundaries. This approach encourages law students to draw from multiple areas of knowledge and experience to develop a holistic understanding of legal practice.
- **Essential Questions in Legal Education** Moss advocates for organizing law school curricula around *essential questions* that drive deep, critical thinking about law and its role in society. These questions could include issues like "What is justice?" or "How do we balance individual rights and public safety?" Such questions encourage students to see the connections between various areas of law and to apply their learning in meaningful, practice-oriented ways.

4. Critique of the "Practice-Ready" Model

- **Challenges of Creating "Practice-Ready" Graduates** Moss critiques the movement in the USA toward producing "practice-ready" graduates as potentially reinforcing a narrow focus on technical skills without addressing broader, critical thinking about the legal

profession. While the practice-ready model emphasizes skills like legal writing and negotiation, Moss stresses that a holistic education should also foster ethical reasoning and an understanding of the broader social context of law.

- **Balancing Skills and Doctrine** Moss argues that law schools must strike a balance between teaching doctrinal knowledge and developing practical skills. A holistic curriculum would integrate these elements rather than treating them as distinct. This would require US law schools to break away from traditional teaching methods like the Socratic method and large lecture formats, which often perpetuate the hidden curriculum.

5. Barriers to Reform and Recommendations

- **Addressing the Hidden Curriculum** Moss emphasizes the need for law schools to consciously confront the hidden curriculum as part of their reform efforts. This involves more than just modifying the formal curriculum; it requires law faculty to engage in self-reflection about the values they are imparting to students and to ensure that these values align with the needs of the legal profession and society at large.
- **Collaboration with Legal Practice** Moss suggests that law schools should collaborate more closely with legal practitioners and firms to ensure that their curricula are aligned with the realities of modern legal practice. This could help bridge the gap between theory and practice and ensure that graduates are prepared for the demands of the profession without sacrificing deeper, critical engagement with legal issues.

6. Conclusion: Reforming for the Future

- **A Call for Holistic Reform** Moss concludes by reiterating the need for law schools to adopt a more holistic approach to legal education. He urges institutions in the USA to reconsider their traditional reliance on doctrinal teaching and the Socratic method, advocating instead for a curriculum that integrates practical skills, ethical reasoning, and transdisciplinary approaches. This, he argues, will produce not only practice-ready lawyers but also thoughtful, adaptable professionals who can engage with the complexities of the legal system and society.

In this paper, no model or approach is advocated, although it may become clear that the chosen case study takes on a particular slant. However, in choosing a way forward, the review process of a law school curriculum may seek to consider major parties and stated objectives. Three groups stand out which have a pronounced interest in the curriculum development process: the student, the teacher and the industry. Other groups' interests, such as those of parents and the country at large may be seen to broadly align with one or the other of these three. The following section highlights the curriculum review process at Strathmore Law School (SLS) and its response to concerned stakeholders.

Curriculum development at SLS

Background on SLS

SLS was officially launched on 28 April 2012 as a constituent school of Strathmore University which is a leading non-profit private university in Kenya.⁶³ Its founding came at a time when questions on the relevance and effectiveness of legal education in equipping future lawyers for the demands of the market were being raised.⁶⁴ For SLS, its entry into the legal education arena was justified by, among other reasons, the need to enhance the safeguarding capacity of the legal and judicial sector of the rule of law while simultaneously ensuring access to justice for all Kenyans.⁶⁵ The philosophy of the programme in part states that “A law school must strive to serve society through the integral training and development of the student”.⁶⁶

In crafting the pioneer SLS Curriculum, SLS sought to:

- 1) Enhance an understanding among its students of general legal issues and the role of law in development;
- 2) Prepare students to intellectually contribute to national and international economic, social and political development;

⁶³ Strathmore Law School, ‘First Curriculum Review for the Degree Programme of Bachelor of Laws’ (Strathmore Law School 2018 internal document), 5.

⁶⁴ Ibid.

⁶⁵ Strathmore Law School, ‘Proposed Curriculum for the Degree Programme in Law (Bachelor of Law (LLB))’ (Strathmore Law School No date).

⁶⁶ Ibid.

- 3) Promote values of social justice, community service and continuous improvement in the practice of law;
- 4) Equip students with an understanding of the relationship between law, ethics and justice and the centrality of law in a democratic state;
- 5) Equip lawyers to serve competently in industry, government, civil society and international organisations; and
- 6) Prepare students for progression to higher levels of learning.⁶⁷

These objectives demonstrate an interest on the part of the school in sharpening both the conceptual and practical abilities of the students, in guiding them to participate both in local and international spheres and in moulding them as people.

This curriculum served SLS for a period of six years and graduated nearly 600 lawyers into the Kenyan legal market. With the graduation of the July 2017 cohort, the school undertook a statutorily mandated review process under the Legal Education Act which, among other objectives, regulates and licences legal education providers in Kenya.⁶⁸ In pursuing this process, SLS adopted a broad consultative approach which is discussed below.

The SLS Stakeholder Approach

Amongst stakeholder groups consulted were faculty; students; fellow law schools; the Kenya School of Law; parents; and industry members, that is, legal practitioners. The stated purpose for this wide consultation is to improve student learning and produce better outcomes. Students evaluate the courses taught in each semester on issues of the quality of the course content, the delivery methods adopted and learning resources availed. These constant evaluations make the review process continuous. Lecturers participate by assessing whether the course content of the subjects offered meets the expected learning outcomes and whether the hours provided for delivery are sufficient while at the same time making the sessions engaging and assessing the sufficiency of the instruction materials and learning tools made available by the institution. The review also benefits from the contribution of industry

⁶⁷ Ibid.

⁶⁸ Legal Education Act, Act no. 18 of 2014.

players including law firms, corporations, public bodies and officers and other entities having legal departments that interact with the students through attachments, projects and competitions in the course of their studies and after their completion of the same.

First SLS Curriculum Review

In the first review process, which examined the founding curriculum of the law school and concluded in the July 2018 curriculum, a number of matters arose from the groups consulted.

The faculty, which primarily focused on discussing whether the course content met the expected learning outcomes, largely held that it did. The learning outcomes, though specific to a course, add up to achieving the broader objective of the programme. Students, on the other hand, remarked that they were somewhat overwhelmed by the breadth of topics covered. This resulted in a heavy workload with limited time to engage deeply with the content or go about their lives beyond school. This situation seemingly plays into the narrative that the law student is under more stress than other students.⁶⁹

In response to these comments, the curriculum review committee put forth suggestions to break down the content of certain core units so they would be covered over the course of two semesters as opposed to one; a reduction of non-legal units taught within the curriculum and a better distribution of units to reduce the heavy workload at the basis of the complaints of students.

In contributing to the discussion over contextualisation and globalisation, students stated that they felt that the curriculum prepared them for both the international and local markets by providing a broad range of subjects to learn. Some students on the other hand felt a need to specialise in order to gain greater depth in a chosen set of subjects.

SLS also obtained feedback from stakeholders in the industry interacting with students and alumni of the law school.⁷⁰ Within the LLB programme two attachments, that is, the Judicial Attachment undertaken after the second year of study and the Legal Practice Attachment undertaken after the third year of study, make room for interaction of the students with industry players. A

⁶⁹ Above (n58), 84.

⁷⁰ Ibid.

general observation from these players was that students displayed a good understanding of the law and were good at issue-spotting when placed in the law firm environment. Consequently, they concluded that the SLS LLB curriculum prepared students sufficiently for the local and international job market. Among the possible weaknesses noted from the feedback was that the content was wide in its variety beyond what was required in the job market.⁷¹ This was coupled with the fact that two units, that is, legal drafting and civil procedure, which were practical in nature were observed to be especially challenging for the students. The implemented changes reflected in the second curriculum took into account the given feedback by splitting content-heavy units such as the law of contract and constitutional law so that they would be covered over the course of two semesters as opposed to one.

Second SLS Curriculum Review

It is noteworthy that a number of the issues earlier stated in our discussion arose during the second review of the SLS Curriculum. A key reason for this may be that responses from the stakeholders were considered within the larger objectives set out to be achieved by the LLB curriculum of SLS. For instance, it might have been difficult to do away with some units if the goal remained to achieve legal education that prepares lawyers for the future, equips them with transferable skills and broadens the range of practice areas in the legal market. For example, some of the non-legal units taught within the law school such as languages ultimately play a part in the formation of global lawyers. Additionally, the skills to be imparted during the law programme are gained through the inclusion of units such as leadership, deportment and communication skills. The school in crafting its third curriculum prospectively seeks to address the highlighted challenges by harmonising needs and wants wherein the curriculum review's goals align to the objectives of different stakeholders. For instance, the suggestions from SLS stakeholders that cut across all groups include the need to be relevant in the market by all stakeholders i.e. teachers, students and potential employers. Additionally, all seem to be keen on the development of some skills such as analysis and critical thinking. An apparent diversion in terms of workload in the end speaks to the need of the industry to have self-driven lawyers who are willing to work under

⁷¹ Ibid, 54.

pressure; the law school to reasonably impart resilience and the students to learn and develop resilience.

Conclusion

As observed, a curriculum review serves as a golden opportunity to bring clarity to the objectives of all those involved. It is also clear that certain concerns, such as the debate between contextualisation and globalisation and balancing of student needs with industry interests can be effectively dealt with through a well-considered and defined review process. Lastly, the questions posed during the curriculum review should not be left strictly for the mandated period in which this exercise is to be conducted as learned from SLS's course evaluation forms. A possible flipside to the use of curriculum review in dealing with various issues in legal education may be an overreliance on addressing emerging issues only during the curriculum review process which may be long periods apart, for instance, in SLS's case, four years. Legal educators and students should ask themselves questions such as whether the objectives of the programme are being met or whether the needs of the students are being met. As always, learning should challenge not only the student but also the professor.