

Clinical Legal Education during a Global Pandemic - Suggestions from the Trenches: The Perspective of the Nelson Mandela University

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Abstract

The Covid-19 pandemic has plunged the world into turmoil and uncertainty. The academic world is no exception. In South Africa, due to a nationwide lockdown imposed by government, universities had to suspend all academic activities, but very quickly explored online teaching and learning options in order to ensure continued education to students. As far as Clinical Legal Education, or CLE, is concerned, such online options of teaching and learning could present problems to university law faculties, university law clinics and law students in general, as CLE is a practical methodology, usually following a live-client or simulation model, depending on the particular university and law clinic.

This article provides insight into the online methodology followed by the Nelson Mandela University, or NMU. The NMU presents CLE as part of its Legal Practice-module and conventionally follows the live-client model. As the national lockdown in South Africa required *inter alia* social distancing, the live-client model had been temporarily suspended by the NMU Law Faculty Management Committee and replaced with an online methodology. The aim of this was an attempt to complete the first semester of the academic year in 2020. This online methodology is structured so as to provide practical-oriented training to students relating to a wide variety of topics, including the drafting of legal documents, divorce matters, medico-legal practice, labour legal practice, criminal legal practice, and professional ethics. The online training took place in two staggered teaching and learning pathways in line with the strategy of the NMU, underpinned by the principle of "no student will be left behind." In this way, provision had been made for students with online connectivity and access to electronic devices, students with online connectivity only after return to campus or another venue where connectivity is possible and electronic devices are available, and for students who do not have access to online connectivity and electronic devices at all.

The reworked CLE-programme of the NMU, planned for the second semester of the 2020-academic year, will also be discussed in this article. The online methodology followed by the NMU should however not be viewed as definitive or cast in stone in any way. There might be – and there surely are – alternative methodologies, both online and otherwise, that may provide equally good or even better training to CLE students during a global pandemic. Alternative suggestions in this regard will also be discussed in this article.

It is hoped that this article will provide inspiration and assistance to university law faculties and law clinics that are struggling to engage with continued practical legal education during the testing and uncertain times brought about by the Covid-19 pandemic. It is further hoped that this article may provide guidance in other difficult and unforeseen future instances that may await CLE. In this regard, it is important to remember that the Fourth Industrial Revolution is rapidly increasing its grip on the world and that CLE will have to adapt to the demands thereof.

Keywords

Covid-19; Clinical Legal Education; global pandemic; university law clinics;
Nelson Mandela University; online; legal practice

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1 Introduction

The Covid-19 pandemic¹ has caught the world by surprise and has thrown global life into turmoil and uncertainty during the early stages of 2020. In this regard, the academic world is no exception. Schools, universities, colleges and other educational facilities in South Africa had to close pending regulations and directives from government regarding the safe reopening of educational institutions.² This had a profound influence not only on classroom-based education but also on practical training and work-integrated learning (hereafter referred to as "WIL"). As far as Clinical Legal Education (hereafter referred to as "CLE") is concerned, classroom sessions, tutorial sessions, practical sessions at university law clinics and externships³ had to be suspended, meaning that CLE in its conventional

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¹ Shannon 2020 <https://www.usatoday.com/story/news/nation/2020/03/11/coronavirus-pandemic-world-health-organization/5011903002/>.

² Anonymous 2020 <https://businesstech.co.za/news/government/381257/south-africa-to-close-schools-due-to-coronavirus-in-exceptional-cases/>; Chothia 2020 <https://www.thesouthafrican.com/news/coronavirus-south-african-universities-colleges-closed-nzimande/>.

³ The Nelson Mandela University (hereafter referred to as the "NMU") Law Faculty does not usually make use of externships as part of the LLB-degree and the Legal Practice-module. However, there are two exceptions. The first exception is the NMU Law Faculty Mobile Law Clinic. The NMU Law Faculty Mobile Law Clinic provides access to justice on a regular basis by way of community outreach. A limited number of law students are invited to participate in such sessions. During sessions, such students are the primary consultants and legal assistants, closely supervised by the NMU Law Clinic's clinician, the NMU Law Faculty's Street Law co-ordinator, and other interested academic staff members. It has also happened that private legal practitioners participate in this project by way of assisting the students, as well as by bringing some of their own staff members in order to provide legal advice and assistance to members of the community on a *pro bono*-basis. The second exception is the NMU Legal Integration Project (hereafter referred to as the "LIP"). This project has as its main aim the enrichment of theoretical and practical knowledge of law students from all academic years. The LIP-co-ordinator is a law lecturer at the NMU and also an admitted attorney. Participation in this project is voluntary. Students are, however, required to commit themselves to all activities and meetings when they decide to join the project. These matters include private legal practitioners addressing the students on professionalism, ethics, legal drafting, court procedures, evidence and the professional life of legal practitioners in general. Experts in ballistics, DNA, fingerprints, questioned documents and sexual assaults also conduct workshops with students. Opportunities for vacation work are also arranged for students and during 2019 private legal practitioners were very cooperative in letting students undergo vacation training at their offices. Vacation training also took place at the university law clinic.

format⁴ could not continue. In South Africa a national lockdown-period of 21 days had been announced by President Cyril Ramaphosa, which lockdown officially commenced on Friday 26 March 2020.⁵ The lockdown entailed that all people apart from certain essential workers had to stay at home in order to curb the spread of Covid-19 and to flatten the infection curve. University students and staff could therefore not return to universities and law clinics in order to continue with CLE and provide access to justice to members of the public. However, education could not come to an indefinite standstill, and for that reason universities had to devise alternative ways in which to educate students and where possible continue clinical and practical training so that (at least) the first semester could be completed. It speaks for itself that plans also had to be put in place in order for the remainder of the 2020-academic year to be completed.

This article provides insight into the manner in which the Nelson Mandela University (hereafter referred to as the "NMU") Law Faculty approached CLE amidst the Covid-19 pandemic. As members of the public were primarily requested to stay at home in most circumstances, students did not have any interaction with any clients of the university law clinic. For that reason the major focus will be on the education of the student and not on access to justice. However, brief comments with regard to access to justice, as part of CLE, will be made. The methodology followed by the NMU should also not be viewed as being cast in stone or universally applicable to all university CLE programmes, either nationally or internationally. It should merely be viewed as but one of the many ways in which CLE can be presented in order to ensure continued practice-oriented legal education in an attempt to produce a suitable graduate for legal practice.

The article will explain the content and format of the CLE programme at the NMU. Thereafter it will be indicated as to how the programme had been adapted in order to ensure continued student education amidst the Covid-19 pandemic. It is hoped that this article will inspire and motivate law clinics, clinicians and other presenters of CLE to attempt to embrace new developments and technology in the continuation of the teaching and learning of practical skills by way of CLE.

⁴ See 3 below for a discussion of the conventional format of CLE at the NMU.

⁵ Staff Writer 2020 <https://businesstech.co.za/news/government/383927/ramaphosa-announces-21-day-coronavirus-lockdown-for-south-africa/>.

2 Definition of Clinical Legal Education

It is essential to explain what CLE entails in order to view the Covid-19 reworked approach thereto by the NMU in context. McQuoid-Mason⁶ provides the following summary as far as CLE is concerned:

I like to define clinical law as a method of teaching practical legal skills to law students using interactive, reflective learning methods in a social justice environment. Such a methodology may include classroom and service components or a classroom-only component that uses simulations to provide students with experience in dealing with clients. Students are confronted with real-life situations and play the role of legal practitioners to solve legal problems. They do this by interacting with clients or each other to identify and resolve legal issues and are subjected to critical review by their teachers or peers. Clinical legal education enables law students to play an active role in the learning process and to see how the law operates in real-life situations.

Actual experience of the legal process therefore forms the core of CLE.⁷ CLE integrates substantive knowledge, skills training and the development of ethical judgment.⁸ According to De Klerk,⁹ academic legal education is equal to commercial business being conducted on a wholesale level, while CLE conducts such business on the retail level. CLE is therefore much more intensive and specific than conventional academic training. The clinical teaching methodology is employed to deconstruct the otherwise neatly organised legal principles and to expose students to a more unstructured appearance of the law, as can be found in practice.¹⁰ CLE therefore goes beyond the artificial boundaries and compartments that academic training imposes on the law.¹¹ Students must be made aware of the difficulties that can be experienced in applying legal theory and doctrine in practical situations.¹²

McQuoid-Mason states that CLE involves reflection. The concept of reflection is described by Giddings as an intensive small group or solo learning experience which furnishes each student with the responsibility of attending to the legal or law-related work of clients.¹³ These clients can be part of a live-client or simulated environment.¹⁴ The responsibilities of the students in this regard are executed in collaboration with their clinical

⁶ Mahomed *Clinical Law in South Africa* 1; McQuoid-Mason 2006 *Obiter* 168.

⁷ De Klerk 2005 *SALJ* 937; Quinot and Greenbaum 2015 *Stell LR* 49.

⁸ Quinot and Greenbaum 2015 *Stell LR* 49; Maisel 2007 *Fordham Int'l LJ* 375.

⁹ De Klerk 2007 *IJCLE* 100; Welgemoed 2016 *Litnet Akademies* 758-759.

¹⁰ De Klerk 2007 *IJCLE* 100; Welgemoed 2016 *Litnet Akademies* 758-759.

¹¹ De Klerk 2007 *IJCLE* 100; Welgemoed 2016 *Litnet Akademies* 758-759.

¹² De Klerk 2007 *IJCLE* 100; Welgemoed 2016 *Litnet Akademies* 758-759.

¹³ Giddings *Promoting Justice* 14; Du Plessis 2015 *JJS* 66.

¹⁴ Giddings *Promoting Justice* 14; Du Plessis 2015 *JJS* 66.

supervisors.¹⁵ This enables students to learn from their experiences by reflecting on various issues, including their interactions with clients, colleagues and supervisors, any ethical issues relating to cases, and what the impact of the law and legal procedures would be on cases.¹⁶ The impact of the law in this regard will undoubtedly include consideration of whether or not legal measures, both doctrinal and procedural, are furthering the spirit and purport of the *Constitution of the Republic of South Africa*¹⁷ in specific instances.

Adewumi and Bamgbose¹⁸ clearly explain the significance of the concept of "education" in the context of CLE when they state that education cannot be confined to a classroom-setting. Rather, education is a process that exists in everything that is seen, heard, said and done.¹⁹ All human activities, as well as the environment in which such activities are conducted, serve the purpose of education.²⁰ These activities can include the commencement of an action, the conclusion of an action or just developing a consciousness of a part of the environment.²¹

In order to consolidate the abovementioned statements, Du Plessis and Dass²² state that CLE is not a course or module that can be neatly packaged into the LLB degree. CLE is a teaching methodology and comprises of a process in terms of which knowledge, skills and values are combined with a live interaction with actual clients.²³ This stands in contrast to academic legal education, where traditional classroom sessions are still used as the predominant teaching methodology.²⁴ Furthermore, the traditional classroom methodology is used to teach the law in a systematically organised manner,²⁵ which is not how the law appears in legal practice. Instead, CLE makes use of the practice of law, whether in a live-client or simulated environment, to teach legal doctrine, ethics, professional skills, effective interpersonal relations, and the ability to integrate law, facts and legal procedure.²⁶ Du Plessis and Dass emphasise that the term "clinical" in clinical legal education refers to the attempt to study and teach law by

¹⁵ Giddings *Promoting Justice* 14; Du Plessis 2015 *JJS* 66.

¹⁶ Giddings *Promoting Justice* 14; Du Plessis 2015 *JJS* 66.

¹⁷ *Constitution of the Republic of South Africa*, 1996.

¹⁸ Adewumi and Bamgbose 2016 *Asian J Leg Educ* 106.

¹⁹ Adewumi and Bamgbose 2016 *Asian J Leg Educ* 106.

²⁰ Adewumi and Bamgbose 2016 *Asian J Leg Educ* 106.

²¹ Adewumi and Bamgbose 2016 *Asian J Leg Educ* 106.

²² Du Plessis and Dass 2013 *SALJ* 394.

²³ Du Plessis and Dass 2013 *SALJ* 394.

²⁴ Du Plessis and Dass 2013 *SALJ* 394.

²⁵ Du Plessis and Dass 2013 *SALJ* 394.

²⁶ Du Plessis and Dass 2013 *SALJ* 395.

way of making use of legal skills directed towards solving clients' problems, as well as the drawing of useful generalisations from such an experience.²⁷

The full value of CLE is perceived when considering the so-called "learning pyramid"²⁸ or "cone of learning".²⁹ A graphic depiction of the learning pyramid is included at the end of this article, marked "Appendix." In this regard, it is desirable that whatever students learn by way of CLE should be fully appreciated by them when entering legal practice. Therefore, the learning pyramid indicates the following:³⁰

- (a) when the lecturing method is used, students remember 5% of what they heard during lectures;
- (b) when students read, they remember 10% of what they have read;
- (c) when using audio-visual methods of teaching, students remember 20% of what they are expected to;
- (d) when students participate in discussions in small groups, they remember 50% of the particular topic discussed;
- (e) when shown a demonstration and how to perform it, students will remember 75% thereof; and
- (f) in the case of Street Law and clinical programmes, where students teach other people and provide legal advice, they remember 90% of the applicable information.

McQuoid-Mason states that CLE provides law students with the tools that will lay the foundation for their future careers as lawyers.³¹ He further states that while traditional educational methods have as their focus the theoretical content of the law, CLE focusses on the skills that students will need for legal practice.³² In this context the CLE curriculum is important, especially

²⁷ Du Plessis and Dass 2013 *SALJ* 395.

²⁸ Mahomed *Clinical Law in South Africa* 2; Education Corner 2020 <https://www.educationcorner.com/the-learning-pyramid.html>.

²⁹ Education Corner 2020 <https://www.educationcorner.com/the-learning-pyramid.html>.

³⁰ Mahomed *Clinical Law in South Africa* 2; Education Corner 2020 <https://www.educationcorner.com/the-learning-pyramid.html>.

³¹ McQuoid-Mason 2006 *Obiter* 168.

³² McQuoid-Mason 2006 *Obiter* 168.

when considering the complaints of legal practitioners regarding the level of preparation of law graduates employed by their law firms.³³

CLE involves a variety of content and clinical methods in order to serve the dual purposes of the methodology,³⁴ namely student training and the provision of legal services to indigent members of society.³⁵ Broadly speaking, it can include university law clinics, externships, community education projects, simulated activities, a variety of other skills training opportunities, and interactive teaching methodologies.³⁶ The course content of the NMU Legal Practice-course as far as CLE is concerned will be set out and analysed elsewhere.³⁷ It should be noted that the course content is quite diverse in order to ensure the maximum exposure of law students to various aspects and areas of legal practice.

3 The conventional Clinical Legal Education programme followed by the Nelson Mandela University Law Faculty

CLE at the NMU forms part of a compulsory law module, namely Legal Practice. Another component of this module is Street Law, which component falls outside the scope of this article. The core content of the module is the following:³⁸

- (a) the meaning and importance of CLE and access to justice;
- (b) the general operation of the NMU Law Clinic, as well as the role of the learners at the law clinic;
- (c) letter-writing skills, general drafting skills and consultations; and
- (d) general practice ethics.

The learning outcomes of the course are as follows:³⁹

Students, successfully completing this module, will be able to:

- Investigate and evaluate the importance of Clinical Legal

³³ Du Plessis 2016 *De Jure* 3.

³⁴ Bodenstein *Law Clinics* 43.

³⁵ Du Plessis 2016 *De Jure* 3.

³⁶ Maisel 2007 *Fordham Int'l LJ* 378.

³⁷ See 3 underneath.

³⁸ NMU Law Faculty *Module Guide on Legal Practice* (2019) 13.

³⁹ NMU Law Faculty *Module Guide on Legal Practice* (2019) 13.

Education;

- Investigate and evaluate the importance of Access to Justice;
- Investigate and evaluate the importance of ethical behaviour in legal practice;
- Perform the basic duties encountered in an attorney's office, including consulting with clients, drafting legal letters, drafting legal documents and negotiating settlements between parties in a variety of scenarios, including general civil matters, divorces, drafting of Wills, as well as other matters handled at that specific time by the Law Clinic.

CLE is presented by way of various educational methods. Firstly, there are classroom sessions, which sessions serve as plenary sessions in order to disseminate general information about specific topics to students. Although these plenary sessions might at first glance appear to be ordinary theoretical classroom sessions, the idea is for them to be filled with practical information and to be presented in a manner that instills practical thinking in students. The classroom sessions provide information to the students relating to the importance of CLE and access to justice, legal and professional ethics, medico-legal practice and mediation, labour legal practice, criminal legal practice, trial advocacy and trial preparation, business management, and vocational training, and include an introduction to legal costs and the administration of deceased estates. Each of these topics involves an assignment that must be completed by the students. At the end of each semester all of these assignments are included in a portfolio of evidence that must be handed in by the students. Such a portfolio of evidence must be neat, organised and indexed and paginated in the same way as a court file. In this way students also learn about the importance and accuracy of indexing and pagination in legal practice. Portfolios of evidence are compiled by students working in groups. The format of these groups is explained in the next paragraph.

Secondly, there are practical sessions that take place at the university law clinic. These practical sessions take the form of live-client engagement in terms of which students consult with members of the public and attempt to assist them with solutions to legal problems. No simulations take place during the law clinic-sessions. Student engagement with the public takes place under the supervision of a clinical legal education facilitator (hereafter referred to as the "CLE-facilitator") or clinician, who is a lecturer and admitted attorney with experience in private legal practice. The clinician is

assisted by a contract staff member who has extensive experience with legal practice and legal aid and by two postgraduate associates (hereafter referred to as "PGAs") of the law faculty. These PGAs are former law graduates of the university who are currently enrolled for studies towards the *Magister Legum* degree. They assist with lecturing duties in the law faculty and provide general academic assistance to all law departments in the faculty. Two of these PGAs have been allocated specifically to the law clinic in order to facilitate the practical training of law students. As former students at the law clinic themselves, these PGAs are familiar with the CLE programme and are therefore in an excellent position to provide the required assistance to the clinician. Owing to the large number of students enrolled for the Legal Practice module, the size of the university law clinic and the staff-student ratio at the clinic, all students cannot undergo practical training during a given week. In order to overcome this apparent problem, students are divided into two main groups, namely group 1, consisting of students with surnames commencing with A – Mb, and group 2, consisting of students with surnames commencing with Mc – Z. Group 1 will work at the law clinic during a particular week, whereas group 2 will do so during the following week. This structure is followed until the end of a particular semester. Student activities take place by way of their collaborating in groups or teams. In order not to overwhelm clients by having too many consultants present during consultations, student groups may not consist of more than three students. In order to ensure the quality education of and control over the students, not more than six students may attend the clinical activities during a particular clinical session. For this reason, dedicated time periods for clinical activities have been created during the week, i.e. Monday to Thursday at 8:00-9:30, 9:30-11:00, 11:00-12:30, 12:30-14:00 and 14:00-15:30. On a Friday there is only one available session - 8:00-9:30.

Thirdly, tutorial sessions are presented once a week. Tutorial sessions are new introductions to the CLE-component at the NMU and commenced at the beginning of 2020 only. As the desire with tutorials is to conduct sessions with smaller groups of students, the same approach with regard to student groups, as explained in the previous paragraph, will be followed. Group 1 will have tutorials during a given week, while group 2 will attend the same tutorials the next week. Therefore, one topic is presented during a particular week and it is repeated in the next week in order to ensure that all students undergo the same training. Tutorials on three topics had been presented before the lockdown commenced. During these tutorial sessions students had to draft letters of demand and particulars of claim to civil cases in order to develop writing and drafting skills. Students also experienced

more intensive training as far as consultation skills, taking consultation notes and maintaining client files are concerned. The rationale for starting with these topics was merely that these are the activities that are most frequently required at the NMU Law Clinic. While these topics were presented, students were also made aware of the importance of ethical and professional behaviour in their work and interaction with the clients, colleagues and staff of the law clinic is concerned.

4 Reworked Clinical Legal Education methodology followed by the Nelson Mandela University amidst the Covid-19 pandemic

4.1 General

The unexpected and relatively quick arrival of Covid-19 and the eventual closing of universities resulted in all academic activities being suspended during the first semester of 2020. As CLE forms part of students' normal academic activities, this meant that their activity at the law clinic also had to be suspended. The law clinic suspended its services just before the commencement of the national lockdown in line with directives from the Law Faculty Management Committee. An alternative manner of continuing CLE had to be found without the presence of a law clinic, live-client interaction, client files and physical clinician-and-student interaction. This would enable the CLE for the first semester to be finalised. To achieve this was not an easy task, however, for a few reasons. Firstly, the suspension of university academic activities had been implemented very suddenly and without any warning to clinicians. There was therefore insufficient time to properly consider and plan an alternative manner of conducting CLE. Secondly, the NMU Law Faculty is not accustomed to conducting CLE in any manner other than the live-client model. Thirdly, the advent of a global pandemic is a new phenomenon for the entire world and there are many uncertainties, variables, unforeseen situations and conundrums in such situations that universities, law clinics and clinicians may not be aware of. As the safety of university staff, students and members of the public was paramount and had definitely to be prioritised, there was also not much time to carefully think about everything that could be done in order to continue CLE amidst the panic and uncertainty that was gripping the world.

However, all was not lost. A similar situation, although not a global pandemic, had plunged the law clinic into almost the same position during

the second semester of 2016, *i.e.* the #feesmustfall movement.⁴⁰ This occurrence had necessitated the law clinic's adapting its conventional CLE-course completely by moving to an online platform. This entailed students completing the remainder of the prescribed assignments online, also without any live-client interaction. There were some differences between the 2016 and the 2020 situations, however. The #feesmustfall disruption happened very late in 2016, meaning that students already had considerable experience in client engagement and practical work during the first semester and the greater part of the first term of the second semester. This was not the case in 2020. The students had experienced approximately 6 weeks of academic activities before work was suspended. Another difference between the two time periods was that during 2016 there had been no pandemic requiring people to stay at home. Students could therefore still compile their CLE portfolios of evidence, where possible, and deliver the same to the university for assessment. Where that was not possible, however, students could compile portfolios electronically and submit the same online. As far as 2020 is concerned, all of this meant that, although it had been clear that an online option to complete CLE had been available, the challenge was how exactly to go about implementing it in order to ensure the best quality of practice-oriented legal education and WIL in a short time. By "short time" is meant a period of seven weeks, as this was the period set by the NMU Law Faculty for courses to be completed.

This seven-week time period requires some explanation and discussion. Both the government and the university adopted the commendable approach that "no student will be left behind."⁴¹ The university opted for an online approach across all faculties in order to complete the first semester of 2020. In order to achieve this, the official university online platform, Moodle,⁴² had been used. A detailed discussion about Moodle and the operation thereof falls outside the scope of this article. An important

⁴⁰ For more detail on this movement, see Staff Reporter 2016 <https://mg.co.za/article/2016-10-10-feesmustfall-history-of-south-african-student-protests-reflects-inequalitys-grip/>; and Hauser 2016 <https://www.nytimes.com/2016/09/23/world/africa/fees-must-fall-anatomy-of-the-student-protests-in-south-africa.html>. In short, this movement involves students mainly protesting routinely against the escalating costs of tertiary education. However, other sources of dissatisfaction had been the lack of a sufficient Black presence in the institutional system, despite the fact that Black people make up the majority of the population in South Africa, as well as the remaining effects of colonialism. This has given rise to discussions about decolonising and Africanising *inter alia* the LLB-degree.

⁴¹ Asma 2020 <https://www.heraldive.co.za/news/2020-04-20-no-student-will-be-left-behind-by-e-learning-universities-sa/>.

⁴² The official website for the Moodle-online platform can be found at Moodle 2020 <https://moodle.com/>.

consideration, however, was whether or not all students had access to online connectivity and electronic devices, including computers, tablets and cellular telephones, to work on. As the student contingent is quite diverse, it speaks for itself that all students did not have access to such resources. For this reason the Law Faculty structured the seven-week time period into two staggered pathways, referred to as Pathway 1 and Pathway 2.⁴³ Pathway 1 would be seven weeks in duration, as would Pathway 2. These staggered pathways were aligned with the university's approach to online learning during the lockdown.⁴⁴ Pathway 1 was to be followed by students who readily had access to online connectivity and devices.⁴⁵ This pathway commenced on 4 May 2020 and continued until 28 June 2020. Pathway 2 was to be followed by students who did not have ready access to either online connectivity or devices, but who could have access thereto should they be able to return to the university or travel to a location where they could enjoy such connectivity at some point during the lockdown when restrictions on movement were eased by the government.⁴⁶ In this regard it must be kept in mind that many students had left the university and the city of Port Elizabeth and surrounding areas shortly after the lockdown commenced and had left their books, other study material and some devices behind, as they were under the (understandable) impression that the national lockdown would last for only twenty-one days. Pathway 2 was therefore an important consideration by the university. This pathway commenced on 13 July 2020 and continued until 30 August 2020. The study content and teaching methodology followed during these pathways were exactly the same.⁴⁷ The only difference was the dates of the 2 pathways, as indicated.⁴⁸ Students who had not passed particular modules during Pathway 1 could repeat such modules during Pathway 2.⁴⁹ Tests and examinations were replaced with (at least) two assignments.⁵⁰ The last of the assignments would be an end-of-module assessment (hereafter

⁴³ NMU Law Faculty Management Committee *Frequently Asked Questions (FAQs): Pathway Choices and Assessments* (2020) 1. The FAQ-document is on file with the author.

⁴⁴ An explanation of the pathway-approach can be found at NMU 2020 <https://www.mandela.ac.za/News-and-Events/Coronavirus-Information/Academic-and-Research-Activities-during-COVID-19>.

⁴⁵ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 1.

⁴⁶ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 1.

⁴⁷ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 2.

⁴⁸ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 2.

⁴⁹ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 3.

⁵⁰ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 4, 6.

referred to as "EMA").⁵¹ Students had to obtain at least 50% overall for both the assignment(s) and the EMA in order to get credit for a particular module.⁵² In this regard, the Law Faculty effectively adopted a continuous assessment strategy,⁵³ a strategy that the Legal Practice module has been following for a considerable number of years. As Legal Practice is a non-examinable module, the 50% rule explained above did not apply to the assignments. All activities presented in the module were compulsory, however, so students had to complete all activities satisfactorily in order to pass the module. In line with the faculty's approach, students would be afforded the opportunity to resubmit assignments that had not been satisfactorily completed.⁵⁴

It also needs to be mentioned that students who followed Pathway 2 and who had not passed particular modules would be eligible for an opportunity to be re-assessed with regard to such modules either later in 2020 or during the early stages of 2021, whatever was decided by the university.⁵⁵ This arrangement would not be applicable to students who failed Pathway 1, attempted Pathway 2 and failed once again.⁵⁶

The university and the Law Faculty, in line with the "no student will be left behind" principle, also provided for students who did not have any form of online connectivity or device and who therefore could not partake in either Pathway 1 or Pathway 2. In such cases, study material was provided to such students in paper format in order to enable them to complete their studies.

4.2 First semester

The first semester of CLE includes various substantive components, namely the importance of CLE, professional writing, consultations, divorces, ethics, medico-legal practice and mediation, labour legal practice and criminal legal practice. After the completion of each component, the students in their groups⁵⁷ must submit an assignment in order to demonstrate their comprehension of the component. Prior to the lockdown, plenary sessions relating to the importance of CLE, professional writing, consultations and

⁵¹ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 4, 6.

⁵² NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 5.

⁵³ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 6.

⁵⁴ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 6.

⁵⁵ This information was provided by the Deputy Dean Teaching and Learning during an online meeting on Friday 17 July 2020.

⁵⁶ This information was provided by the Deputy Dean Teaching and Learning during an online meeting on Friday 17 July 2020.

⁵⁷ See 3 for an explanation of the composition of the student groups.

divorces had already been conducted. A letter-writing assignment had also already been completed by the students. It was therefore necessary to complete the remainder of the components. Both post-lockdown academic pathways, as already explained,⁵⁸ entailed Moodle's being used as the primary workstation of the clinician, other teaching staff and students, supplemented by e-mail communication. The other teaching staff of CLE included the PGAs as assistants, as well as lecturers for the ethics, medico-legal practice and criminal legal practice sections. An admitted attorney is responsible for the labour legal practice section. The clinician fulfils the role of course coordinator for the Legal Practice module. The Legal Practice Moodle site had been divided into several parts, each dedicated to one of the substantive components mentioned above. In each part, information relating to the component had been made available to the students to enable them to understand the component from a practical perspective. The divorce component serves as an example in this regard. As already said, a plenary session on divorces had already taken place pre-lockdown but no assignment had been completed by the students. To facilitate the completion of such an assignment by the students, a set of facts was posted to Moodle. The set of facts concerned a gentleman who wanted to institute a divorce against his wife. Mention was made of the marital regime, the grounds for the divorce, and the children born from the marriage, born before the marriage and adopted, both majors and minors. Students had to treat the set of facts as if an actual client was "consulting" with them and thereafter follow the instructions that were included. In this instance there was only one instruction, i.e. that a Particulars of Claim to a Divorce Summons be drafted. In order to facilitate this exercise, students had been provided with a template of such Particulars of Claim, supplemented by explanatory notes as to how it must be drafted and the significance of the various clauses in the Particulars of Claim. Students were furthermore also provided with an actual albeit redacted Combined Divorce Summons in order for them to understand and appreciate their work in the context of legal practice. Jointly these documents and explanatory notes placed students in a position to complete the assignment and submit it at a designated time. No online lecturing via platforms like Zoom⁵⁹ and Microsoft Teams⁶⁰ took place. This should not be interpreted to mean, however, that online lecturing is not important to a module like Legal Practice. In order to

⁵⁸ See 4.1.

⁵⁹ Visit the official Zoom-website at Zoom 2020 <https://zoom.us/>.

⁶⁰ Visit the official Microsoft Teams-website at Microsoft 2020 <https://www.microsoft.com/en-za/microsoft-365/microsoft-teams/group-chat-software>.

devise a speedy but effective and cost-effective alternative teaching and learning methodology for both staff and students,⁶¹ it was decided to prefer online written notes and documents, as explained above.

No late submissions of assignments were accepted, which demonstrated and taught students about the strict time limits that legal practice so often places upon legal practitioners. To further demonstrate and emphasise the demanding nature of everyday life in legal practice and the many deadlines that legal practitioners face, the students had to submit assignments for the various components at the end of each week. This involved the students in a routine, orienting them to planning the completion and submission of all assignments well before the designated submission times. All submissions had to be made via online submission portals on Moodle. The portals were time-based, meaning that when the submission time had gone by, students were no longer able to submit any assignments. As a general rule, no e-mail submissions after the closure of the submission portals were accepted. Where students wanted to do so, they had to convince the clinician that they had excusable reasons for not submitting their assignments on time. Examples of excusable reasons could be intermittent online connectivity, insufficient data, broken electronic devices or even loss of electricity. This is not meant to be a *numerus clausus*. The clinician would consider the relevant explanation and, if satisfied that it was a reasonable excuse, would allow the late submissions via e-mail. The provision of excusable reasons was supposed to mimic the condonation applied for in legal practice. This provided an important opportunity for reflection by the students on their actions, how they could improve and what the impact of their behaviour might have been in legal practice. The importance of this had been explained to the students.

The other substantive components were treated in a similar way. However, unique features of each remaining component deserve some discussion. It is trite knowledge that ethics and professionalism are paramount in legal practice. It was for this reason that the clinician decided to move this topic into the second semester where, hopefully, conventional lectures could be

⁶¹ In this regard, it is well known that data are not cheap and that many students might not have been in a financial position to purchase data on a regular basis. It is also self-evident that online platforms like Zoom and Microsoft Teams require considerable quantities of data when activated, especially when video and audio are streamed in real time – see Abbott 2020 <https://www.reviews.org/internet-service/how-to-reduce-zoom-data-use/>; Caboz 2020 <https://www.businessinsider.co.za/heres-why-your-video-conference-app-keeps-acting-up-recommended-bandwidth-speeds-of-zoom-microsoft-teams-skype-google-hangouts-met-and-whatsapp-2020-4>.

conducted with students on campus. However, ethics and professionalism cannot and should not be separated from individual legal tasks. Therefore, the students were provided with a journal article on legal ethics and professionalism, which article they had to summarise in not more than 500 words. This moved the students not only to take due note of the content of the article, but also to carefully consider the essential information that should be included in the summary. This particular assignment was meant as an introduction to legal ethics and professionalism, which would lay the foundation for the plenary sessions relating to ethics that would be presented in the second semester. Apart from the journal article, the clinician and the contract lecturer also provided some written background for students relating to the importance of ethics and professionalism in the daily life of a legal practitioner. This would place the students in a position to develop an awareness and appreciation of the importance of legal ethics in legal practice, as well as what to focus on when summarising the article.

An introduction to mediation was included in the medico-legal practice component. This comprised of written notes on mediation as well as video recordings by former CLE-students, clearly demonstrating the meaning and application of mediation proceedings.

The labour legal practice component contained a slideshow of applicable labour law-related proceedings, as well as directives as to how to refer a matter to the Commission for Conciliation, Mediation and Arbitration (hereafter referred to as the "CCMA"). As part of the labour legal practice assignment, students had to complete a referral document to the CCMA.

The criminal legal practice component was the last component of the first semester and was also approached very practically. The course content comprised of a slideshow and voice notes containing explanatory notes and information on various criminal legal proceedings, including bail applications and criminal trials. As an assignment, students had to draft pleas in terms of sections 112(2) and 115 of the *Criminal Procedure Act*.⁶²

As already mentioned, the Law Faculty adopted a continuous assessment-approach for all law modules during the first semester of 2020. Legal Practice was no exception and, since this module is usually treated as a continuous assessment, no problems were experienced as far as assessment is concerned. Where student groups had not satisfactorily completed assignments, such groups were provided with an opportunity to

⁶² *Criminal Procedure Act* 51 of 1977.

resubmit such assignments after some basic guidance had been provided to them as to where and how to improve. This created an opportunity for students to reflect on the work that they had done, to consider how to improve, and eventually to affect the required improvements in order to deliver a more acceptable end product. As already explained, once all assignments had been satisfactorily completed, students would have successfully completed the CLE section of Legal Practice. No portfolio of evidence had been prescribed as part of the Covid-19 reworked curriculum. A complete discussion of the assessment methods, however, falls outside the scope of this article.

It is necessary also to make mention of the other component of the Legal Practice module, i.e. Street Law. Conventionally, students must successfully complete both the CLE and the Street Law components in order to obtain credit for the Legal Practice module. Should any of the two components be failed, the student must repeat the module during the next year. In terms of the Covid-19 reworked curriculum, Pathway 1 students may repeat the failed module during Pathway 2.⁶³ Should the student also fail the module during Pathway 2, the module will have to be repeated during the following year. Students could also have opted to switch pathways during any stage of Pathway 1.⁶⁴ However, this would result in their having to repeat all assignments that had been required during Pathway 1, as no results of any assignments could be carried over from Pathway 1 to Pathway 2.⁶⁵

4.3 Second semester

The second semester has not arrived at time of writing of this article, yet timeous considerations have had to be made as to how the CLE component of the Legal Practice module will be conducted during the second semester. The reason for this is that the second semester was planned for commencement directly after Pathway 2; hence, proactivity required a reworked module content to be put in place. The staggered pathway approach of the first semester, as well as the #feesmustfall-movement, as already discussed, proved that a practical module like Legal Practice could be completed online during challenging times. One challenge, however, was how to include all elements of the second semester course in an online format, as the course content is considerably different. Another challenge was that there was no certainty and/or clarity as to whether or not the

⁶³ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 3.

⁶⁴ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 3.

⁶⁵ NMU Law Faculty Management Committee *Frequently Asked Questions* (2020) 3.

second semester would involve any contact sessions with students at the law clinic, or between students and members of the public. In order to accommodate this uncertainty, a completely online approach had been decided on. A further challenge was that there was no certainty as to how long the second semester would be, and for this reason the course content had to be restructured and limited to the most important and essential sections that would be of value to students in legal practice.

During the second semester the following topics are generally presented by way of plenary sessions:

- (a) trial advocacy;
- (b) business management;
- (c) trial preparation;
- (d) legal costs and vocational training; and
- (e) the administration of deceased estates.

Trial advocacy is usually presented in a practical manner by way of mock trial sessions presented on various Saturdays by a senior advocate from the Port Elizabeth Bar, as well as a legal practitioner from Legal Aid South Africa. The senior advocate also presents the section on trial preparation. Business management is presented by the Dean of the Law Faculty, as well as a legal practitioner from legal practice. The remainder of the course is presented by the clinician and other lecturers in the Law Faculty. A further consideration also was what improvements could be made in the approach adopted during the first semester.

The course content described above is dealt with mainly in classroom sessions, as well as involving occasional practical activities such as the mock trials during trial advocacy. The students also resume their weekly practical activities at the NMU Law Clinic, as already explained. Of particular importance was the absence of these practical activities during the first semester. There was a desire to include such activities or at least simulations of some of them during the second semester. Therefore, it was decided that a virtual law clinic would be created by employing Moodle. This would entail providing the students with a number of sets of facts on a variety of topics, including succession, contract and delict. Students will be required to answer questions based on these sets of facts, as well as to perform practice-orientated tasks, including conducting legal research,

providing legal advice, and drafting various documents. These sets of facts can be provided either by way of written narratives or pre-recorded videos of people telling stories or giving instructions, or by way of simulated live consultations between the students and the clinician or another staff member via an online platform like Zoom or Microsoft Teams. In each case, students will have to analyse the sets of facts provided, which analysis can be presented in the form of consultation notes. This will create an indication of the comprehension of the "client's" situation by the students. Thereafter, students will have to indicate what research they have done in order to find a solution(s) to the particular situation. There should furthermore be a clear connection between the research done and the legal advice that they will "provide" to the "client". Furthermore, students may be required to draft certain documents on each case, e.g. a letter of demand, Combined Summons, affidavit(s) or pleas and counterclaims. This process will take place under the careful guidance of the clinician, the contract lecturer and the PGAs. At the end of each case, students must compile their documents in an electronic "case file" and submit the same for assessment. Should amendments be necessary, the case file can be referred back to the students for reconsideration and resubmission. Detailed feedback will be provided to the students in order for them to be made aware of the accuracy or not of their work, and where and how they can improve.

Apart from the virtual law clinic, trial advocacy will be conducted by way of plenary sessions via Microsoft Teams. These may be live sessions or recorded sessions posted online for students to watch in their own time. For 2020 it has been decided that the advocate and attorney will not conduct the trial advocacy sessions, as the exact times of such sessions are uncertain, and the advocate and attorney should not be burdened with uncertainties and having to resort to online activities should they not feel comfortable therewith. The clinician and the contract lecturer will be the presenters of the trial advocacy sessions. During the plenary sessions, the concept of trial advocacy will be clearly explained to the students. They must develop an appreciation of the importance of trial advocacy, from the moment that the client walks into the office of a legal representative up to and including the moment that the court hands down judgment in a litigious matter. Thereafter, students will be provided with sets of facts and a virtual police docket. Although the plenary sessions will concern trial advocacy in general, the focus of the sets of facts will be on criminal law. This is significant because the NMU Law Clinic does not generally engage with criminal law; therefore, apart from the section on criminal legal practice in the first semester of Legal Practice, students do not get any practical

training as far as criminal legal matters are concerned. There may be more than one manner in which to approach the trial advocacy component in a practical way. The first possibility would be solely in writing; the virtual police docket would contain statements of the witnesses for the prosecution. The task of the students would be to provide an account of the events from the perspective of their "clients", to prepare a set of questions for cross-examination of the state witnesses, based on the witnesses' statements and their client's version, as well as to draft heads of argument to be used as closing arguments in the matter. The students must be able to provide clear explanations as to why the specific questions were asked and would have to conduct relevant and applicable research to substantiate their statements in the heads of argument. Another manner in which to approach this would be for both the witness statements and a video recording of the "witness" testifying to be presented to the students. This would place the students in a position to compare the testimony of the witness with the written statement and also to generate questions for cross-examination from that. The second possibility is for mock trials to be conducted online via Zoom or Microsoft Teams. Student teams could choose a witness among themselves who would present the evidence while the other members of the group took turns to conduct examination-in-chief, cross-examination and re-examination. The team could choose a member who would deliver the closing argument at the end of the trial. This mode of delivery would be closest in format to the actual mock trial, but the viability and efficacy thereof would depend on whether or not all students have adequate internet connectivity, available and sufficient data and the electronic devices they would need in order to be able to participate. If not, the first possibility will have to suffice.

The business management section for 2020 will be replaced by a more detailed section on professionalism and legal ethics, as these topics were not sufficiently covered during the first semester. It was hoped that the presentation of these topics could take place by way of actual contact sessions with the students. Should this not be possible, it will be done by way of either two pre-recorded plenary sessions or two online lectures via Zoom or Microsoft Teams. Thereafter, the students will be provided with an assignment which they will have to complete. Explanatory notes on business management and an introduction to legal costs will, however, be provided to the students for self-study during their own time. This will ensure that students are knowledgeable about these concepts when entering legal practice after graduation.

Time constraints will also necessitate the omission of the section on legal costs and vocational training, although explanatory notes on these topics

will be provided to the students. The sections on trial preparation and the administration of deceased estates will continue, however. As far as both these sections are concerned, the relevant presenter can decide as to how the sessions should be presented, *i.e.* either by way of online notes only, or online notes in combination with either pre-recorded videos or online sessions by way of Zoom or Microsoft Teams. Both sections will involve assignments after the plenary sessions have been completed.

At the end of the second semester, students must have satisfactorily completed all assignments and activities in order to obtain credit for the CLE component of Legal Practice. Where assignments have not been satisfactorily completed, students may resubmit the same after due guidance has been provided to them as to where and how to improve.

5 Alternative suggestions

The approach of the NMU outlined in this article should not be construed as the only or the most desirable approach to be followed in this particular situation. It constitutes but one way of presenting CLE during these testing and unprecedented times. There may be other viable approaches as well. A few of these approaches deserve brief discussion. The following list of approaches does not constitute a *numerus clausus* and there may be other approaches that could yield excellent results.

Should students be able to return to campus and resume their clinical duties as part of experiential learning and WIL, law clinics could be decontaminated and fitted out with safety measures in order to provide a safe working environment for students and staff, as well as for visiting members of the public. Appropriate and effective screening measures would have to be in place before any person was allowed onto the university campus and into the law clinic. Should such measures be effected, students would be able to consult with members of the public. Social distancing and adequate personal protective equipment (hereafter referred to as "PPE"), *e.g.* face masks, face shields, hand sanitiser, etc., would have to be available at all times. This approach would enable students to obtain the maximum practical experience. As far as the NMU Law Clinic is concerned, PPE has been supplied to all staff members and offices have been decontaminated. Sanitiser stations have been installed at the entrances to the law clinic. Protective transparent screens have been installed on desks, with the result that there is a safety measure in place between persons sitting on opposite sides of a desk. This will facilitate conventional yet safe

consultations and interactions between consultants and members of the public.

The law clinic could also arrange online consultations from the offices of the law clinic between students and clients. In this regard, the client could sit in an office at the law clinic while the student consults online from home or another venue, perhaps a designated office at the law clinic or elsewhere on campus, whatever the student's situation allows for. This might prove to be beneficial to members of the public who do not have online connectivity and/or electronic devices at home by way of which a consultation could otherwise take place. The said consultations would take place under the supervision of the clinician or other authorised staff member, who might provide guidance wherever required. Designated times for such consultations could be arranged between the law clinic, students and clients.⁶⁶ In this way, experiential learning and WIL could continue relatively normally, while access to justice was also being provided, ensuring the safety of both the students and the members of the public. Students could draft notes and documents, submit the same to the clinician and other support staff for input and correction, and conduct follow-up consultations with clients where required. An immediate practical consideration, as far as this approach is concerned, is that it could be quite time-consuming for the clinician, should there not be sufficient staff members to assist in supervising online consultations. If the clinician were the only person supervising student activity, for example, this would mean that the clinician would spend an entire day in supervising consultations and have little or no time to spare for other duties. Another practical and logistical consideration is whether the particular law clinic has sufficient computers, tablets or other devices by way of which such consultations can be conducted. Furthermore, it must be established that the online connections are secure and not prone to hacking, which would compromise the identity of the client and the confidentiality of the consultation.

Another possibility is for actual law clinic consultations between law clinic staff members and clients to be recorded in video format, redacted and posted on an e-learning site for the students to view. Should private legal practitioners want to become involved in providing such video recordings that would also be welcomed. Students could direct questions at the

⁶⁶ See Thomas and Johnson *Clinical Legal Education Handbook* 47-48 in this regard. The system followed by the Open University in the United Kingdom provided inspiration for this submission.

clinician relating to any issues that they have detected on the said recordings or relating to anything they did not understand and need clarity on. Questions based on such consultations could also be posed to the students by the clinician. Students could also be required to complete certain tasks based on such consultations, e.g. the drafting of documents, legal research, alternative legal advice, etc. An important *caveat* in this regard is that it would be necessary to keep the identity of the client confidential when posting such material online. The client would also have to give his or her consent to the recording of the consultation. This would necessitate video and audio editing, which might prove a time-consuming activity, especially where the clinician or other applicable staff members are not familiar with such editing. This approach is similar to the so-called "fishbowl" approach to learning,⁶⁷ with the exception that no students are physically present when the consultation is conducted.

A further possibility is for students to undergo externships at private law firms that are available and willing to assist in providing WIL and practical training to law students. Such externships should, however, be subject to clear and regular communication between the clinician and the incumbent of the firm responsible for the training of the students in order to ensure that the relevant and applicable skills training takes place. After each training session, debriefing of the students by the clinician would be a necessity. This would provide the students with an opportunity to reflect on the work that they have done, as well as to understand where and how they can improve. Immediate foreseeable obstacles in this regard are apparent. Firstly, private law firms may not be available and willing to assist. Secondly, should they be available, they might not be willing to provide such training at no cost. The Law Faculty might therefore have to incur costs in order for such training to be provided. Thirdly, and very importantly, the large student numbers enrolled for CLE might mean that there are not enough available law firms that can provide such training to students. This would be problematic, especially in the case of a university like NMU, where CLE is a compulsory module. Fourthly, students would have to supply their own PPE or the university law faculty would have to provide the same to them. It could not be expected of such private law firms to be responsible for providing PPE for the students. Fifthly, a student contingent at private law firms means

⁶⁷ See Facing History and Ourselves 2020 <https://www.facinghistory.org/resource-library/teaching-strategies/fishbowl> for a definition and discussion of the fishbowl-approach. In this approach some students partake in an activity while other students watch from a distance. Later on the students switch roles, allowing for viewing and participation, which enables the students to experience both activities as well as to reflect on what they have seen when merely observing.

additional people having access to such premises, increasing the risk of Covid-19 infection to staff members of the law firm, as well as to their families.

6 Conclusion

The Covid-19 pandemic is undoubtedly moving law clinics and law faculties to reconsider the manner in which CLE, experiential learning and WIL are presented. While countries find themselves under lockdown, which lockdown has a profound effect on higher education, the conventional formats in which faculties provide CLE cannot prevail. An immediate solution to the problem might be the implementation of online measures, as set out in this article. It is submitted that such measures are in line with the Fourth Industrial Revolution and the changes that it is bringing about in the daily life of all human beings. The Fourth Industrial Revolution can be defined as the advent of cyber-physical systems,⁶⁸ which are presenting new capabilities for people and machines, including new forms of machine intelligence.⁶⁹ As far as South African law clinics and CLE are concerned, it might have been a fortuitous occurrence that on 19 November 2019 Dr Lynn Biggs, the Deputy Dean of the Faculty of Law at NMU, and Mr Lourens Grove, from the University of Pretoria Law Clinic, addressed delegates of the South African University Law Clinics Association (hereafter referred to as "SAULCA") on the topic of blended learning and the Fourth Industrial Revolution at a workshop in Johannesburg. This address had been formulated so as to inform delegates about the benefits that blended learning can have for CLE, as well as the importance of implementing such an approach in order to provide for situations where conventional CLE training cannot take place. It is hoped that the most law clinicians took address to heart in the sense that they decided to integrate online activities as part of their conventional CLE programmes. It is quite evident that such integration will ensure the continuation of CLE today. This integration will also present students with opportunities to engage with digital technology

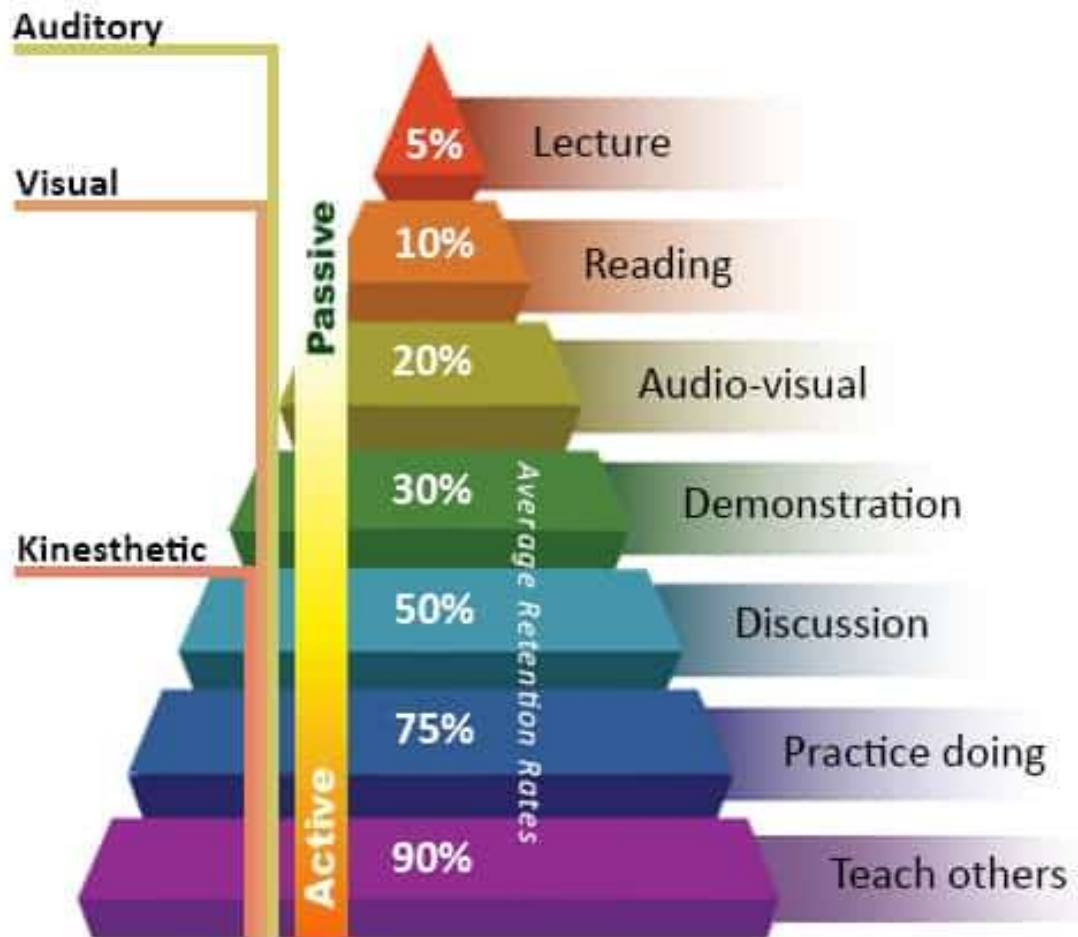
⁶⁸ Ptolemy Project Date unknown <https://ptolemy.berkeley.edu/projects/cps/>. Cyber-physical systems (hereafter referred to as CPS) refer to the integration of computation, networking and physical processes. The physical processes are controlled by embedded computers and networks.

⁶⁹ World Economic Forum 2016 <https://www.weforum.org/agenda/2016/01/what-is-the-fourth-industrial-revolution/>. On 18 November 2019, at the SAULCA Workshop and AGM in Johannesburg, Mr Lourens Grove from the University of Pretoria Law Clinic, confirmed that the Fourth Industrial Revolution is now upon us. The first revolution concerned steam, the second was electricity, the third was nuclear power, while the digital world and interactive communication form the basis of the fourth.

and develop core competencies, including online collaboration skills, as well as to obtain important employability skills.⁷⁰

As stated in the introduction, it is hoped that this article can provide inspiration for and assistance to law clinics and law faculties that are struggling to find a suitable approach to continuing with CLE amidst the Covid-19 pandemic. Other law clinics may be able to devise alternative strategies that could be of assistance to the NMU Law Faculty. Law clinics should be encouraged to share strategies with one another and to publish them in order for the information to be available, should future generations also have to deal with similar situations. This could contribute to the wealth of CLE-based information that is already available for users in South Africa as well as all over the world.

⁷⁰ Thomas and Johnson *Clinical Legal Education Handbook* 49.

APPENDIX⁷¹

Adapted from the NTL Institute of Applied Behavioral Science Learning Pyramid

⁷¹ This image can be viewed at Education Corner 2020 <https://www.educationcorner.com/the-learning-pyramid.html>.

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List of Abbreviations

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| Asian J Leg Educ | Asian Journal of Legal Education |
| CCMA | Commission for Conciliation, Mediation and Arbitration |
| CLE | Clinical Legal Education |
| CPS | Cyber-physical systems |
| EMA | End-of-module-assessment |
| Fordham Int'l LJ | Fordham International Law Journal |
| IJCLE | International Journal of Clinical Legal Education |
| JJS | Journal for Juridical Science |
| LIP | Legal Integration Project |
| NMU | Nelson Mandela University |
| PGAs | Postgraduate associates |
| PPE | Personal protective equipment |
| SALJ | South African Law Journal |
| SAULCA | South African University Law Clinics Association |
| Stell LR | Stellenbosch Law Review |
| WIL | Work-integrated learning |