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## CONTEMPORARY ISSUES IN LEGAL FIELD AND LEGAL EDUCATION

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### ABSTRACT

*In a democratic nation like India, legal education has to conform to the concept of innovation, dissemination of information, knowledge application, and oversight at professional and organizational levels in order to address the challenges that lie ahead of knowledge in the legal realms of the 21st century. It is widely accepted that legal education encompasses all of the knowledge faculties found in multidisciplinary different fields of study, and that it correlates with other courses to make it more applicable to real-life circumstances and professional expectations. Understanding jurisprudential ideologies and gaining an understanding of a culture that places a great deal of importance on justice and equality requires, among other things, the use of ideas, philosophies, perspectives, and thoughtful reflection.*

*The purpose of the paper is to discuss how case studies, assignments, projects, and field studies could all be included in the academic curriculum in order to enhance legal education in the current era. The prompt 'completion of these tasks will ensure that the socio economic issues that these tasks are meant to address are resolved. In the legal profession, there is now more of a focus on inclusiveness, equity, and diversity as a result of a growing consciousness of problems associated with social justice. The need to create cultural competence, combat systemic prejudices, and advance access to justice for people with limited opportunities is a difficulty for legal education institutions.*

*A further problem for legal education is the quick pace of changes to legislation and regulations. Law schools must come across strategies to sustain their educational offerings and give students the tools they require for adapting to ever-changing legal circumstances. The long-term viability of legal practice is dependent upon adjusting to developments in technology, addressing worldwide obstacles, encouraging inclusive and diverse practices, and keeping up with legislative changes. In order to cultivate capable and socially conscious lawyers who can negotiate the intricacies of the contemporary legal landscape, legal educational institutions must take proactive measures toward addressing the aforementioned issues.*

**KEY WORDS:** Legal education, social challenges, development of society, legal practitioners, educational institutions.

<sup>1</sup> Azmi Hasnal S. Sharimul, 'Legal Education in India' ALTC, New Delhi (1999) p.35

## I) INTRODUCTION:

Around the world, legal education is currently witnessing alteration to make it more receptive than ever to community legal requirements, nationwide and internationally, as well as student learning requirements for building professional competence for their position in our ever more interconnected world. With an increased concentration on problem-solving, negotiation, and multinational practice in the curriculum and reconciling it with the conventional ones instructional emphasize of litigation, the incorporation of new technology, and the increased utilization of clinical legal knowledge for bridging the current discrepancies between the academic and practical aspects of law, the focus of legal reform in education in other parts of the world is on integrating international in nature and international relations dimensions of professional practice with the existing curriculum.

The government of India has established its focus on the study of law for more than 60 years. A number of initiatives have been done by agencies of the government, including the Law Commission of India, the University Grants Commission, including the Indian Bar Council, in order to enhance legal education. Reforms to legal education were additionally suggested by the National Knowledge Commission and a committee with three members established by the Supreme Court, some of which have already been implemented in place and others of which are still pending. Furthermore, legal educators have made small improvements to the ongoing discussion on legal education reform.

The profession of law is dynamic and perpetually transforming, impacted by societal shifts, the advancement of technology, and worldwide challenges. The practice of law has undergone a change attributable to the digital age. The study of law, management of documents, and the rendering of legal services

have all undergone significant transformations as a result of technology. Due to this, legal education courses have begun to incorporate areas that involve technological skills like cybersecurity and data statistics.

Complex globally connected legal challenges have come about as a result of the world's growing interrelationships and globalization. Lawyers now must navigate a variety of legal frameworks, cultural conventions, and agreements across borders. Legal instructions must change to give students a more thorough understanding of comparative law, global systems of law, and cross-cultural interaction.

## II) CHALLENGES TO LEGAL EDUCATION IN THE ERA OF GLOBALIZATION:

The legal profession is facing new difficulties as a consequence of globalization. It is the mechanism by which an individual neighborhood problem or entity is able to spread across the world and, in doing so, acquires the ability to classify a competing social circumstance or the organization as local underneath its influence. Legal research is finding it becoming increasingly challenging to stay inside the confines of local legal frameworks due to globalization. The expansion of international sources of law, such as those derived from the European Union or WTO, can be used to understand how formal state law functions. Greater acceptability of interfering in the internal processes of states through the humanitarian intervention theory is undermining sovereignty at an international scale.

Globalization necessitates awareness of different types of legal arranging, such as the sui generis legal structure of the ED, whereas classical jurisprudence exclusively concentrated on municipality and public international law. Transnational lex mercatoria, which governs relations between worldwide commercial firms through mechanisms like international mediation, is a well-known example. We have to construct an

<sup>2</sup> The Legal Education and Professional Training, 184 Report, Law Commission of India, 2002, at 53





understanding of law that is applicable to all legal systems and to create a conceptual vocabulary that allows for the connections between, for example, sub-state and non-state environments, formal as well as informal situations, and national and supranational perspectives.

To improve comprehension between legal cultures, it would be helpful to add a more appropriate spoken language to the list of concepts included in general jurisprudence, such as group of people, controversy, establishment, procedure, functioning, decision, regulation, efficiency, and effectiveness. A legal professional must be able to put together new tools and procedures that are suitable for the changing requirements and occasions, have a consciousness of emerging issues, and be zealous in advancing the cause of fairness while helping to address some of the challenges of the globalization process.

The current state of legal education makes it imperative to make an all-out effort by reviewing previous initiatives and establishing the appropriate course of action. A "well-functioning legal structure" is an essential component of a free and just society. A successful system of justice meets all of the wants and requirements of society at large and offers every modern convenience. A good system of justice where everyone is regulated by the law depends on the "rule of law." The Bar Council of India is the body charged with controlling both the profession of law and legal education in India.

### III) WEAKNESS OF INDIAN LEGAL EDUCATION:

The Bar Council of India, which is tasked with stimulating legal education as well as creating standards for such education in accordance with the institutions of higher learning in India that are providing such educational institutions and the State Bar Councils, provides recommendations for these courses' course content. The Bar Council of India's rules outline the prerequisites and elective subjects that

must be covered in the LL.B program. Six different fields are included in Rule (9) (1) for Part 1 (compulsory): Part 11 (compulsory) is listed as having 21 disciplines in Rule 9 (2). 15 disciplines are listed in Rule 9(3) as optional, nonetheless only three must be chosen<sup>3</sup>.

The Curriculum Development Committee, which UGC established back in 2000, created a new UGC Model Curriculum, which was distributed to other universities for reform of their law programs. The challenge posed by foreign as well as domestic institutions is impending, notwithstanding efforts and suggestions designed to give Indian law graduates more potent professional characteristics. Following are some significant flaws in our legal education system:

A) Easy Entry into Legal Education: For law establishments, which are primarily overseen by builders and industrialists, legal education has recently emerged as an intriguing commercial endeavor. The team from the Bar Council and the university, which is in responsibility for inspecting establishments asking for authorization to begin presenting law courses, is the primary culprit of the issue.

B) The tools and approaches used in instruction: The traditional method of delivering students in a classroom through lectures is still commonplace in legal education institutions. These suggestions and constructive criticism given by the committees tasked with strengthening education are not taken into account. The pupils are less passionate about understanding than they are with accomplishing the bare minimum appropriate to pass the educational program.

C) The flawed Law schools use the conventional assessment arrangement for its exams. The disease of only comprehending a portion of the material that is needed and the fallacy of memorization of those selected questions rule the day. Instead of reflecting their conceptual and operational abilities, pupils' assignment

<sup>3</sup> The Advocates Act 1961, Section 7(1)(b)

certificates are a reflection of their capacity to memorize a restricted amount of topics.

D) The insignificant syllabus: Despite recommendations for an improved version of the law course syllabus from the UGC Committees and the Bar Council of India, there currently is still a lack of consistency among universities' legal curriculum. Additionally, the underlying idea of teaching abilities as well as research orientation has been compromised by the incorporation of too many disciplines in the curriculum. It is necessary to make legal knowledge more pertinent to the field's difficulties<sup>4</sup>.

#### IV) CHALLENGES BEFORE LEGAL EDUCATION IN INDIA:

By going in addition to the national law schools, it is vital to concentrate on the multitude of law institutions in small cities and rural areas in order to improve the efficacy of legal education.

Law schools in these cities lack the arrangements and facilities necessary to train students on par with those in prestigious private law colleges and national law schools. As a result, it's significant to address a few particular issues in small-town law schools. Here are some of the principal challenges encountered by Indian legal education.

##### A) "Moot courts"

For legal students to gain real-world experience, moot court participation is essential. Some people fall far enough behind the curve as a result of constraints on engagement in moot courts. Many institutions lack a structured mentorship program for their moot court organizations. This might not have an impact on the lives of learners in the long run. Students now compete in international moot court events. The obstacle for law schools is in bringing these students to a level where they can compete with peers in developed nations.

##### B) Internship

Before entering any field, internships are required. The student benefits from exposure and the development of professional skills. Most lawyers are unwilling to hire interns, despite the fact that many of them desire to give back to society by instructing and developing the next generation of lawyers. This is due to a general lack of presentation, research, and fundamental formatting skills among students. An intern who lacks fundamental professional abilities and topic understanding will be a burden to the attorney. Therefore, it is essential to teach students certain fundamental skills in college before sending them on internships.

##### C) Technology

The field of education has seen a significant transformation as a result of technological advancement. There is little evidence of technological use, particularly in small-town institutions. As a result, it has an effect on the general standard of legal education. One of the main issues in legal education in India is the lack of usage of cutting-edge technologies. It is crucial to employ cutting-edge teaching strategies and technologies, such as the use of MS Word and Excel at a high level, Grammarly, Google Keep, and Google Calendar for scheduling appointments and reminders. Students will find it to be more engaging and intriguing as a result.

##### D) Not enough researchers

Lack of legal scholars and an improper emphasis on research and publishing in the country's law schools are two more problems with legal education. As a result, there is no setting that is intellectually stimulating. Research can make a big difference in helping to improve instruction and, more importantly, solve the many issues that are related to law and justice. Academics place a strong focus on research and publications, as can be seen by looking at the faculty profiles of the best law schools in the globe. However, compared to other fields, the legal community does not initiate as much research in India.

<sup>4</sup> The Legal Education and Professional Training, 184 Report, Law Commission of India, 2002, at 53

## V) BIGGEST CHALLENGES FOR THE LEGAL PROFESSION:

### A) Making the Switch to Virtual Assistants

In our law practice, we're making the switch to using virtual assistants. Training distant teams is the toughest issue. Being there all day in the office and assisting someone is simple. As a remote worker, it's harder when they're more alone.

Accepting responsibility for their performance presented another difficulty. It is our responsibility as the leaders if they didn't comprehend the process or performed poorly. It is our duty to ensure that the remote workforce is adequately trained. Moreover, we need to learn how to improve as leaders so that we can coach remote teams.

### B) Increasing Industry Competition

The online world has many benefits but also drawbacks in a wide range of sectors. Everything being internet available has expanded the market in which law offices must compete. Customers can employ law firms from anywhere, and businesses can assist their clients from anywhere. It's opened up a brand-new avenue for competition and presents another difficulty for legal firms.

Additionally, it implies that accredited, experienced law firms must compete against less competent businesses that can attract clients through deceptive advertising and inexpensive costs.

### C) Adapting to the Digital Revolution

The legal industry is in the midst of a technological and developmental revolution. This is a challenge and can be quite challenging for many legal professionals.

The majority of legal experts has honed their procedures and is knowledgeable in what they are performing. The legal industry has had to quickly and seamlessly change in light of the consequences of the epidemic and the constant introduction of new technology.

Clients keep coming in; therefore legal firms are unable to slow down anything so they can learn this new technology. They must continue on, make quick adjustments, and work things out.

### D) Changes to the Communication Infrastructure that are Significant

The evolving communication infrastructure is among the biggest problems facing the legal profession. We used technology more than ever before during the pandemic. As a result, new forms of collaboration and communication had to be adopted across all industries. It can be challenging to create a strong and supportive team atmosphere when contending with convergent external variables. In order to maintain building a solid and trustworthy brand and service offering, it has become crucial for legal companies to become flexible and adopt a diverse approach to communication.

### E) Recruiting New Workers

Right present, recruiting new personnel for law firms is the largest challenge. We currently have a restricted amount of recent graduates and workers that we can hire into legal businesses due to a significant pause in the education industry during the pandemic, when many students elected to take time away from university because they (understandably) didn't want to conduct remote learning. Additionally, many current workers have left their positions in search of other careers due to the pandemic. Finding candidates who are qualified to work for law firms has proven to be fairly challenging.

### F) Changes to the Communication Infrastructure that are Significant

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maintain building a solid and trustworthy brand and service offering, it has become crucial for legal companies to become flexible and adopt a diverse approach to communication.

#### G) Getting new clients

The acquisition of customers is by far the biggest issue facing attorneys who defend consumers in cases involving bankruptcy, personal injury, divorce, real estate, etc. As in the past, word-of-mouth and referrals still bring in a sufficient number of customers. Potential customers use the internet, social media, and mass-market advertising to research businesses. Lawyers who don't change won't be able to keep up enough clientele to remain successful.

#### H) Providing legal services at affordable rates

Meeting the expectations of your clients about expenses will be a significant problem for the legal profession in 2022. Many people are looking for more accessible and reasonable legal options because many small firms are barely making it because they are trying to exit COVID.

Due to the fact that we continue to utilize the dated model of charging by the hour at a high hourly fee, the majority of people are frightened to consult attorneys. The majority of customers today will consider this conventional model to be poor value for money, but despite the digital revolution, this model has not changed.

#### I) Issues with Cybersecurity

Cybersecurity will be one of the main problems facing the legal industry in 2022. Given that there are more sophisticated techniques to hack into systems, this is a challenge to overcome. It is a serious problem that even individuals who have protection against it frequently become victims of it. Law practice is about attempting to counteract it as much as it can, particularly with relation to phishing scams. Measures have made sure our cybersecurity is as effective as possible because we don't want critical information to be leaked.

#### J) Reorganizing Your Company & Operations

The possible danger that a legal firm faces in terms of financial obligations and overhead costs was also made public by COVID. Now that we are aware, the courts may shut down entirely if a new pandemic breaks out. In other words, we prepared our employees to work from home permanently rather than keeping them confined to our office locations. For their home offices, everyone received a laptop, a higher-quality video camera, scanners, printers, etc. Although this is an expense, we will be better prepared to adapt if anything similar happens again.

#### VI) CONCLUSION:

A lawyer's practical skills are taught or loaned by one of three methods: first, through classroom instruction mixed with court appearances; second, through placement with lawyers; and third, live client cases dealt with at a Lok Adalats or legal aid clinic. During clinical legal education, the following subjects are covered: Client interviewing and counseling, legal research, and familiarization with Delhi's courts (including their organization, areas of jurisdiction, and slang terms) Case analysis, planning and strategy, negotiation, mediation, trial advocacy, framing of issues/charges, bail/bond, cross-examination in chief, introduction of evidence, arguments, appellate advocacy, moot court, professional ethics, legal aid, lok adalats, and public interest litigation, educational strategies.

Strategies that encourage innovation and creative thinking should be adopted by law companies. While upholding the basic objectives of the firm, the policies should always be customer-focused. In order to maximize their resource usage and produce a steady stream of fresh ideas, they should also utilize the newest technological advancements.

Legal practitioners and law firms require strategic planning in order to manage operations, capacity, and efficiency in today's environment of rapid change. For instance, with



the aid of incredibly beneficial legal process outsourcing models, law firms are also increasingly adopting hybrid operating strategies.

They continue to delegate some time-consuming, labor-intensive, and repetitive duties to reputable legal process outsourcing businesses while preserving control of important legal processes with internal staff.

In the current world, teaching is a well-established profession characterized by teacher ranks that define the hierarchy in the teaching community. Progress for a teacher would logically entail climbing this social ladder. The University Grants Commission has come up with a number of strategies in this regard. The quantity and caliber of publications that a teacher has produced are one of the key elements that must be taken into account in this process. This emphasis on research has been made with the goal of encouraging research among academicians in mind. In a similar vein, the quantity and caliber of legal assistance cases that a teacher presents as part of his evaluation should be taken into consideration.

In conclusion, there are a number of current concerns that the legal profession must address and adapt to in order to maintain its efficacy and relevance in a fast evolving global environment. Both legal education and practice are covered by these problems.

The impact of technology is one of the major difficulties facing the legal profession. Dispute resolution and other areas of legal practice have changed as a result of the rise of artificial intelligence, automation, and internet platforms. To improve productivity and offer customers cost-effective solutions, legal practitioners must accept and adapt to these technological innovations.

In summary, modern legal concerns and legal education demand innovation and adaptability. To ensure that the legal profession remains effective, pertinent, and just in the face of the

difficulties of the 21st century, it is crucial to embrace technology, solve global legal issues, promote diversity and inclusion, and reform legal education. The legal profession may better serve society and defend the rule of law in a world that is always changing by tackling these concerns.

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