

## **Legal education: a high-end trade goods**

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There are, by and large, three models of legal education. Common law countries follow two models, a post-basic undergraduate model of US type and a post high school model. In either case the legal education crystallized in a graduate program roughly in a three years' JD or LL.B. program. In civil law society, legal education is integrated in a five years' course with base knowledge in various disciplines. In India there are both these types available, namely, (i) a three years' graduate program after an undergraduate degree level, similar to US model, and (ii) a five years' integrated double degree model having commonality with the model in civil law system. UK and following UK many other commonwealth countries have legal education in the undergraduate program after A level in School education.

Legal education has two components; a normative content, which is predominantly a value education and the procedural structure-system content, which ensures 'due process'. Thus if a legal education is a first degree education only, a graduate cooked in this system is only partly baked because the base education in the School level may be quite inadequate to provide grounding to analytically appreciate matters of fact with which legal skills have to be integrated to provide for a wholesome justice delivery system. Let me take this argument further with an example, an IPR lawyer baked through the UK model education earning only legal skills would be quite inappropriate to transform the huge technical scientific data into a legal data under the patent specification document preparation and buildup legal; argument of novelty and non-obviousness. Similarly, a criminal law professional shall be incompetent and marginalized to prepare list of evidences and build up argument in a money-laundering or terrorism cases. We must have seen in *O.J.Simpson* case that a critical scientific data can be appreciated only when the lawyers of both the side are competent to critically review the matters of fact, which are only matters of science. In the Knowledge Society that we are progressing to, knowledge would shape the character and design of justice delivery system. No

normative system could survive only on top down legislative process. Legal education in itself would involve sociological enquiry. Naturally Legal Professionals cannot be generalist only conversant with 'due process' administration.

As such those who are interested to take legal profession in this century would be more and more interested to take up double degree programs, side by side, or one after the other, based on capacity and availability. In this process, an integrated education system not much ideologically different, but different in details are now experimented in India. In my institution double degree integrated courses are designed with duration of 5 to 6 years after the school education. A student may save one year in a integrated course. As for example, if a student has to take an undergraduate degree in any subject in science, or social science or management the duration of the course is 3 years. Then he has to go for law and has to spend for another 3 years. In integrated double degree a student may save one year for getting both the degree. One can do B.Sc. in Environmental Science, or Computer science, Information Technology, or Biotechnology, or Forensic Sciences with LL.B. in Legal education and specialize in appropriate branches if one wants to. Similarly, one may take up BA degree program with honors in Economics, or Sociology, or History or Psychology with LL.B. degree program with specialization in appropriate public law branch if one wants to.

The message is clear that the Knowledge Society is throwing three challenges to legal education and legal profession. Firstly, legal profession shall have to have super specialization based upon integration of basic knowledge in the field discipline and the appropriate legal skills. Mere legal skills would not take the professionals anywhere. Consumers of service may even take recourse to protective mechanism if the legal service is not based on fine-tuning of appropriate knowledge with skills. If a legal professional is unaware with the knowledge base and have not taken appropriate consultation from person with high field knowledge, the professional would bring peril on self. The professional cannot provide wholesome and adequate service unless the professional knows the knowledge base and is competent to take professional care to clients' interest. Matters of fact would dominate in the process of finding truth in justice

delivery system. This professional challenge brings the academicians to design the law courses taking complete professional demand. You cannot study trade law without understanding the economics of trade and fiscal implications. One would be incompetent to provide corporate legal service unless one is fairly good at understanding the Corporate Balance Sheet and the disclosure norms. Similarly, no IPR professional can claim any competence if the legal professional is unable to understand the scientific data. Thus designing a legal education program has become more intricate to evaluate the professional competence and knowledge base. The regulatory system is based on such integrated system of learning. Say for example, a legal professional required in the financial market system is bound to be very much acquainted with financial market management system, accounting and taxation, investment structure and flow and the intermediaries' obligations of disclosure and accountability. Merely knowing corporate law would be absolutely inadequate. It would be interesting to see program designing in the learning law professionally in a civil law system.

The second challenge is that program tends to become global and globally available. This makes the legal education highly technical and more investment oriented. For example, a modern criminal law professional cannot rest in peace unless the whole host of complicated technological forensic data is understandable to the professional and he is capable of arranging them in argumentative structure. Designing the programs, in the language of the marketing manager, products of an institution would require technical expertise is respective product lines. Generally speaking education is going to be high-end service product, it is more so in case of the legal education because legal problems are everywhere and justice demands evaluation of both matters of fact and matters of law. In that regards, developed countries have wider advantage because of a long experience of curriculum design in leading institutions and universities. There is the necessity of designing program having demand for convergence and integration. Naturally faculty is also going to be drawn globally. One of the ways the legal professional may remain deeply entrenched to a national character is by way of variation in the legal curriculum and need for the same. This is going to be seriously challenged. The moment professional

bodies are unable to hold on to this national character, the demand of the students' community for legal education in the developed world would go high.

In that context the third challenge is the fast changing technology in the realm of learning system. Higher learning would require far more integration in contextually global scenario. The demand for institutions turning out high-end professionals (for trade in services), could then be met with (i) such institutions reaching out through e-learning mode; (ii) establishing global chain of virtual class rooms; (iii) institutional linkages and franchising values; (iv) floating faculty with facilities under Mode 3 and 4 in GATS and (v) program sharing and exchange methods. Higher education would emphasize more on buying capacity than on intrinsic merit. If designing a program is like designing a product there would be several issues on the same. It would have a pricing mechanism, which would have to take care of 'rent' on business process. It would also involve issues relating to transfer of technology and business process outsourcing. Some developed and developing countries would have edge in the trade in education in general and legal education in particular. Whether Harvard would open a Beijing campus or Harvard professors would camp in Bombay or a lot of students would register for law program in US or UK or combination of all in what proportion would depend upon the comparative cost in the short run and trade interest between countries in the long run.

This type of global meet of the academics would facilitate creation of a depth in the capacity building of appropriate epistemology including communicable pedagogy suitable for curriculum design and legal education. Legal education has to play a key role in building new generation of legal professionals ready for the Knowledge Society.