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Online Blended Learning in South African Legal Education: An Evaluation of how this Pedagogical Model may Best be Used in Educating the Legal Practitioner of the Future

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Abstract:

The coronavirus pandemic necessitated the unprecedented and swift transferal of educational material delivery to online platforms. In the context of a developing nation already facing challenges relating to the need for transformation, de-colonization in education and access to resources, this was no easy feat.

This paper evaluates online blended learning as a pedagogical model in contrast with the traditionally used approaches to blended learning in legal education. This comparison unfolds along two parallels, namely with reference to the online delivery of a substantive law module on the one hand, and an adjectival law module on the other. The distinction will be made between these varying discipline specificities so as to present an analytical discussion of how they may best be delivered virtually, with reference to what should be taught to legal practitioners of a near and technologically advanced future, and within the broader sociology of ensuring transformation and equity.

Key words:

legal; education; blended; learning ; transformation.

Paper:

The disruption of 2020 and 2021 owing to the global coronavirus pandemic together with (more recently) civil unrest in South Africa has forced higher education institutions to respond in an unprecedented manner with emergency remote teaching in online modalities. As part of the higher education sector in South Africa (as well as globally) we are responsible for shaping the thoughts and minds of young people in our communities and society, with a particular emphasis on the emerging

legal practitioner of the future.

Teaching and learning practices in the legal discipline are an integral part of quality assurance at the core of how we produce good, sensitive, moral, and efficient leaders that are to be held accountable. The definition of quality assurance in our institutions generally includes whether our learning material across various modes of delivery is fit for purpose within a transformative agenda (Menon: 2021).

Within the South Africa context specifically, further care must be taken to ensure that we are at the forefront of reaching the 17 sustainable development goals contained in the Africa Vision towards 2063. Part of these goals relate to the continuing impact on the most vulnerable student cohorts in our society. As such, digital transformation must, of necessity, be embedded in institutional culture; from strategic planning processes and organisational structures to administrative and daily operational practices, while avoiding exacerbating existing digital poverty for historically, socially, and spatially disadvantaged communities (Zezeza & Okanda, 2021). As such, educators should be engaging in pedagogically rigorous activity by rethinking and reworking their pedagogies in a way that benefits both the curriculum design and delivery in the sphere of digital learning (Zezeza & Okanda, 2021). Educators should, thus, “be critical in their examination of the relationship between the digital sphere and online pedagogies” (Czerniewicz, Trotter & Haupt, 2019:5).

The means by which this may be achieved is by ensuring that, *inter alia*, best pedagogical practices are optimized within online blended learning frameworks to fulfil the responsibilities of digital facilitators.

According to Mpungose (2020:3), students should be active participants in the construction of knowledge and not passive receivers of knowledge through the correct use and implementation of education technology. Therefore, in the creation and subsequent delivery of online material, it is vital to consider whether the learning needs of students across varying learning styles are being catered to by building cognitive learning skills in law students that are in alignment with the need for increased and empowered digital citizenship. Furthermore, this necessitates the need to assess risk in terms of student success rates in digital learning.

Fundamental to student success in online blended learning is ensuring the agility of our institutions in continuing transformation during a global pandemic. Aside from the use of various digital tools, emphasis must be placed on embedding best teaching and learning practices into the creation and delivery of online material.

Managing the quality of online teaching and learning by making evidence-based decisions regarding the utilization of our instructional products such as Blackboard and other learning management systems is of paramount importance. This paper will focus on how we may better design the online material delivery in our law curriculums by considering what new approaches must develop now that Covid19 has forced us into an almost fully digital classroom environment. This primary research question is tackled within the objective of considering the need for adequate transformation.

Based on empirical evidence, this paper aims to qualitatively identify and analyse best pedagogical practices with reference to a comparative conceptual framework. This framework will be used to illustrate the approach to be taken in both broad categories of law modules. The two categories that

will be referred to as adjective law modules (wherein the content is procedural in nature), on the one hand, and substantive law modules (wherein the content focuses on the substance and theory of legal rules) on the other hand.

Using teaching and learning principles that underpin the application of the foundational notion of cognitive constructivism (Piaget, 1985), this paper will propose tools to be used in online blended learning that are most efficient in unlocking metacognition whilst shaping the legal practitioner of the future. This will be suggested through the lens of enhancing inclusivity and diversity.

References: