

Study Group Chair Notes and Logic Map:

Constitutional Law Group 2017 - Friday and Saturday November 10th/11th 2017

Room: Conference Room, SSLA, 3rd floor.

Summary

During the annual meeting 2017 in Pune, Symbiosis Law School, the group had three breakout sessions.

The following members were present: Luis Gabriel Franceschi, Dean, Strathmore Law School, Kenya – Chair of the Constitutional Law Study Group; Bettina Kahil-Wolff, former Dean, Professor of Law, University of Lausanne, Switzerland – Chair of the Constitutional Law Study Group – Rapporteur; Penelope Andrews, Dean, University of Cape Town, Faculty of Law, South Africa; Hlako Jacob Choma, Advocate, University of Venda, School of Law, South Africa; Chickunda Gurudath, Dean, Jagran Lakecity University, School of Law, India; Atmaram Shelke, Faculty, Symbiosis Law School, Pune; Mohanty, Faculty, Symbiosis Law School, Pune; Nidhi Tewari, Faculty, Symbiosis Law School, Pune.

1st Breakout Discussions on 1st Plenary Session - Friday November 10th 2017 - Innovation Pedagogy in Doctrinal Fields -

After a warm welcome (L. Franceschi) and a short presentation of the members, the study group starts with a summary of the activities since 2015 (B. Kahil-Wolff).

We therefore remind that the preliminary discussion had started in 2015 at the 9th Annual Meeting in Spain (Segovia) where three reports had been written in order to prepare the study group discussion at that time; one by Barbara Randazzo (Prof. for Constitutional law in Milano), a second by Professor Gurudath (cagdash@yahoo.co.in), Dean of the Law School in Bhopal (India), and a third by Hlako Choma, senior lecturer at the University of Venda, South Africa (he is also here today). Those papers served as a start for the discussion of the study group at 9th Annual Meeting 2015; this discussion ended up into the study group report 2015 according to which the study group had, in 2015, done two things: first they had outlined the important questions to ask wherein we find - beside others - knowledge, skill and values; second they made a statement about the essential points the group agreed on : they said that legal education has to include a certain number of common subject matters like the rule of law, human rights, international and regional courts etc. ; they finished by stating that some common themes should be taught by any constitutional scholar, such as human rights, separation of powers and the rule of law.

In October 2016, at the 9th Annual Meeting 2016 in San Francisco, the study group used the statement from 2015 as a plate-form. At that time, the Study Group got more into the details and listed subjects that must be taught. We had also pointed out effective pedagogical strategies for teaching constitutional law. According to the discussion in 2016, the curriculum should, as an essential, include:

- the notion of public law
- the structure of the state (legislative, executive, judicial power)
- main definitions

- history
- rights (generation, effect, limitation, litigation)
- rule of law
- separation of powers
- *locus standi*
- judicial review (Constitutional review)
- Constitutional interpretation

The Group also had agreed that for teaching Constitutional law, we should use Socratic methods (maieutic), debate and exercise of handling case law (such methods suppose a limited number of students in classes).

In the following the Study Group got into the discussion concerning Curriculum Recommendations. L. Franceschi gave a brief presentation of the Course outline 2017. After a short feed-back from the members, we used the logical framework in order to define inputs, activities, outputs, etc. This work was building on the morning plenum presentation with the aim of sharing 2-3 teaching strategies. We were supposed to discuss the outcomes and impacts the study field should attain and how to achieve them. The Study Group came to the following proposal:

Input: expose to the hard case ([archives ?](#)), to textbooks and research articles; transmit interpretation techniques ; give a double approach of Constitutional law and compared Constitutional law ; assessment (exam/terminal paper)

Activities: hard case ([archives ?](#)) / advice related homework - moot court and critical writing - personal work one archives - doctrinal and historical research

Output: understanding of the historical context and having a critical approach - competition and clarity in the development of constitutional values and theories - class presentations and international mootings as well as terminal paper - quality assessment of the paper

Outcome: class presentation and examination - constitutional idea becomes internal to the person - capability to check the validity of subsidiary law - contextualized understanding of constitutional law and theory in the philosophical context of the constitution

Impact: understand the Constitution as an instrument of social change; ability to interpret and apply Constitutional law.

2nd Breakout Discussions on 1st Plenary Session - Friday November 10th 2017 **- Doctrinal Study Groups: Towards a Harmonized Subject Matter Curriculum which respects the Diversity of Approaches -**

Breakout n° 2 had to answer the following three questions:

1st question: viewing Curriculum from a broader perspective - how do we take into account resource, cultural and other differences in deploying strategies by schools with differing resources, culture and expectations for a legal education?

2nd question: How do we assess curriculum in the context of such differences?

3rd question: Establish Key Performance Indicators (KPI) while taking into consideration the context of the institution.

The Study Group again used the logic model in order to answer those questions and came up with the following mapping.

Input: targeting controversies before the court

Activities: brief writing, mock judgment writing, oral moot courts

Output/KPI:

- written and oral skills - in the language of the jurisdiction
- deep analytical reasoning skills
- appreciation of cultural context - cross cultural competence
- sound knowledge of the subject matter
- research skills
- creative thinking
- commitment to ethics and social justice

Asses curriculum:

- commonalities (common principles together shaped in a social context, understanding diversity)
- respect for human dignity and fundamental rights

3rd Breakout Discussions on 3rd Plenary Session - Saturday November 11th 2017 - Implementing Change - IALS as a Network Improvement Community -

Breakout n° 3 had to answer the following three questions:

1st question: What are the opportunities and challenges of working together?

2nd question: What are the strategies to incent scholarship in learning theory as applied to legal education?

3rd question: Using the logic map, can we set goals and priorities for working together as an NIC in your doctrinal area by mapping to attain stated outcomes while learning and recalibrating when doing?

The Group first went through these questions and made a couple of general statements before going into the logic model. The members agree that one of the main opportunities is sharing best practices. In our days, an important aspect as well is to exchange experiences about how to use e-technology in teaching law; we all agree that lawyers need knowledge of law and technology (we have to work together with the profession and make sure that young lawyers meet the requirements of industries and other businesses). Among the challenges were mentioned the differences between common and continental law; we will have to get to a global approach that is acceptable for the different streams. On the other hand, IALS gives us the opportunity to work out curriculum framework together. Again, the group underlined that in legal education moot courts are a good manor of assessment and a way to get students into competition. In the following, during this last session again, the Study Group used the logic model and agreed on the following mapping.

Concerning the 1st question we figured:

inputs: best opportunities,
identifying court issues, shaping professional identity, teaching using technology

outputs: education of the trainers; academic support to teachers, shaping out bright scholars

activities: share the information, use all IT instruments; spread out knowledge; continuous assessment

outcomes: create a common on-line platform for sharing best practices; come up with a technical support; knowledge bank

impacts: curriculum mapping

2nd question: What are the strategies to incent scholarship in learning theory as applied to legal education?

inputs: the priority should be given to teaching, community service and research; sharing the expertise

activity: work-shops, brain storming sessions, contact and visit of NGO; faculty exchange with teaching; a Prof. Francis Wang Faculty fellow ship should be created in order to encourage exchange

3rd question: Using the logic map, can we set goals and priorities for working together as an NIC in your doctrinal area by mapping to attain stated outcomes while learning and recalibrating when doing?

input: setting priorities; institutional vision and commitment; we can set goals and priorities, as long as we share them; assessment and evaluation

activities: sharing knowledge

output: inculcation of seriousness and setting priorities

outcome: positive comparative competitiveness among institutions

impact: educate lawyers with values that meet professional requirements; enlightening all stakeholders on demand of legal education and professional requirements; institutions will take up development programs in this regard in continuum.