

# 2017 Annual Meeting Report

The 2017 IALS Annual Meeting took place 9<sup>th</sup>-11<sup>th</sup> of November 2017 at Symbiosis Law School in Pune, India.

## PLENARY SESSION 1

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Venue- Multipurpose Hall, SLSP, Ground floor

Date- 10 Nov 2017

Time- 9.45a.m. -11.00 a.m.

Topic- **Innovative Pedagogy in Doctrinal Fields**

Panelists-

- ↗ Patricia O’Sullivan, Director of Medical Education, University of California, San Francisco Medical School, United States (Chair)
- ↗ Ricardo Irrarrazabal, Vice Dean, Pontificia Universidad Catolica, Facultad de Derecho, Chile
- ↗ Tshepo H. Mongalo, Professor, University of the Witwatersrand, Johannesburg, South Africa
- ↗ Wilfred Konosi, Dean, KISII University, Faculty of Law, Kenya
- ↗ Taslima Mansoor, Dean, Dhaka University, Faculty of Law, Bangladesh
- ↗ Jakub Stelina, Dean, University of Gdansk, Faculty of Law and Administration, Poland.

Prof O’Sullivan opened the discussion by elucidating the meaning of pedagogy for all the delegates. She clarified that pedagogy isn’t merely about theory or instructional technique but also the practical teaching and the environment in which one teaches. Pedagogy, in her opinion, to be a successful tool to achieve effective teaching, must have regard for the needs of the learner. She stated that a link must be found between needs and motivation of the learners. She highlighted the importance of bestowing upon students a certain level of autonomy so as to enable them to master the subject at hand. She spoke about motivation being the most important driving force that pushes students to learn better. Working in groups with peers and permitting students to work differently and independently, according to her, go a long way in motivating students. In conclusion, she stated that the most important thing for a teacher was to develop pedagogy and the method of imparting knowledge so as to ensure the knowledge possessed by the teacher is passed on to the students.

Dean Irrarrazabal, the first speaker presented his university’s curriculum and the innovative concepts infused in it to assist all delegates in forming or improving their curriculum. His inputs focused on environmental law. He admitted to having an excessive amount of doctrinal law in the course prior to 2012 which pushed them to introduce elements of critical thinking, argumentation, polishing written and oral skills, and attitudes. He incorporated clinical law in the course which involves ethics so as to aid the socially backward community. Classroom simulations where teams of students learn effectively through simulations of a real scenario, in his opinion, go a long way in teaching difficult concepts. He also included plenary sessions in the curriculum. He strongly believed in the need to provide students with an outlet for all the theoretical knowledge piling up in their head. He concluded by saying that the most exciting experience for a law student is to feel like a lawyer and that feeling could only be invoked if practical knowledge was made accessible to the student.

Dean Konosi, the second speaker, a professor of Civil Procedure enlightened the delegates on the methods and pedagogy adopted by him as a professor. He advocated the use of pleadings in study guides, as ordinary and mainstream lectures often fail to communicate knowledge effectively. He spoke highly of giving students the task of making a presentation on a topic and summarizing it, thus requiring them to thoroughly look into the content for a deeper understanding. He encouraged teachers to use instances from real life which the students will find easier to relate to, thereby intriguing them and also enabling them to retain better. In conclusion, he prepared the teachers to deal with challenges such as inappropriate and poorly prepared study guides which could stand as an obstacle in propagating improper knowledge and disinterested students who would affect the class attention.

Prof Mongalo, the third speaker, emphasized the importance of instilling leadership skills in law students, for which it is necessary that the academicians and teachers equip themselves with leadership skills. He was of the view that certain amount of independence must be given to a student to allow him to test his skill. He referred to the picture-story exercise which informally assesses the student and his views on the basis of his answers which reveal his inherent characteristics. In his opinion, one of the most important elements of a teacher's pedagogy must be mastering the subject himself.

Dean Mansoor, the fourth speaker, expressed her gratitude to IALS as the conferences organized by it proved to be very impactful and relevant to students of Bangladesh and South Asia. Her presentation dealt largely with International Humanitarian Law and its impact on citizens. She delved deep into the importance of moot court competitions and encouraged universities to conduct these competitions and allow an increased participation of students from other universities. In her opinion, moot court competitions help students absorb intricate knowledge of law which cannot be done within the confines of a classroom with ordinary lectures being delivered by a teacher. She emphasized the importance of advocacy skills and recommended moot activity to be made compulsory in all law schools.

Dean Stelina, the fifth speaker, enlightened all teachers and delegates on the model of legal education in Poland. He spoke about provisions of free and paid legal education and a 5-year integrated law course in the country. He shed some light on the Government's unfortunate move to reject a proposed 3 year Master's Course in the field of law, which move stands as a challenge to the development of legal education in Poland. He then narrated an experiment carried out by the university he represents which has recently introduced criminology in the course material, a new topic for those in Poland. He spoke about the university improving the examination pattern and making it more application based than theoretical.

An engaging Q&A session took place after all speakers concluded with their remarks on the theme of the plenary session.

## PLENARY SESSION 2

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Venue- Multipurpose Hall, SLSP, 1<sup>st</sup> Floor

Date- November 10, 2017

Time- 02:00 p.m. - 03:00 p.m.

Topic- **Doctrinal Study Groups: Towards a Harmonized Subject Matter Curriculum Which Respects the Diversity of Contexts and Approaches**

Panelists-

- Luis Gabriel Franceschi, Dean, Strathmore University, Strathmore Law School, Kenya and IALS Board Member, Chair of the Constitutional Law Study Group (Chair)
- Sital Kalantry, Professor, Cornell University, Cornell Law School, United States
- Bettina Kahil-Wolff, Dean, University of Lausanne, Switzerland
- Anthony Kakooza, Dean, Uganda Christian University, Faculty of Law, Uganda
- Emmanuel Magade, Dean, University of Zimbabwe, Faculty of Law, Zimbabwe

Prof Sital Kalantry, following a word of thanks, started the discussion, with a mention of the doctrinal study groups, and the imperative, yet close to impossible task of harmonizing these study groups. Defining harmonization, she mentioned the need of establishing certain minimum standards which would facilitate relations like that between trade and commerce. She also mentioned the provision of adopting additional standards complementary to the principal minimum standards. Citing her own experience in National Law University, Delhi, with a class that held a portion of students physically positioned in the United States and another positioned in India, she emphasized on the need of choosing the exact substance of the topic to what was contextually appropriate. The class was based upon „Substantive law & Moral theory of Surrogacy“ and because of the contrasting composition of the class with regards to the geographical and hence legal differences, the class subsequently turned to a comparative law class. Indians became privy to the concept of different laws for surrogacy according to the different state laws of the US, and the Americans understood the applicability of a single law executed uniformly across the country. So in essence, the students, together, learnt how to collaborate and move from theoretical knowledge to practical understanding and application. She ended by saying that even though difficult, it is possible to harmonize by setting minimum standards and contextualize the same by using alternative proposals according the circumstances.

Prof Kahil-Wolff then furthered the discussion by referring to the Bologna Model which harmonized legal education in Europe including Switzerland. She mentioned that the two pillars of law, i.e. National Law and International Law are influenced by the guidelines set by the European Union. She mentioned the harmony which ran with respect to the uniformity in the entire continent when it came to common laws like Law of Torts and Law of Contract and the existence of the same basics running through the common principles of Fundamental rights, public law principles as well as defending skills.

Subsequently, she spoke about the diversity that exists, and which must be overcome to establish a common legal system in all of Europe. The diversity is with respect to the variety of languages and different aspects of law like those of social security law and family law. She concluded by saying that harmonization comes naturally, and legal education is an important catalyst for the same.

The next speaker was Dean Kakooza. He addressed the audience by raising the question of how to teach a class of diverse students and emphasized on the need of analyzing the epochal background of the students. Talking about the current generation of students, the millennials, he mentioned their interaction and involvement with technology, and emphasized on the need to harness it in a manner that benefits the process of expanding education. He went on to give example of the modes of teaching which are used in his own university, including, movies on topics like intellectual property rights and their application.

With respect to the aspect of practicality in the sphere of modern education, he pointed out the benefits of collaboration between schools of law and NGOs, which led to the facilitation of a connection between the course and the personnel of the legal community, and hence giving the curriculum a raw and practical exposure to the field of law. He echoed the points raised by his fellow panelists on the topic of harmonization that included paying importance to the integration of standards which are established after a thorough comparison of policies of different countries.

Next came, Dean Magade who agreed with the definition of harmonization put forth by his fellow panelists. He contended that there still remains similarity in certain aspects of law regardless of their inherent diversity, giving the example of the Law of Contract. He asserted that a curriculum which respects the diversity of different social environments could be created and brought into application. He concluded by stating that skills related to drafting, interpretation, negotiation and counselling are becoming increasingly important as they are transnational and harmonizing such laws is imperative because we live in a global village.

The chair, Dean Franceschi, summarized the arguments of the former panelists and enunciated the crux of their subject matters. He commenced his speech by quoting Cicero, saying that the wise are instructed by reason, the ordinary by experience and the stupid by necessity. With this, he reflected the state of legal education in countries which are underdeveloped and don't receive sufficient funds.

Further, he described an educational experiment undertaken in the Karura forest of Nairobi, in which students were teamed up and told to walk 10 kilometers. A judge, who was stationed at every checkpoint, asked them questions based on Judicial Independence in their country. The results of the experiment were impressive, according to the statistics, out of 140 students who participated in the race, 97 students preferred to attempt the same questions which were previously covered. The percentage of retention in cases of out of the box experiments and activities was much greater than the retention which occurs in ordinary classrooms. He concluded by stating that all law schools should endeavor to create innovative ways to educate students.

### PLENARY SESSION 3

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Venue- Multipurpose Hall, SLSP, 1<sup>st</sup> Floor

Date- 11 Nov 2017

Time- 9.30a.m. -11.00 a.m.

Topic- Implementing Change – IALS as a Networked Improvement Community

Panelists-

- ✦ Francis S.L. Wang President/Chairman of the International Association of Law Schools Dean Emeritus, Soochow University, Kenneth Wang School of Law, China (Chair)
- ✦ Dr. Shashikala Gurpur, Director, Symbiosis Law School, Pune, Dean, Faculty of Law, Symbiosis International University
- ✦ Andrew Dahdal, Assistant Professor, Qatar University College of Law, Qatar
- ✦ Abdul Karim Abubakar Kana, Dean, Nasarawa State University, Keffi, Faculty of Law, Nigeria
- ✦ Valentina Smorgunova, Dean, Herzen State Pedagogical University of Russia, Russia

The opening address was given by the chair, Francis S.L. Wang, who reflected upon the issues successfully discussed in the past few days. He spoke on how the conference studied issues related to doctrinal study groups, pedagogy and the aim of achieving a harmonization of curriculums, without disrespecting their differences. The honorable speaker believed that the intent of this conference was to develop a narrative, revolving around all spheres related to teachers and the ones being taught in the legal domain. He firmly stated that academic freedom is paramount but suggested that legal education is existential at the moment. There exists a great threat to teachers being replaced by technology; hence it would be advisory for all to adapt. He talked how the corrosiveness of the ranking system could affect the pedagogy in both good ways and bad. He believed that the true evaluators of a lawyer should be the judiciary and he firmly believed that the bar council should not be allowed to dominate the discussion. He stated that teachers are the ones who nurture legal education like his or her own child. Therefore, one must articulate a perspective as teachers, aiming at character formation of their respective students.

The first speaker of the session, Dr. Shashikala Gurpur, delved into the idea of implementing newer perspectives that would not only motivate the students but also upgrade the pedagogy being executed. She cited technology as one of the most powerful tools available and mentioned learning management system as one glorious example. The eminent speaker suggested the creation of online groups where students can debate on law topics and imbibe knowledge in an innovative fashion. Also, she recommended using internships as a tool of learning and stated the example of Harish Salve in this regard. Dr. Gurpur opined that existing lecture methods are not bad, but conducting a lecture poorly, is. She believed that it is fundamental for a lecture to be interactive, enabling students to grasp the legal concept transparently. She also reflected

on how reading has becoming a major issue in recent times, urging the conference to make students read original books and cases so that they get a better understanding of the concept and by the usage of real life examples, give them exposure to the vulnerability in the society to broaden their perspective. She also suggested bringing international students for exchanges and introducing them to the new country's culture as well as the poverty and enrich themselves with their experiences and not just burden them with theory and study materials.

The second speaker, Andrew Dahdal stated that his session on commercial law elicited a vibrant discussion which deliberated the practicality of the pedagogy being proposed. He highlighted that the online platforms are effective but only if they are streamlined as people may leave groups unannounced, leaving its progress hampered. The honorable speaker believed that pedagogy can't be discussed if we don't discuss what we do as law schools. He supposed that law school provides a transformational experience which provides students a character and transform them into people who are comfortable in their skin and are confident to exist and make a difference. However, the dignitary warned that it's impossible to teach transformation to students, it is inflicted on them by challenging them and challenging one's own presumptions. One may believe that "law is better than lawlessness" but in commercial law, it is taken out to challenge competitors to think differently and innovate.

Abdul Karim Abubakar Kana was the next speaker and he showed a presentation and urged everybody to read an essay on network improvement community to understand the concept lucidly. He said IALS is very productive because it has given law teachers a platform and has enabled them to walk in the same direction with no reclusiveness and complacency in their attitude. IALS" inception enabled universities all over the world to be aware of the brilliant initiatives that being taken up and allows academicians to reach out to someone who has implemented innovative tools in their teaching method, hence filling in the gaps in education.

The final speaker of the session, Valentina Smorgunova urged the audience to not just make the students know the law but to make them understand its application. The honorable speaker recommended the departments to have a basic course for law, so that nobody is ignorant about the legal provisions that affects them and makes it possible for people to participate in social activities regardless of their specialization. She believed that Singapore Declaration and Madrid Protocol should help people recreate not only good specialists but tolerant and knowledgeable citizens, who understand the need of globalization. Following this, an engaging question and answer session was held involving all the panelists and other dignitaries present in the audience, where pertinent issues were raised related to the topic.

The plenary session involved the chairs of various breakout sessions and the conclusions they had come to at the end of the day. The conclusion was that by upgrading the pedagogy, using technology's help in classrooms and other interactive methods, legal education can surely achieve newer heights in the twenty first century. It was firmly established that IALS will go a long way in ensuring a more uniform pattern being implemented across the world. The ceremony ended with a vote of thanks.

## **SMALL GROUP BREAKOUT DISCUSSIONS – PLENARY SESSION ONE**

### **Group 3- Constitutional Law Study Group**

Venue- VIP Lounge, SLSP, Ground Floor

Date- 10 Nov 2017

Time- 11:30 a.m. - 12:30 p.m.

Panelists-

- ↗ Luis Gabriel Franceschi, Dean, Strathmore University, Strathmore Law School, Kenya (Chair)
- ↗ Bettina Kahil-Wolff, Dean, University of Lausanne, Switzerland,
- ↗ 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.
- ↗ Dr. Atmaram Shelke, Assistant Professor, SLS-P
- ↗ Dr. A. Mohanty, Associate Professor, SLS-P

The discussion began with an introduction and a brief reminder of what had been discussed in the previous years' discussions. Dean Kahil-Wolff briefly explained the objectives that had been discussed in 2015 and 2016 where there was a discussion on outlining important questions regarding legal education, suggestions to include common subjects and common themes that could be taught by all law colleges. She also mentioned the previously discussed strategies to teach constitutional law, structure of states, main definitions of principles, history, rights of a citizen, effectiveness, rule of law, separation of power, judicial interpretation, etc. She mentioned that it was agreed upon that the Socratic method of teaching was considered to be an ideal way of teaching, subject to factors such as the size of class and the pros and cons of the Socratic Method.

Prof. Franceschi then proceeded to open the floor to discuss how the subject was being taught currently in the respective colleges, with an incentive of trying to understand what kind of objectives were to be determined at the end of discussion. He began with explaining the method in which constitutional law was explained in his university.

The group then proceeded to discuss the syllabus as prescribed by Adv. Choma who emphasized the need for the curriculum to properly explain supremacy of the constitution and that it was important to understand this as it would enable a student to know the conditions under which it was framed. It was also discussed that it is important for a student to know the social background of the time when a particular statute was framed to be able to understand the rationale behind it. He spoke of ensuring a thorough understanding of the division of power and shared his views on why judiciary should be supreme, the reason being that it interprets the law.

Dr Shelke suggested that it would be most efficient if a structured manner of teaching the subject were adopted where the students were first taught general principles of constitution followed everywhere, then the specific principles rather than beginning with general history of the constitution and then go on to teaching the interpretations of the law and the concept of rule of law. He emphasized the importance of impact analysis and being able to apply the concept of rule of law in context of society. He went on to say that the objective of teaching was that a student should be able to see the need of the society, compare the impact of the constitution on the society and understand the reasons for it. There was also a mention about how sovereignty should be given to those who are connected to the people because they understand the peoples' needs better. He suggested some methods of doing the same such as skill oriented parameters that could be reflected in syllabus and would have impact on the thinking capacity of a lawyer.

Prof Gurudath spoke about how making the students do a brief survey of the development of constitutionalism from monarchy, dictatorship, etc., would make them understand the philosophy behind the constitutional framework. Dr. Mohanty also provided some insight on diversification of constitution through judicial interpretation in India and that it was essential for a teacher to include these concepts in class discussions.

Finally, four objectives were discussed in the logic method. The first was to make the students understand the present scenario of the constitution so that they could predict the future possible interpretations. The inputs for this were to expose the students to all the archives such as past cases and landmark judgments with the aim of making them capable of tracing the development of the judicial interpretation through the ages, and measuring their understanding by grading presentations or research papers.

The second objective was to enable the student to determine whether a particular legislation is constitutional or obsolete. The inputs that were given were to make the students interpret the statutes through moot court, mock trial, critical writing, to make them analyze both sides of a case. The desired outcome would be that a student is able to have clarity about the development of constitutional values and theories and a thorough internalization of the same making it possible for them to analyze the validity of statutes.

The third objective was to use the constitution as an instrument of social change and analyze how it facilitates social and economic alleviation, and reduces social disparity. One of the suggestions was that, in order to aid a more convenient platform for students to participate in activities such as international mootings and comparative analysis, it was essential to make them understand at least the basics of the law in other countries. It was agreed that this could be achieved by providing broad guidelines of international law, proper structuring of syllabus; importance being given to basic law of the country.

The fourth was to instill the ability to interpret law and understand the expected sense of interpretation. It was agreed that this could be done through research papers and a proper



explanation of the historical background of the constitution. To this end, some methods that were suggested were textbooks, research articles, special lectures by experts on the subject, encouraging students to do a comparative study, case analysis and group discussion.

The discussion then ended with a consensus on the objectives and the methods to achieve them.

## **SMALL GROUP BREAKOUT DISCUSSIONS – PLENARY SESSION TWO**

### **Group 3- Constitutional Law Study Group**

Venue- VIP Lounge, SLSP, Ground Floor

Date- November 10, 2017

Time- 03:00 p.m. - 04:00 p.m.

Panelists-

- Dr. Luis Gabriel Franceschi, Dean, Strathmore University, Strathmore Law School, Kenya and IALS Board Member (Chair)
- Professor Penelope Andrews, Dean, University of Cape Town, Faculty of Law, South Africa
- Dr. Chickunda Gurudath, Director, School of Law, Jagran Lakecity University, Bhopal
- Professor Bettina Kahil-Wolff, Dean, Professor of Law, University of Lausanne, Switzerland
- Dr. Atmaram Shelke, Assistant Professor, SLS-P
- Dr. A. Mohanty, Associate Professor, SLS-P

The main premise of the discussion was the resources needed to improve the teaching methodology and seeking faculty support for the same. Dr. Franceschi commenced the discussion by setting seven key performance indicators which were rich and oral skills, deep analytical reasoning skills, appreciation of cultural context and cross-cultural competence, knowledge of the subject matter, research skills, ethics and social justice. Prof. Andrews emphasized upon research skills as means of student development and said that students must be encouraged to be creative thinkers. According to her, inputs should be targeting controversies surrounding the court. She concluded by stressing upon the need to inculcate respect for essential freedoms, most importantly, fundamental rights.

Dr. Mohanty centered her views around cross cultural competence. She took up language as a factor in practice and said that knowledge of a regional language is widely acknowledged. She also encouraged community legal work and mentioned that law students should start disseminating legal literacy in the society.

Dr. Gurudath talked about imbibing the spirit of commitment to the society in students. Law students, according to him, must show concern towards the society and he also laid emphasis on ethics and social justice. He concluded his views by talking about the importance of creative assessment in colleges. Dr. Shelke referred to research skills as fundamental to student learning. Practical knowledge like moot courts, court trials, mock brief writing and mock judgement writing were termed as extremely important by him. Prof. Bettina actively listened to the discussion and enriched it with her substantial views.

## **SMALL GROUP BREAKOUT DISCUSSIONS – PLENARY SESSION THREE**

### **Group 3- Constitutional Law Study Group**

Venue- VIP Lounge, SLSP, Ground Floor

Date- 11 Nov 2017

Time- 11.00 a.m. – 12.30 p.m.

Panelists-

- ↗ Penelope Andrews, Dean, University of Cape Town, Faculty of Law, South Africa
- ↗ Chickunda Gurudath, Dean, Jagran Lakecity University, School of Law, India
- ↗ Hlako Jacob Choma, Hlako Jacob Choma, Advocate, University of Venda, School of Law, South Africa
- ↗ Hlako Jacob Choma, Advocate, University of Venda, School of Law, South Africa
- ↗ Bettina Kahil Wolff, Professor of Law, University of Lausanne, Switzerland
- ↗ Dr. Shashikant Hajare, Professor, SLS-P
- ↗ Dr. Aparajita Mohanty, Associate Professor, SLS-P
- ↗ Prof. Shirish D. Kulkarni, Assistant Professor, SLS-P
- ↗ Dr. Atmaram Shelke, Assistant Professor, SLS-P, Deputy Director (Administration), SLS-P

The main premise of the discussion was resources needed to improve the teaching methodology and seeking faculty support for the same.

Penelope Andrews, the first speaker opened the floor for discussion by promoting sharing best practices among the teaching faculty and encouraged the identification of certain core goals as common standards of achievement. She referred to the inclusion of technology in teaching as the biggest challenge facing law schools and promoted the establishment of faculty fellowship. She concluded by extolling IALS as a platform facilitating information sharing. Prof. Chickunda Gurudath, called upon members to create global opportunities. Teaching law is impossible unless one knows the societal context of it which is diverse. Brainstorming sessions, publications, developmental programmes and enlightening of

stakeholders were some important recommendations put forward by him. He concluded by insisting that priorities must not be generalized, and that law schools should come together to create a sharable set of priorities by working together.

Dr. Aparajita Mohanty, persuaded the members to work together and give additional inputs by means, especially online such as skype lectures. Law schools which are a part of IALS, according to her, must strive to achieve higher goals. Dr. Shashikant Hajare, the next speaker said that seeking global opportunities has certain limitations. Learning from others' experiences, looking at market requirements and comparative analysis were considered necessary prerequisites to an enhanced learning by him. He strongly lay emphasis on encouraging students to participate in competitions. Curriculum mapping or knowledge in terms of curriculum was termed as a defining step in the desired direction. Priorities, according to him must be set up in a way that establishes uniformity while respecting autonomy i.e. striking a balance between unity and diversity. He summed up by motivating lawyers to be global citizens.

Hlako Jacob Choma, South Africa, said that means of assessment must be uniform and skill based assessments should be encouraged. Research, according to him is an important component of learning. Dr. Atmaram Shelke, recommended visual learning through videos and sharing the session. Assessment plan, according to him, should be a priority. Prof. Shirish Kulkarni, advised members to up best practices on websites in order to make them accessible to law schools. Both common and civil law countries must come up with a globally accepted model. He lay special emphasis on educating the educators as far as technology is concerned. The ultimate outcome, according to him is to prepare the lawyers for the global platform. Bettina Kahil Wolff, Switzerland, the last speaker suggested putting up guidelines on how to teach and seeking regular feedbacks.