

Structural Transformation and Learning Paradigms-Global Strategic Approach in Clinical Legal Education

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Abstract

Technological changes have profound impact on all the existing system and surroundings. Digitalization has brought the transformation in all the routine activities and the way to earn, learn, shop and play. In a collective way production and contours of work are being changed, vis a vis social and political actions, in the forms of rules, regulations and policies, are determined to unfold the future.

To view clinical legal education from global perspective, it is a movement with objective to educate lawyers for social justice. This area of law education is most influential across the world. If common essential elements are followed throughout the globe, it may transform legal education into justice education in real sense and can contribute to future growth. When everything is within the ambit of globe, it is time to develop professional skills and experiential teaching method to promote new concepts of greater global relevance and impact.

With the change of global trends and merging national boundaries, goals of clinical movement is also changing, consisting of three aspects – increasing access to justice, training future lawyers in professional skills and values and promoting a more diverse skilled legal profession committed to serving social needs. There is need to have global network and to support emerging global concept with clinical movement with the capacity to stimulate contribution and interest in clinical legal education far beyond the capacity of any group of individual clinical expertise.

Keyword: *Clinical legal education, Global, professional skills, technological revolution, neo liberalization, digitalization.*

Introduction

Digital revolution has unfolded the age of neo-liberalization, which emerged corporate power and reduced social contract. As far as India is concerned and as it is on the path of growth Indian legal education should also be reformed with the same pace to strengthen the legal profession and to take on the challenges of the 21st cent of neo capitalism, economic liberal policies, WIPO and WTO. Legal profession in India has to cater to the needs of new brands of legal consumer, need to identify the techniques of this.

Globalisation and Academic Potential:

Globalisation means as an interaction with the global, interacting with the communication and everything, interacting and making a proper definition for the term legal education in law but learning all about life.

Hon'ble Mr. Justice A.P. Mishra said "lawyers are the mother", Judges come out of the lawyers. If the legal education is not properly done, the product will not be good. Globalisation, concerning the legal education in the combination of every aspect comprising legal issues prevailing in the Global level. International Treaties, WTO, International Conventions increases the trade related activities across the world. As a result there is shift in litigation. Therefore, legal education should concentrate on policy planning, business activities, negotiating abilities, communication skills, mediating skills, economic advisory, political advisory, constitution expertise financial wizard, taxation and labour law expertise, all at Global level. To achieve the above, legal education should help to assimilate many factors such as improvement and introduction of global curriculum, potential academicians.¹

Legal education in India has seen a sea of changes. The competition in the field of law has also increased manifold. It is now a global platform and every student who steps into the shoes of a lawyer is expected to handle different fields. The concept of specialization is diminishing at the advent of Corporate Law Firms. Advancement and development in economies are becoming increasingly sluggish and fractured.

With the emerging concepts of artificial intelligence, Blok chain, Education 4.0, along with digital technology, capabilities and potential must develop and efforts are to be made at school and university level for upgrading the digital skills, running special basic and advanced skill based programs. More comprehensive strategy and a much fuller range of policy measures are needed in compatible with industrial policy.

Technological Revolution of 21st Century: With the ongoing technological revolution, to build a 21st century model for higher education of high quality, the need of Indian Universities to raise the level to be in world ranking, not just the best in the world but the best for the world. In view of the socio-economic imperatives – there is also need to generate greater awareness, reducing of disparity in geographic, economic and social groups. Then it is essential to attach the law education research focused to deliver high quality output. As per the vision 2030 Indian Higher Education Policy, the focus should be on the critical thinking and problem solving attitude, industry oriented courses, entrepreneurship skills, faculty with industry experience and alumni linkages across the education etc.

As a foundation of the society or a nation law is considered to be the means for social progress and economic growth. Since ancient times, “Law Education”, has always played a crucial function by not only making disciplined society, but also producing brilliant academicians, visionary judges and astounding lawyers. In present scenario, law education is not confined to the boundaries of producing lawyers only. Its scope and impact is growing in every sphere of human life. Law education is considered as a multidisciplinary subject, who involves basic knowledge of science, philosophy, arts, humanities and social sciences.

Now these days Law is one of the most preferred career option at par with Medicine and Engineering. It is no more considered as last resort. There has been a huge transformation in the legal field. Although substantial

changes have been made in law education sector but still there is a room for improvement to enhance the level in every term. The quality of an institute depends upon the incorporation of current changing dynamics and challenges of environment. With the economy undergoing rapid changes, if institute fail to keep pace with these changes, they will be perceived as progressively irrelevant. Time is running short when law schools has to add value to the society and shaping and grooming the future leaders who can contribute in accelerating sustainable economic development in creative ways.²

Global Advancements and Impact on Clinicallegal Education: Advancements of technology and impact of globalization have increased the importance of legal studies. Law is dealt and connected with other disciplines so it cannot be taught in isolation. It is to develop and nurturing the students in such manner to make them socially sensitized leaders inculcating in them the intellectual, entrepreneurial and ethical values that can give them enough courage to confront the challenges thrown up by an increasingly industrialized and complex milieu in the society.³ Appropriate mix of substance, skills and ethics in the law, has been debated for several decades. It is the responsibility of law institute to cultivate competency in the students to make them effective, ethical and responsible in their profession.

With the growing economy, boundaries in knowledge is disappearing and in the present scenario, legal education is becoming more innovative, flexible and responsive as business and corporate world in the 21st century by the dictates of the changing environment. Internationalization, technology and social responsibility are the essential parts of education.

With the liberalization and globalization, there is transformation in political economy of the countries. There was a major shift in trends and culture. This change had major impact on the legal system. There is growing demand for new laws, new regulations and new skills to interface with the broader global economic and political environments and social needs.⁴ There are some important aspects of India’s historical and cultural context – social structure, legacy of colonization, deep seated stratification, legal regulatory structure, diversity, demographic structure etc., which interplays with global responses.

Today is the digitalized Z generation and Law Schools

are responsible to prepare students for professional life and practice ready to fulfil needs of society to contribute, which is very complex and fast transforming due to technological innovations. Law professionals have to contribute to society in forms of legislative, judiciary, executive, academia and corporations.⁵

As technology is fast growing, tasks that conventionally have been going to professionals would be transferring to computers and in future case might be resolved by computers working with algorithms so that outcomes may be predicted through artificial intelligence. This gives the signal to legal professionals to upgrade their knowledge and to develop skills to be able to match and to redefine professional ethics. In this way Law schools should contribute to prepare students for tasks and challenges in times to come..

Two factors, which academic legal education is confronting with:

1. The increase in technology new concepts in education.
2. Global trends and transformations

To cope with these two giants, question is raised here-which research to pursue and how to acquire new knowledge.

As per the latest concepts lawyers not only to interpret law but also to deal with social economic, financial or medical data. Clients may certainly expect from their Lawyers about the predictions of the outcome of the case and to assess the success rate. Clients may ask for probability of the witness's truthfulness and certainly of case judgement. If lawyers are not yet trained to calculate these complex and multidiscipline components and the aspects of legal dispensaries, lawyers will be very much into contemporary risks. Lawyers hold much power while interpreting data, but they must learn to use that power well with the application based knowledge of technology.⁶

Due to this difficulty of risk assessments and uncertain truth demand, legal education should be provided in such manner which covers all disciplines, all nations and all geographic boundaries. There must not be boundaries between different disciplines as students must know that every problems can be evaluated from multiple and sometimes incompatible perspectives.

It is essential to extend the boundaries to acquire

knowledge through new concepts, courses and communication with professionals from different areas to create hothouses for emerging ideas and solutions and it will reduce blind spots within their own professional fields. Various global dimensions which are manifested in the growth of networking, inter connectedness and interdependence leading to changes in global politics.⁷ Globalization enables progress, wealth and freedom. It empowers international collaboration and is beneficial for economic trade. Same way to a great extent globalization cause significantly structural changes in law. Legal education is facing confrontation in this transition phase of globalization⁸ Specifics skills and method are needed to develop in law aspirants to flourish in the globalized world and Global Law Clinics are very much required as the only solutions.⁹

The United Nations Organization (UNO) can be, best, trusted by all nations to do the Job. Let the laws, lawyers and Jurisdictions of international concern be jealously earmarked and expertly coded for universal and worldwide, applicability, without any exception. The follow-up patterns and parameters of judicial system and legal fabric are to abide by the said internationally acclaimed laws with rules & regulations, If any. The local laws should, to the extent as internationally covered, stand eclipsed to all intents and purposes. The distinction between and among the barristers, attorneys advocates and counsel etc. is to be eschewed, so as to enable any lawyer of any country to appear and plead before any court in any country. The decrees and punishments are to be executed accordingly.

UNO Initiatives: To start the ball rolling, the UNO, after a 'Resolution' in that behalf, constitute a 'Committee of Experts' to draft the necessary laws, rules or regulations. They said 'Committee' may comprehend one expert from each and every country likely to be affected or have selective basis on motion of unanimity.. The final draft is to be implemented, after being green-signaled by the unanimous 'Resolution' of the UNO in General Assembly, to its subsequent adoption by the law of the land of every unit.

Some snags are bound to intervene but need be faced with impunity. Some countries might hail, while others break away. Be that as it may, still, the plan need be started in right earnest and with hot and shot pursuit. They say and rightly so that good work, well begun, is half done and that work, half done is well done. Frankly speaking, such an attitude is the sign of

a person/institution great. Needless to say that the UNO is already, a celebrated great being, always, avowed to execute the greater and greatest for the welfare of the humanity at large.

In sooth, past bears testimony to such excellences on part of the UNO. To exemplify, reference can run through: Conventions.

There are some other factors to be borne in mind for the target:

(a) President of Yale University, Professor Richard Levin, in 2005, at JNU, opines: “The globalization of the university is in part, an evolutionary development, but creating the global university is a revolutionary creation signaling distinct changes in the substance of teaching and research, the demographic characteristics of students and scholars, the scope and breadth of external collaboration and the engagement of the university with new audiences.

When I speak of a global university, I envision a curriculum and a research agenda permeated by awareness that political, economic, social and cultural phenomena in any part of the world can no longer be fully understood in isolation.”

- (b) When globalization becomes the central focus for reforms in higher education, there is a need to be innovative in promoting global collaborations and interactions between and among the universities. Making and signing of numerous MoUs are a vain exercise for reaping practical benefits and concrete forms in the field. The forging and availing of appropriate opportunities of collaborative interactions is important to illumine the requisite perspectives.
- (c) The curriculum to be prescribed and faculty to be inducted deserve dynamic dimensions as germane to the globalizing world.
- (d) As many of the law schools, colleges and universities in Australia, Canada and Hongkong are in the fore front for innovation, India should also, be associated in the plunge.
- (e) The ever mounting competitiveness on the globe is hurtful to the uplift of less developed countries including India.
- (f) The eradication of poverty and improvement of

human life the world over is the concern of all and each individual of every country on the planet.

- (g) Legal education has, already, waded through transnational and international-cum-global paradigms of various sorts.
- (h) The concept of promoting the lot of every nation is constantly, on rise of the graph.
- (i) The UNO is deemed to provide the desired space and platform for international, interactional and collaboration.
- (j) The globalization of standards appears to be the only panacea for all evils apportionable to legal education in every nook and corner of the world.

In nutshell, the ushering-in of such a legal world of universalization of law and legal system would meet all the above and more challenges of globalization. In this context, Prof. David E Van Zandt of North West University School of Law can be quoted with profit for the idea envisioned:

“Whether a lawyer is working for multinational clients in Hongkong, Frankfurt, London, or New York, the set of practices is largely the same. This enables a skilled lawyer to move effortlessly around the world.”

The culturing and nurturing of the spade-work by a well-groomed team(s) for the purpose desired is the next step to march ahead. That is, also, a task apportionable to the UNO, which should determine and coordinate, by appropriate rules and regulations, the institutional design (s), location, infrastructural decors, quantity- cum- quality of faculty, desirable method(s) of lecturing, period(s) of pursuit, type (s) of admission tests and pass-out examinations, medium of instruction and examination, curriculum of core/compulsory/ optional subjects, with syllabus for individual courses, necessity of the knowledge of a foreign language, exchange tie-ups, clinical training, award of degrees and diplomas and rigors of entry into legal profession and allied professional jobs the world over. In such a backdrop, the entire legal profession will bristle with ‘cherishment from all sides and sections to the (a) pre-emption of mushrooming of uniform schools, colleges and universities of law and overcrowding of professional markets and (b) outcome of more bridges than walls and, also, elimination of country-wise brands and benchmarks and rankings and accreditations in the world of legal education.¹⁰

Conclusion

Thus, there must be rise in fundamental education and professional aspiration out of the national diversity to reinforce worldwide clinical legal responsibility to transform legal education into justice education and must be realistic in the face of varying technological resources and global ambitions. It acknowledges the reflections of globalization and technology on law and its impact on clinical and therapeutically based legal education to produce lawyers with social justice and global vision.

Let it be a dream to be realized for sure and not forgotten. Why can't we embark on such a direction, as mooted, in thought, word and deed? Sooner, the better- the word 'impossible' to lie in the dictionary of fools!

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