

# Legal Education Reform Pursuits in Ethiopia: Attainments and Challenges (2006-2019)

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## Abstract

This article examines attainments and challenges in the pursuits of legal education reform launched in 2006. Achievements and challenges in LL.B programmes are examined based on the standards of the legal education reform programme relating to admission of students to law schools, staff profile, standards of reform relating to curriculum, course delivery, assessment, law school autonomy, research, publications, quality assessment and the requisite resources thereof. There are commendable achievements such as raising the duration of legal education from four to five years, the introduction of LL.B exit exam, and the preparation of a significant number of teaching materials. However, the data, documents and literature discussed and analyzed in this article indicate that the level of quality and standards in Ethiopia's legal education stand below most of the thresholds that were envisaged in the 2006 Legal Education Reform Programme.

## Key terms

Legal education reform · Quality · Standards · LL.B programmes · Ethiopia

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## Introduction

The initial years of the legal education reform programme (from 2005 to 2009) had witnessed achievements under the coordination of the Justice and Legal System Research Institute. In spite of such successes, institutional restructuring transferred the coordination of the legal education reform programme to the Ministry of Justice in 2010. The task was subsequently transferred to the Higher Education Strategy Centre (HESC). Another restructuring<sup>1</sup> (in 2018) has brought the coordination of the legal education reform programme to the auspices of Justice and Legal Research and Training Institute (JLRTI)<sup>2</sup> which is accountable to the Attorney General's Office under the Executive Organs Proclamation No. 1097/2018, enacted in November 2018.<sup>3</sup> Unlike the initial years of reform, the decline in the momentum of the legal education reform programme has disrupted the continuity of gains and the pace of achievements.

The empirical part of this article is mainly based on questionnaires (gathered from February 2019 to May 2019), interviews and document review. One of the questionnaires was distributed to 25 deans/heads/directors of law schools (i.e., 13 deans, two directors, six heads, two associate deans and two law school representatives). Other questionnaires were collected from 24 law schools (which include responses from 592 *fourth year* law students at 24 law schools) in addition to which there are questionnaires filled by 136 instructors from 18 law schools. The number of respondents is not related with sample size because the summary of the data is not meant to arrive at generalizations. As the items involve basic issues related to quality and standards in legal education, the primary target of the items is insight into the issues addressed thereby drawing the attention of the law schools to the items in the various questionnaires.

Moreover, Guidelines, minutes of the Technical Committee for Legal Education Reform and minutes of the Consortium of Ethiopian Law Schools are consulted. This article does not target at comparing or ranking law schools. The

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### Frequently used acronyms:

CJSRP	Comprehensive Justice System Reform Programme
HEIs	Higher Education Institutions
HESC	Higher Education Strategy Center
JLRTI	Justice and Legal Research and Training Institute
JLSRI	Justice and Legal System Research Institute

<sup>1</sup> It is currently restructured as Justice and Legal Research and Training Institute after its merger with the Justice Organs Professionals Training Center.

<sup>2</sup> Article 6(3) of the Federal Justice and Legal Research and Training Institute Proclamation No. 1071/2018 provides that JLRTI shall “coordinate and integrate the Justice Reform Program and the Legal Education Reform Program as well as any other programme implemented by the justice sector”.

<sup>3</sup> Article 33(8)(d) of the Executive Organs Proclamation No. 1097/2018.

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responses to the items in questionnaires have thus been summarized and analyzed by classifying the respondents into the three generations of Ethiopian law schools (based on the classification used by the Consortium of Ethiopian Law Schools)<sup>4</sup> without specific reference to a law school.

The achievements and challenges in legal education reform pursuits are examined in eleven sections. The themes discussed in the respective sections are admission to law schools, curriculum, staff profile, resources (physical resources, library and other resources), delivery and assessment, LL.B Exit Exam, autonomy in the management of law schools, research and publications, clinical programmes and externship, observations of law school representatives, and synopsis of achievements and gaps.

## **1 Admission to law schools**

### **1.1 Declining standards for admission to public law schools**

Article 16(1) of the Standards for Ethiopian Law Schools under the Legal Education Reform Programme<sup>5</sup> stipulates that “[s]tudent placement in public law schools shall take place after prior and effective consultation with law schools by a concerned authority”, and Article 16(3) states that admission “shall be consistent with educational programs and resources available for its implementation. However, there were gaps in the effective consultation of law schools in the admission process until the current (2019-20) academic year. As highlighted in Section 2.3, the new Ethiopian Education Development Roadmap has reinstated the freshman programme in undergraduate programmes (October 2019 onward) thereby enabling law schools to admit students on a competitive basis among applicants who have completed their First Semester courses

There are concerns regarding the academic base of students upon admission to law schools contrary to Standard 16(4) which states that admission to law schools “shall depend on reasonable expectations” that the student can “achieve the standard required for completion of the program.” According to the observations of various instructors from law schools, the academic base of students upon admission to law school has a declining pattern. Even worse, the standard is further compromised in admissions to summer and special classes in the LL.B Programme that are designed for employees of the civil service at regional and zonal levels, in addition to which other students can be admitted.

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<sup>4</sup> The classification is based on designations used by the Consortium of Ethiopian Law Schools. The First, Second and Third generation law schools respectively refer to law schools established from 1963 to 2005, 2006 to 2009, and 2010 to 2015. The law schools established after 2015 are referred to as Fourth generation law schools.

<sup>5</sup> *Reform on Legal Education and Training in Ethiopia*, June 2006.

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As a former lecturer in one of the second generation<sup>6</sup> law schools stated, “the cohort that was assigned by the Ministry of Education for social sciences and then assigned to the law school by the University had the lowest academic base among regular students.” He stated that:

Summer programmes are the most problematic. These programmes are expected to take six years, but at times, they are allowed to be completed in five years. In one of the summer programme cohorts, about two hundred students were admitted who came from various public offices. Their standard was very low, most scored C and below, and the challenge is that if a student earns F, he/she can re-sit after a week. This can induce compromise in the level of the exam’s difficulty.<sup>7</sup>

Statements of an instructor in one of the first generation law schools substantiate these problems. He stated that “the university’s threshold of zero attrition has put pressure on instructors because F grades will be removed anyway by make ups and re-sit exams.”<sup>8</sup>

The draft Ethiopian Education Development Roadmap (2018-2030) states the decline in the quality of education at all levels and it discusses the factors thereof.<sup>9</sup> It indicates the decline in English proficiency which is the medium of instruction. The earlier practice of high school education and a national exam at the end of the twelfth grade have thus been duly reinstated effective September 2019. The Roadmap states observations on the declining standards of General Secondary School and college preparatory education:

Research shows that students who managed to pass the General Secondary School Leaving Examination could not read and write properly in English language –which is a medium of instruction in higher learning institutions in Ethiopia. ... Most of the preparatory teachers do not have proper training in teachers’ professional development. Preparatory Education is highly constrained by shortages of textbook, teachers with high caliber, supplementary reading materials, laboratory equipment and other teaching aids.<sup>10</sup>

The new Roadmap addresses factors that have adversely affected the quality of education in Ethiopia at primary, elementary and high school levels. These factors include class size, resources, quality and remuneration to instructors, space in school compounds, due attention to teacher education and others. For example, there should have been caution against changing Kotebe Teacher

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<sup>6</sup> See *ibid*, for the definition of second generation law school.

<sup>7</sup> Anonymity is respected, February 20, 2019.

<sup>8</sup> Anonymity is respected, February 23, 2019.

<sup>9</sup> Tirussew Teferra *et al* (2018), *Ethiopian Education Development Roadmap*, Education Strategy Centre, Ministry of Education, July 2108, pp. 14-17, 24-32, 37-42, 52-59.

<sup>10</sup> *Id.*, p. 53.

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Education College (which was one of the pioneers and centres of excellence in teacher education) to what is now designated as Metropolitan University. It is clearly a choice between an HEI that specializes in teacher education *vis-à-vis* adding one more figure to the number of universities in Ethiopia.

In addition to the general decline in the standards of education, the percentage of students in a cohort admitted to law schools with relatively low national exam scores was increasing until 2018. The Report of the Consortium of Ethiopian Law Schools Meeting held at Bahir Dar in June 2016<sup>11</sup> stated the following concerns in its *Agendum 7: Concerns regarding the admission grade requirement to law schools (ለሕግ ትምህርት ወደ ዩኒቨርሲቲ የመግቢያ ውጤት በተመለከተ)*:-

The grade threshold in the national exam results is steadily lowered for students admitted to law schools. Moreover, the number of students who are admitted to law schools who have law as their 5<sup>th</sup> and 6<sup>th</sup> choice is increasing. This adversely affects the quality of legal education and the justice system reform program that is underway. [It is decided that] a request should be made to the Ministry of Education so that students should not be admitted to law schools without their choice, and that high grades in university entrance exams should be considered for admission to law schools.<sup>12</sup>

The following results of a questionnaire distributed to deans/heads/office holders of law schools substantiate these concerns:

**Table 1: Summary of responses from law school deans/heads on student admission**

No.	Statements submitted to law school deans/heads	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
1	The law school has sufficient participation in student admission	9	8	1+1	4	2	25
2	Most students join the law school based on their interest and choice	3	8	11	3	-	25
3	Most students who are admitted to law school have the academic foundation to pursue legal studies	3	15	4	3	-	25

Out of 25 law school deans/heads/representatives, only *six* agreed or strongly agreed that the law school has sufficient participation in the admission

<sup>11</sup> Report of the Consortium of Ethiopian Law Schools, Bahir Dar, Ginbot 29, 2008 Eth. Cal (07 June 2016).

<sup>12</sup> Author’s translation. The original Amharic version reads: “ወደ ሕግ ትምህርት የሚገቡ ተማሪዎች ውጤት ከጊዜ ወደ ጊዜ ገደብተኛ አየሁን መሄዱ እንዲሁም በ 5ኛ እና 6ኛ ምርጫ የሚገቡ ተማሪዎች እየበዙ ነው። ይህም በሕግ ትምህርት ጥራት ላይ እንዲሁም በተያዘው የፍትሕ ሥርዓት ማሻሻያ ፕሮግራም ላይ ተፅዕኖ እያሳደረ ነው። የሕግ ትምህርትን ያልመረጡ ተማሪዎች [አንዳ]ይመደቡ እና በመግቢያ ፈተናው ከፍተኛ ውጤት ያመጡ ተማሪዎች ወደ ሕግ ትምህርት እንዲመደቡ ለትምህርት ማህበራዊ ፍትህ እንዲቀርብ ተወስኗል።”

of students. As indicated in the table above, only *three* respondents out of 25 agreed to the statement that most students “who are admitted to law school have the academic foundation to pursue legal studies”, and the same number of respondents (i.e., only *three* out of 25) believed that most students “join the law school based on their interest and choice”.

The responses of 16 law school deans/heads and 136 instructors from 18 law schools in the following table substantiate the declining trend in the level of academic base of students upon admission:

**Table 2: Views of 16 deans/heads and 136 instructors on academic base of students upon admission in 2014 and 2018**

	5	4	3	2	1	Total
Academic base of students upon Entry, Oct. 2014	15	44	70	19	4	152
Academic base of students upon Entry, Oct. 2018	3	25	51	53	20	152

Excellent (5);            Very Good (4);            Good (3);            Fair (2);  
Considerably lacked academic foundation for 1<sup>st</sup> year law curriculum (1)

### 1.2 August 2010 circular on admission to private law schools

According to Standard 16(2) of the 2006 Legal Education Reform Programme, private law schools “shall admit students according to requirements set by the Ministry of Education.” Contrary to this standard, however, private HEIs are banned from admitting law students as of September 2010.<sup>13</sup> In its August 2010 letter (circular), the Ministry of Education did not state its reasons and legal authority for doing so. The circular was discriminatory and violates Article 25 of the FDRE Constitution which guarantees equal protection of the law without discrimination. It also violates the Higher Education Proclamation<sup>14</sup> (in force during the period) which envisaged the participation of the private sector in the provision of higher education.

As Aron and Abdulatif noted, if the ban relates to quality, “there should have been a distinction among private Higher Education Institutions (HEIs)”<sup>15</sup> which offer the programmes (in law and teacher education programs) at the required standards *vis-à-vis* the ones that fail to do so. “Moreover, law and teacher education programs of some public universities should have been banned or suspended.”<sup>16</sup> Aron and Abdulatif also raised the “query as to why law and teacher education are singled out, while medicine is pertinent to the life of

<sup>13</sup> The circular banned admission of law and teacher education students to private higher academic institutions.

<sup>14</sup> Higher Education Proclamation No. 650/2009.

<sup>15</sup> Aron Degol and Ablulatif Kedir (2013), “Administrative Rule Making in Ethiopia: Normative and Institutional Framework”, *Mizan Law Review*, Vol. 7, No. 1, September 2013, p. 27.

<sup>16</sup> *Ibid.*

citizens, and engineering constitutes one of the pillars for every aspect of Ethiopia's developmental pursuits.”

As quality cannot be sectoral based on private/public dichotomy, any measure of banning or suspension should not have been based on a public/private divide, but on the basis of the quality audits of HERQA (Higher Education and Relevance Quality Agency). Moreover, the ban or suspension should have applied to both public and private higher education institutions in professions such as medicine, engineering, law, teacher education, and others as well.

Graduates from all sectors (whether public or private) serve the same public upon graduation, and such measures should not have taken ‘ownership’ models of the institutions as yardsticks, but should have rather been based on the quality and standards of educational service delivery. ...<sup>17</sup>

This author argues that the desire (during the period) was to directly control teacher education and legal education. The interest of the political leadership of the period on the eve of the 2010 elections seems to have been political control over teacher education with the perceived influence of teachers on their students which can ultimately extend to influence over parents. Likewise, there was interest in political control over legal education that seemed to have been related with the desire to identify the ideological bent of would-be public prosecutors and judges. The following three realities –which subsequently unfolded– substantiate this argument.

*First*, the rationale of public welfare cannot justify the arbitrary ban against private law schools because enrolment in private HEIs in fields such as medicine and engineering were not banned. The *second* ground that substantiates this author's argument relates to what followed in the subsequent years, during which politically-motivated cells were formed in public universities at all levels. The so-called *five-to-one (amist le'and)* cells –that were analogous to the Chinese/Albanian communist tradition of Marxist cells– were formed among students, academic staff and support staff in the guise of follow-up discussion. However, the cells focused on ‘indoctrination’ and regimented political control against independent and critical thinking. These attempts of ‘indoctrination’ did not succeed in most law schools.

The *third* factor that indicates the political nature of the ban relates to the fact that there were some public law schools which (in August 2010) had lower standards than certain private law schools. This could have been easily verified by the quality audits that were conducted by HERQA (the Higher Education and Relevance Quality Agency). For example, March 2012 (Megabit 2004 EC) exit

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<sup>17</sup> Ibid.

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exam results show that the 2010 ban was not based on quality and standards of legal education provision because all students who sat for the exit exam at the law schools of two private HEIs had passed while there were public law schools that had lower exit exam results.<sup>18</sup>

One may argue that the highest fail rates of 50% and 33% during the same year, i.e., in the Megabit 2004 EC (March 2012) LL.B exit exam were from two private law schools while the highest fail rates (during the same year) among public law schools were 8.3% and 4.7%. Such arguments cannot be tenable because the private law schools that had 50% and 33% fail rates do not represent all private law schools. Two private law schools had 100% pass rates that were higher than nine public law schools out of the total number of 14 public law schools that had prepared students for March 2012 LL.B exit exam. Likewise, all students from a private law school, for example, had passed the first exit exam that was conducted in March 2011 (2003 EC). The circular that banned admission of students to private law schools, inevitably brought about decline in resources and academic staff, thereby –during the years that followed– eroding the performance of private law schools that had exemplary achievements.

## 2. Curriculum

### 2.1 The need for curriculum specification and test blueprints

One of the achievements of the Legal Education Reform Programme was the 2008 curriculum titled *Course Catalogue*. It was developed by the Curriculum Implementation Committee in which all law schools were represented. The catalogue was based on the syllabi and teaching materials developed by instructors from various law schools under the coordination of JLSRI. The syllabi and teaching materials were assessed by subject experts and discussed at workshops.

Attainment of learning outcomes requires the identification of learning domains and behavioural objectives in each section or unit of a course or module, and weightage should be indicated in points which can ultimately be converted to percentage. Law schools are thus expected to be supported by pedagogy and educational measurement and evaluation experts in their respective universities in developing *table of curriculum specification* and *test blueprints* towards the attainment of the learning outcomes in each syllabus or module description.

Article 2(c) of the LL.B Exit Exam Guideline issued on July 19, 2010<sup>19</sup> states that “Bloom’s taxonomy of learning domains shall be customized to assessment

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<sup>18</sup> Education Strategy Center (2015), *Evaluation of the Law Exit Examination System in Ethiopia*, Addis Ababa, June 2015, Table 3.5, p. 47.

<sup>19</sup> Consortium of Ethiopian Law Schools (2010), LLB. Exit Exam Guideline, 19 July 2010.

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in legal education and the following learning domains shall be the basis of *Table of Specification* and *Test blueprints*”:

- i. Bloom’s learning domains 1 & 2 shall be categorized as *knowledge and comprehension*.
- ii. Bloom’s learning domains 3, 4 & 5 shall be classified as *Application, analysis, synthesis and problem solving*.
- iii. Bloom’s learning domain 6 shall be classified as *Critique and evaluation*.
- iv. The fourth learning domain ... is *presentation (communication)* skills which in the exit exam will refer to accuracy, coherence, clarity and brevity of essays and legal opinions written during the exit exam.

The words ‘*Table of Specification* and ‘*Test Blueprints*’ have been omitted in Article 4.1 of the Revised LL.B Exit Exam Guidelines (issued in 2017)<sup>20</sup> which has abridged Article 2(c) of the 2010 Guideline cited above. Yet, Article 5 of the Revised LL.B Exam Guideline (which has adopted the former Article 3 of the 2010 Guidelines) clearly indicates the weightage variation that is required to be made among concept-focused, skill-focused, substantive law and procedural law courses. It states that “[p]redominantly concept-focused courses shall give more focus to the knowledge and comprehension learning domain”<sup>21</sup> while “[s]kill courses offer major weight to the presentation, application and problem solving domains”.<sup>22</sup> It requires the inclusion of “all domains of learning without unduly neglecting any one of the domains” in all “[c]ourses that mainly involve substantive and procedural laws.”<sup>23</sup>

Curriculum specification –which is the basis for test blueprints– is not expected to be solely left to the discretion of law instructors. Training is expected to be provided to law instructors by the university’s experts on pedagogy, measurement and evaluation. Expert feedback should also be provided by the university’s Testing Centre (if available) or the university’s pedagogy and measurement experts.

In the modular approach, focus is given to student learning hours. For example, a module of 5 ECTS (European Credit Transfer and Accumulation System), which is offered daily (in block) for about three weeks involves (5 x 25 Hrs) 125 hours of learning including class sessions. Likewise, modules that have 3.5 and 7 ECTS can be covered in two and four weeks respectively. However, the block delivery system assumes that students devote their full time to learning

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<sup>20</sup> Education Strategy Center and the Consortium of Ethiopian Law Schools (2017), *Revised LL.B Exit Exam Guidelines*, March 2017.

<sup>21</sup> Id., Art. 5.2

<sup>22</sup> Id., Art. 5.3

<sup>23</sup> Id. Art. 5.4

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(i.e. about forty hours per week) and conduct pre-class class reading. It also assumes that only one module is offered to a class at a time.

Weightage for the learning domains varies depending on the nature of courses or modules. For example, courses/modules such as jurisprudence give more weightage to the domain of comprehension and critique while skills courses/modules such as pre-trial skills or appellate advocacy allocate more weightage to problem solving and presentation. The following Table shows examples of variation in the weightage apportionment to learning domains in law courses that were offered at St. Mary's University College Faculty of Law (Currently St. Mary's University) during the Academic Year 2009/2010 (2002 Ethiopian Calendar). The curriculum specifications and test blueprints were prepared by course instructors, and feedback was received from the Testing Centre:

**Table 3: Sample for variation in the total weightage of learning domains**

Course/ Module	Knowledge & Comprehension (%)	Analysis, synthesis, Application & Critique (%)	Presentation (%)	Total /100
Appellate Advocacy and Appellate Moot Court	27	21	52	100
Banking, Negotiable Instruments and Insurance	42	38	20	100
Employment and Labour Law	42	37	21	100
Environmental Law	41	31	28	100
International Trade Law	60	18	22	100
Jurisprudence	50	38	12	100
Law of Persons	43	37	20	100
Law of Property	40	42	18	100
Pre-trial Skills and Trial Advocacy	28	20	52	100
Tax Law	56	26	18	100

Curriculum specification is prepared based on the weightage apportionment to learning domains. For example, the following curriculum specification (that was prepared based on the weightage indicated in the Table above) refers to the first unit of Law of Persons (which carries 20% of the course's 100 points):

**Table 4: Sample for Table of Curriculum Specification**

Content	Knowledge and Comprehension (%)					Analysis, Synthesis, Application & Critique (%)		Presentation (%)			Total /100
	Material facts & Issues	Subject Knowledge	Relevant laws	Theories & concepts	Critiques raised by others	Analysis & reasoning	Problem Solving	Clarity	Brevity	Coherence	
Unit 1 (Weeks 1 -3) Acquisition of physical personality (20%)											
Section 1: Introductory concepts		2	1	1		1	1				6
Section 2: Acquisition of legal personality	1	1	1	1		3	3	2	1	1	14

The elements stated above are not mechanical and regimented because, as Atkin notes. “[t]he effective curriculum developer begins with general objectives. He then refines them through a series of successive approximations. He doesn't start with a blueprint, and he isn't in much of a hurry to get his ideas represented by blueprint”.<sup>24</sup> Curriculum specifications and test blueprints are thus dynamic and they serve as instruments to achieve the general objectives of the course or module and ensure the attainment of the specific learning outcomes in each unit.

## 2.2 Curriculum review and LL.B graduate profile

The 2008 LL.B curriculum envisaged review every five years, and accordingly, there has been review in 2013, which brought about a harmonized curriculum titled “National Modularized Curriculum of the LL.B Program in Laws, April 2013”. The strong features of a modular curriculum lie in its shift from teacher-centred class session credits per week (i.e. Credit Hours) to student-centred learning credits. Student learning in ECTS includes class sessions and off-class self-study including assignments and group work. One ECTS represents about 25 hours of learning.

This requires details regarding specific outcomes, thematic elements, tasks and activities accompanied by interactive module delivery and continuous assessment. Modular curricula envisage due attention to learning outcomes and

<sup>24</sup> J. Myron Atkin (1968), “Behavioral Objectives in Curriculum Design: A Cautionary Note”, *The Science Teacher*, Vol. 35, No. 5 (May 1968), p. 29.

their corresponding learning domains in each unit/section of the courses/modules. In the absence of such details (on the various learning domains), block module delivery would merely shorten the duration of learning (from 16 weeks to two or three weeks) without the depth and breadth that justifies the concentration of the delivery into a block of limited weeks. It can also induce non-academic engagement of academic staff after having covered block modules, and in due course, the modular block teaching system can bring about the relegation of academic pursuits onto the back seat unless all elements of a module are clearly spelled out and implemented.

On the positive front, block modules enable students to focus on a single module at a time. However, modular curricula require lesser class size (conducive to continuous assessment and interactive student learning) and highly organized reading packages to each module. Shortages in reading resources and large class size in various courses (that require smaller class size) were inconsistent with the modular approach envisaged under the 2013 modularized curriculum.

These problems are, inter alia, attributable to the tension between expansion of law schools and enhancing the quality of legal education. Ethiopia's First Growth and Transformation Plan (GTP I) included a strategy for higher education which envisaged expansion of HEIs. The targets (for higher education) included the following to be attained until 2014/2015:<sup>25</sup>

- a) The number of university teachers was expected to reach 23,000 out of which 75% were expected to hold masters degrees and 25% PhD degrees;
- b) The number of intake for post graduate programmes (second degree and PhD) was expected to reach 16,100;
- c) The average graduation rate for undergraduate programmes was expected to be 93%;
- d) Gross admission to undergraduate programmes based on the program mix of 70:30 in favour of the sciences and technology was expected to be raised from 185,788 in 2009/2010 to 467,000 in 2014/2015.

These pledges continued during the Second Growth and Transformation Plan (2015/16-2019/20) which stated that the "number of public higher education institutions and their admission capacity will be increased".<sup>26</sup> The targets in

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<sup>25</sup> Federal Democratic Republic of Ethiopia, *Growth and Transformation Plan, 2010/11-2014/15*, Volume 1 Main Text, Ministry of Finance and Economic Development, November 2010, Addis Ababa, p. 89.

<sup>26</sup> Federal Democratic Republic of Ethiopia, *Growth and Transformation Plan II (GTP II), 2015/16-2019/20*, Volume 1 Main Text, National Planning Commission, May 2016, Addis Ababa, p. 189.

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GTP I and GTP II were accompanied by the pursuits of changing the curricula in HEIs to modular approaches. In spite of these expectations, however, the Education Development Roadmap (2018) states the following findings:

Modular approach demands changing the old structure of curriculum (knowledge-based) to give way to a new one, *competency-based* type of curriculum –which stresses identification of professional/vocational skills, job-specific skills and transferable skills a graduate may have after completing the curriculum. The findings of the desk review and the field study revealed [that] the competences are not well identified, organization of modules [is] found weak...<sup>27</sup>

Modular curricula require modules that are carefully prepared so that students can be availed with specific readings, tasks and other elements in a module. However, the 2013 Modularized Curriculum has gaps in the effective articulation and implementation of elements in modular curricula. It seems to have aimed at two conflicting objectives at the same time, i.e., the preparation of a revised curriculum and at the same time accommodating a catalogue of all modules in the curriculum.

Due focus could have rather been given to the first thirteen elements that are embodied in the April 2013 Harmonized Modular Curriculum; and the remaining parts of the curriculum could have been compiled in a separate handbook for each module or thematic categories of modules. The attempt to combine a curriculum and a handbook for all modules has weakened the core elements in the curriculum.

The compilation of all modules in one curriculum has adversely affected the contents of the modules. The readings merely state a list of references rather than distinct reference to textbooks, articles, book chapters, etc. that are required readings. In spite of these gaps, however, the level of integration (both horizontal and vertical) is carefully addressed in the April 2013 Harmonized National Curriculum which is expected to be steadily refined and improved commensurate with modular curricula. For example, the features of the modular approach (such as the learning hours represented in each ECTS, the percentage between contact sessions and off-class learning, etc) have not been explained. Moreover, the extent to which modules are offered sequentially in block (as opposed to concurrent/parallel) arrangement has not been clarified.

Standard 5(2) of the Legal Education Reform Programme states the duty of law schools to “maintain an educational program that prepares their students to address current and anticipated legal problems”. This standard envisages legal education which targets at capacitating law graduates to solve existing legal

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<sup>27</sup> *Ethiopian Education Development Roadmap*, *supra* note 9, p. 56.

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problems and to proactively deal with anticipated legal problems. In response to one of the problems stated in the Legal Education Reform Document and the 2005 Comprehensive Justice System Reform Programme (i.e. the ‘generalist’ nature of Ethiopia’s legal education), Standard 5(3) encourages law schools to “offer an educational program designed to emphasize certain aspects of the law.” There have been achievements to formulate clusters of elective courses to facilitate such pursuits of focus on certain aspects of the law. However, gaps in the availability of teaching staff and other resource constraints have not yet enabled law schools to attain this objective in LL.B programmes.

*Standard 6* requires law schools to prepare graduates who demonstrate the *knowledge and understanding* stated under Standard 6(a) and the *application* and *problem solving skills* indicated in Standard 6(b). Moreover, it requires the attainment of research and legal information identification and retrieval skills (Standard 6/c), skills in analysis, synthesis and critical judgement stated in Standard 6(d), capability for autonomous initiatives in legal tasks, self-learning and independent research (standard 6/e), communication skills and level of proficiency “to read and discuss legal materials which are written in technical and complex language” (Standard 6/f).

The standard on graduate profile further requires law schools to enable graduates to demonstrate the ability “to use, present and evaluate information provided in numerical or statistical form” and “to produce a word-processed essay or other text and to present such work in an appropriate form”. It also requires demonstration of the ability “to use some electronic information retrieval systems; and to work in groups as a participant who contributes effectively to group’s task” (Standard 6/g). In the domain of integrity, Standard 6(h) envisages ethical responsibilities of a legal professional.

The core elements that are required in graduate profile are thus embodied in Standard 6. First, it embodies the *knowledge and skills* required of a law professional, and *secondly* it includes *transferable skills* such as skills in communication, language proficiency, teamwork and autonomy in performance and sound judgment. Thirdly, the graduate profile embodies *key skills* which relate to interdisciplinary elements such as the ability “to use, present and evaluate” numerical and statistical information which according to the Guideline (p. 84) does not involve complex statistical or mathematical calculations (that require expert intervention) but “to be able to use and evaluate the information provided as the basis of an argument”.

The graduate profile in the April 2013 revised modular curriculum<sup>28</sup> has a relatively narrow scope as compared to the benchmark envisaged in Standard 6. The 2013 revised modular curriculum focuses on tasks that can be performed by

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<sup>28</sup> *National Modularized Curriculum of LL.B Program*, April 2013.

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graduates rather than the competence, skills and professional values to be attained upon LL.B graduation. It does not adequately cover the subject specific abilities, application and problem solving skills, and the transferable skills and key skills that were embodied in Standard 6 of the Legal Education Reform Document. Section 4 of the April 2013 modular curriculum reads:

After completing the program of study, LL.B graduates will acquire knowledge and competence which would enable them to:

- work as judges and prosecutors at various levels of the Federal and State court structures in Ethiopia;
- serve as public defenders for persons accused of committing crimes;
- practice law individually or along with other legal professionals at any level of the court structures in the country, depending on the class of license issued;
- provide services as legal advisors to business organizations, governmental agencies or non-governmental organizations;
- render high-quality research service to organizations as consultants or permanent employees;
- engage in teaching at Law Schools in higher education institutions across the nation; and
- work individually or in establishments with a view to enhancing individual and group rights, the rule of law, good governance, and the deepening of constitutionalism and democratic values through research, education, advocacy and awareness-raising enterprises.

Unlike the elements that are stated in Standard 6 of the Legal Education Reform Document, the graduate profile only embodies five words “will acquire knowledge and competence” and proceeds to the potential areas of placement or employment after graduation. Some of the elements that should also have been included in the graduate profile are stated in Section 3 of the April 2013 modular curriculum which states the objective of providing “basic legal training to the students” and the aspiration of the programme to prepare professionals:-

- “... with basic knowledge of major national legislations and procedures, along with the skills of legal interpretation required to solve legal problems;”
  - who can “undertake the technical aspects of drafting and revising laws;
  - with enhanced “critical thinking abilities ...[who] understand and implement laws as judges, practicing lawyers, prosecutors, public defenders or academicians
  - “who can deliver legal advice in public and business laws either by working for particular firms or individuals seeking such advice;”
  - “who will be able to speak to and advise clients with professionalism, understanding and responsibility;”
  - ... “who can research and publish” ...; and
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- ... “who serve society with the highest heed to ethical values, who strive to defend rights and liberties and uphold the fundamentals of rule of law.”

Although the objectives in Section 3 of the 2013 Modular Curriculum embody a relatively better substantive content than the graduate profile (under Section 4), most of the elements focus on *placements* rather than the elements and levels of knowledge, understanding, skills, attitude, etc. that can be demonstrated upon graduation in tandem with Standard 6 of the 2006 Reform Document. Moreover, there could have been reference to legal education rather than legal training. ‘Education’ is a wider concept that targets at six domains of learning which according to Bloom,<sup>29</sup> includes *knowledge, comprehension, application, analysis, synthesis* and *evaluation*. Apparently, a law school can, in addition to legal education, offer training with specific outcomes in view.

The graduate profile embodied in Section 6 of the November 2019 Draft LL.B curriculum has not changed the content of the text quoted above other than stating some more tasks such as serving “as legal drafting professionals, legal practitioners, arbitrator, contract administrator”. The same holds true for the Objectives of LL.B Programmes stated under Section 4 of the Draft November 2019 curriculum which has adopted the content in Section 3 of the 2013 modularized curriculum with some changes such as the ability to prepare memorandums, delivery of effective legal advice and consultancy services.

The introductory statement at the beginning of Section 4 of the Draft November 2019 LL.B curriculum, inter alia, states that “[t]he general objective of the undergraduate program is to produce competent, entrepreneur and responsible legal profession[al]s ... equipped with basic legal knowledge, skill and professional ethics to serve the society.” The term ‘*entrepreneur*’ is a new element that was neither embodied in the 2008 Course Catalogue nor the 2013 Modularized Curriculum. The term is further used in the first paragraph of the background which embodies the phrase “producing competent, entrepreneur & responsible legal professionals”.

The interpretation of ‘legal *entrepreneur*’ needs caution because the term usually denotes innovative professional service or process by starting one’s own law firm/office or enhancing the avenues and modalities of professional services to the wider public (including the grassroots) commensurate with the technological advances that are underway. The entrepreneurial approach to the legal profession indeed represents creativity, diligence, proactive vision, strategic thinking and problem solving skills. Yet, it should not be mixed up with fixation on monetary gains through unethical pursuits in the guise of ‘entrepreneurship.’

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<sup>29</sup> Benjamin S. Bloom (1956), *Taxonomy of Educational Objectives, Handbook I. The Cognitive Domain*. New York: David McKay Co Inc.

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### 2.3 New admission policy under the Draft 2019 LL.B Curriculum

The most significant curriculum reform in reversing the gears of regression in student admission is made under the November 2019 Draft Harmonized LL.B Curriculum relating to law school admission. The second paragraph of the background states that “[t]he need to address emerging legal issues and the adoption of the new Ethiopian Education Roadmap with its inclusion of the freshman program has necessitated the revision of the 2013 Harmonized curriculum of the LL.B program.” Accordingly, Section 7 of the 2019 Draft LL.B Curriculum states that “[s]tudents who completed the national preparatory /High School education and freshman first semester courses” and who “wish to join the schools of law will be selected from a list of students assigned to the social sciences streams on a competitive basis.” The two criteria for admission stated under Section 7 are (i) “Freshman first semester GPA: 2.75 and above for Female and Persons with Disability; and 3.0 and above for Male Students”, and (ii) “National Higher education entrance exam result Score 50% and above”.

Section 7 further stipulates the following weightage that should be applied by the law school’s Admissions Committee in charge of the admission process:

1. First Semester GPA: 50%
2. Comprehensive Law School entrance exam: 30%
3. National Higher education entrance exam result: 20%
4. Affirmative Action: 5% (from the total score)

Law schools may “reduce eligibility criteria where the number of applicants is below one section based [on] applicable standards of [the] respective law school.” This does not allow law schools to significantly lower the criteria for admission because the phrase “based [on] applicable standards” requires determination of class size and minimum criteria under such exceptions.

### 3. Staff Profile

The following table shows the staff profile (Male, Female) of 28 law schools (in January 2019). Academic staff members of the law schools on study leave are not included. As the data in Table 5 shows, the percentage of female academic staff is very low. The highest female to male ratio among the academic staff is 8:24 (i.e. 1:3) at Hawassa University Law School. It is difficult to use the number of instructors in Table 5 to compute student-staff ratio for the LL.B regular programme<sup>30</sup> where the academic staff is assigned to teaching responsibilities in LL.M or other programmes that are not included in this assessment.

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<sup>30</sup> The total number of regular LL.B Students, Year 1 to Year 5 for three academic years is indicated in Tables 6 to 8.

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**Table 5: Staff Profile (January 2019)**

		Academic Rank					Total	Academic Qualification			
		Graduate Asst / Asst. Lecturer (M,F)	Lecturer (M, F)	Asst. Prof. (M, F)	Assoc. Prof. (M, F)	Professor (M, F)		LL.B	LL.M	PhD/SJD	Total
<b>1<sup>st</sup> Generation</b>											
1	Addis Ababa University	1+1	6+1	16+1	12,-	1,-	<b>39</b>	3	17	19	39
2	Mekelle University	-	16+6	20,-	3,-	-	<b>45</b>	-	39	6	45
3	Bahir Dar University	-	14+5	4,-	3,-	-	<b>26</b>	-	23	3	26
4	Haramaya University	5+3	16,-	1,-	-,-	-	<b>25</b>	8	17	-	25
5	Hawassa University	1+2	15+6	8,-	-,-	-	<b>32</b>	3	26	3	32
6	Jimma University	3,-	16+2	3,-	-,-	-	<b>24</b>	3	20	1	24
7	Gondar University	2+1	18+1	7,-	1,-	-	<b>30</b>	3	24	3	30
<b>221</b>											
<b>2<sup>nd</sup> Generation</b>											
8	Arsi University	2,-	12+1	2,-	-	-	<b>17</b>	2	13	2	17
9	Wollega University	-,-	16	-	-	1,-	<b>19</b>	2	16	1	19
10	Wollo University	2+1	14+2	2,-	-	-	<b>21</b>	4	16	1	21
11	Wolayita Sodo Univ.	7+1	10+2	2,-	-	-	<b>22</b>	?	12	3	
12	Debire Markos Univ.	2+1	13,-	1,-	-	-	<b>17</b>	3	14	-	17
13	Ambo University	1,-	15+2	3,-	-	-	<b>21</b>	1	19	1	21
14	Jigjiga University	4+1	19+1	2,-	-	-	<b>27</b>	5	20	-	25
15	Mizan Tepi University	4+2	11+4	-	-	-	<b>21</b>	6	15	-	21
16	Dilla University	4,-	8+4	-	-	-	<b>16</b>	4	12	-	16
17	Dire Dawa University	4+1	8+2	2	-	-	<b>17</b>	5	12	-	17
18	Arba Minch University	4,-	8+1	-	-	-	<b>13</b>	4	9	-	13
<b>211</b>											
<b>3<sup>rd</sup> Generation</b>											
19	Oromia State University	-	9+1	2,-	-	-	<b>12</b>	-	12	-	12
20	Madda Walabu Univ. <sup>31</sup>	2,-	15,-	-	-	-	<b>17</b>	?	11	-	
21	Assosa University	9,-	8,-	-	-	-	<b>17</b>	9	8	-	17
22	Debre Berhan Univer.	-,-	15+1	1,-	-	-	<b>19</b>	2	16	1	19
23	Adigrat University	13+2	4+5	1+1	-	-	<b>26</b>	17	8	1	26
24	Aksum University	1+1	11+1	-	-	-	<b>14</b>	2	12	-	14
25	Mettu University	6+1	8,-	-	-	-	<b>15</b>	7	8	-	15
26	Samara University	5+1	8+1	-	-	-	<b>15</b>	6	9	-	15
27	Wolkite University	8,-	13+2	-	-	-	<b>23</b>	8	15	-	23
28	Bule Hora University	-	5,-	1,-	-	-	<b>6</b>	8	4	-	12
<b>164</b>											
<b>Law schools that have enrolled LL.B Programme students since September 2016</b>											
29	Wachamo University <sup>32</sup>	October 2016									
30	Jinka University	October 2017									
31	Worabe University	October 2017									
32	Selale University	October 2018									

<sup>31</sup> LL.B data has not been submitted.<sup>32</sup> The law school had nine instructors in January 2019.

Even though LL.M programmes enhance the quality and standards of LL.B programmes through staff development, there should be prime focus on the LL.B programmes because the latter prepares legal professionals, while LL.M programmes build up expertise from what is already attained at the LL.B level. There should thus be due attention to the assignment of senior and experienced staff to LL.B programmes as well. It is to be noted that graduate programmes are largely conducted by the senior academic staff of the law schools (and part time external staff) thereby resulting in shift of focus to graduate programmes contrary to Standard 59 of the 2006 Legal Education Reform Programme which reads:

1. Law schools shall not launch new programs that would deplete the human and material capabilities of the LL.B program.
2. Reasons for prohibition in this standard include:
  - a) Lack of sufficient full-time faculty to conduct the LL.B program;
  - b) Lack of adequate physical facilities, which has a negative and material effect on the education students receive; and
  - c) Lack of an adequate law library to support both an LL.B and another program.
- [3]. Without prejudice to this Standard, law schools may run short-term trainings/short-term courses, distance education, continuing legal education (continuing short term workshop), LL.M and LL.D programs.<sup>33</sup>

The data on the number of students during the Academic Years 2015/16 to 2017/18 in each law school are indicated in Tables 6 to 8. The staff profile that is shown in Table 5 above can hardly show staff-student ratio unless due attention is given to LL.B programmes. The option of conducting distance LLB or graduate programmes under separate units equally harms quality because the standards envisaged in the legal education programme cannot be met under such schemes detached from a law school. The following three tables respectively show the summary of data on the number of students in the first, second and third generation law schools during three academic years (2015/16, 2016/17 and 2017/18).

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<sup>33</sup> Legal Education Reform Programme, *supra* note 5, pp. 80, 81.

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**Table 6: Summary of the total number of LLB Programme students in 1<sup>st</sup> Generation law schools**

University		Total Number of LL.B Programme Regular (Reg.) and Non-regular (Non-reg.) Students (First Year to Fifth Year)								
		2008 E.C Academic Year: 2015/16			2009 E.C Academic Year: 2016/17			2010 E.C Academic Year: 2017/18		
		Reg.	Non- -reg.	Total	Reg.	Non- -reg.	Total	Reg.	Non- -reg.	Total
1	Addis Ababa	342	275	<b>617</b>	299	217	<b>516</b>	299	161	<b>460</b>
2	Bahir Dar	392	328	<b>720</b>	404	237	<b>641</b>	405	218	<b>623</b>
3	Hawassa <sup>34</sup>	410	Data NA	<b>410</b>	388	473	<b>861</b>	394	405	<b>799</b>
4	Haramaya	350	-	<b>350</b>	331	-	<b>331</b>	336	-	<b>336</b>
5	Jimma	440	405	<b>845</b>	388	315	<b>703</b>	345	195	<b>540</b>
6	Mekelle	472	33	<b>505</b>	456	33	<b>489</b>	446	-	<b>446</b>
7	Gondar	459	-	<b>459</b>	430	-	<b>430</b>	429	-	<b>429</b>
<b>Total</b>		2,865	1,041	<b>3,906</b>	2,696	1,275	<b>3,971</b>	2,654	979	<b>3,633</b>

**Table 7: Summary of the total number of LLB Programme students in 2<sup>nd</sup> Generation law schools**

University		Total Number of LL.B Programme Regular (Reg.) and Non-regular (Non-reg.) Students (First Year to Fifth Year)								
		2008 E.C Academic Year: 2015/16			2009 E.C Academic Year: 2016/17			2010 E.C Academic Year: 2017/18		
		Reg.	Non- -reg.	Total	Reg.	Non- -reg.	Total	Reg.	Non- -reg.	Total
1	Ambo	253	119	<b>372</b>	241	-	<b>241</b>	228	40	<b>268</b>
2	Arba Minch	230	-	<b>230</b>	253	-	<b>253</b>	259	-	<b>259</b>
3	Arsi	293	34	<b>327</b>	236	-	<b>236</b>	211	-	<b>211</b>
4	Debre Markos	235	95	<b>330</b>	265	76	<b>341</b>	284	104	<b>388</b>
5	Dilla	279	88	<b>367</b>	275	88	<b>363</b>	235	62	<b>297</b>
6	Dire Dawa	291	-	<b>291</b>	290	-	<b>290</b>	349	-	<b>349</b>
7	Jigjiga	153	215	<b>368</b>	132	215	<b>347</b>	137	348	<b>485</b>
8	Mizan Tepi	228	148	<b>376</b>	252	130	<b>382</b>	317	221	<b>538</b>
9	Wolaita Sodo	320	223	<b>543</b>	263	223	<b>486</b>	262	110	<b>372</b>
10	Wollega	183	-	<b>183</b>	173	-	<b>173</b>	176	-	<b>176</b>
11	Wollo	240	130	<b>370</b>	233	130	<b>363</b>	229	124	<b>353</b>
<b>Total</b>		2,705	1,052	<b>3,757</b>	2,613	862	<b>3,475</b>	2,687	1,009	<b>3,696</b>

<sup>34</sup> Hawassa University Law School's Data has not been submitted to HESC, and the data for two years (Academic Years 2016/17 & 2017/18) are taken from the reports. The data (of regular students) for the Academic Year 2015/16 are obtained from the Law School. The data for non-regular students during the Academic Year 2015/16 (2008 Ethiopian Calendar) are not provided.

**Table 8: Summary of the total number of LLB Programme students in 3rd Generation law schools**

University		Total Number of LL.B Programme Regular (Reg.) and Non-regular (Non-reg.) Students (First Year to Fifth Year)								
		2008 E.C Academic Year: 2015/16			2009 E.C Academic Year: 2016/17			2010 E.C Academic Year: 2017/18		
		Reg.	Non- reg.	Total	Reg.	Non- reg.	Total	Reg.	Non- reg.	Total
1	Adigrat	140	-	<b>140</b>	204	-	<b>204</b>	270	-	<b>270</b>
2	Aksum	169	-	<b>169</b>	189	-	<b>189</b>	222	-	<b>222</b>
3	Assosa	109	-	<b>109</b>	175	-	<b>175</b>	217	-	<b>217</b>
4	Bule Hora	118	-	<b>118</b>	168	-	<b>168</b>	200	-	<b>200</b>
5	Debre Berhan	212	-	<b>212</b>	225	22	<b>247</b>	224	-	<b>224</b>
6	Madda Walabu	109	34	<b>143</b>	156	32	<b>188</b>	235	32	<b>267</b>
7	Mettu	94	-	<b>94</b>	130	-	<b>130</b>	180	-	<b>180</b>
8	Oromia State <sup>35</sup>	31	220	<b>251</b>	-	69	<b>69</b>	18	112	<b>130</b>
9	Samara	113	38	<b>151</b>	143	37	<b>180</b>	154	34	<b>188</b>
10	Wolkite <sup>36</sup>	192	23	<b>215</b>	221	17	<b>238</b>	216	15	<b>231</b>
<b>Total</b>		1,287	315	<b>1,602</b>	1,611	177	<b>1788</b>	1,936	193	<b>2,129</b>

The tables show that a total of  $(2,654 + 2,687 + 1,936 =) 7,277$  *regular* students and  $(979 + 1,009 + 193 =) 2,181$  *non-regular* students were enrolled in twenty eight law schools during the Academic Year 2017/2018. The total of *regular and non-regular* students enrolled during the academic year in 28 law schools other than the new law schools established since September 2016 (i.e. fourth generation law schools) is **9458**. Yet, Table 17 (in Section 6) shows that over 80% of the students enrolled in the non-regular programmes do not pass the exit exam in most law schools.

As indicated earlier (in Table 5), the total number of staff in 28 law schools – classified under three generations was  $-(221 + 211 + 164 =) 596$  in January 2019. The challenge in staff-student ratio does not thus lie in the number of academic staff members but in relation with the level of conducive environment that enables law schools to attract and retain competent and experienced staff and the working conditions (including remuneration and facilities commensurate with the steadily rising cost of living) that can enable faculty members to devote their full time to the learning-teaching process, research and community services.

<sup>35</sup> Data for second year and above have not been submitted although the table shows that the total number of students is 450.

<sup>36</sup> The figures for 2008 E.C (1<sup>st</sup> year and 2<sup>nd</sup> Year), for 2009 E.C (1<sup>st</sup> Year) and non-regular students during the years 2008 E.C and 2009 E.C were missing in the data submitted to HESC.

According to the Reform Document, there is a ‘strained staff-student ratio’<sup>37</sup> which adversely affects the engagement of academic staff in research. The Reform Document notes the absence of clear standards in student-staff ratio, and it cites the staff-student ratio of 19:1 in USA<sup>38</sup> as an example. The Document further indicates that the “size of teaching staff does not match with the student population” in Ethiopia.<sup>39</sup> At the initial phase of the legal education reform, Standard 19(4) envisaged the student-staff ratio of 30:1 (thirty to one) or less in LL.B programmes so that it can be progressively improved to match up with the good practices in quality legal education.

Currently, most US law schools have student-staff ratio far below 19. According to a ranking among US law schools in Student-Faculty (S/F) Ratio in spring 2019, the highest in the ranking with the minimum S/F ratio was University of Hawaii (3.5) and the law school with the lowest (189<sup>th</sup>) ranking had S/F ratio of 17.<sup>40</sup> However, law schools in the Global South have relatively higher S/F ratio. For example the 2017 Teaching Learning Report of the University of Cape Town in South Africa shows that the ratio for weighted FTE (Full Time Student Equivalent) to full-time academic staff at the Faculty of Law increased from 34.4 in 2013 to 38.8 in 2017<sup>41</sup> owing to “increasing FTE enrolments in the period 2013-2017, while the FTE academic staff has remained largely unchanged.”<sup>42</sup>

#### 4. Physical Resources, Libraries and Other Resources

The Legal Education Reform Programme envisages the prior fulfilment of the minimum standards before launching LL.B Programmes and their progressive enhancement beyond the thresholds that are stated in the Reform Programme. Unfortunately, there was rush towards expansion of universities which seems to have put the government and other stakeholders into the trap of higher targets, quest to report achievements and shying away from the demands of quality and standards. As an office holder (at a public regulatory agency) whose anonymity is respected observes, “once the construction work of premises and campus infrastructure is complete, a public university is declared before the fulfilment of the required standards in resources, facilities, library, academic staff and others”. He further noted that “prior to fulfilling these standards, new public

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<sup>37</sup> Legal Education Reform Programme, *supra* note 5, p. 29.

<sup>38</sup> *Id.*, p. 37.

<sup>39</sup> *Id.*, p. 44.

<sup>40</sup> Available at: < <https://www.ilrg.com/rankings/law/index/1/asc/SFRatio>>, Accessed: 29 July 2019.

<sup>41</sup> University of Cape Town, *2017 Teaching and Learning Report*, Senate Meeting, September 28, 2018, p. 17.

<sup>42</sup> *Ibid.*

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universities launch their programmes without the procedures of pre-accreditation and accreditation which should have applied not only to private Higher Education Institutions”.<sup>43</sup>

The responses of 25 deans/heads of law schools in Table 9 below indicate that there are law schools that do not have their own libraries. Among the 10 law schools that have libraries, only *three* deans/heads of law schools agree that the law library has adequate number of reference books and journals other than the teaching materials that were prepared in the course of the Legal Education Reform Programme. There are good practices in providing textbooks from bookstore which can be returned by students upon the completion of the course. 18 out of 25 deans/heads of law school either agree or strongly agree that this facility is available at their respective law schools.

The data regarding the number of respondents who strongly agree, agree, who are neutral, who disagree and strongly disagree are *ordinal* (i.e. numbers used to state order in a series or sequence) and not cardinal (i.e. expressions of how many of something). As *ordinal* values represent order or sequence of something, the values between 1 to 5 (in the questionnaire items) indicate the views/attitudes of respondents to particular statements and scores from 1 to 5 are given as series of scores higher than the other.

The figures that are presented in Tables 9 and 11 (to indicate the specific number of responses for each item) are respectively followed by tables 10 and 12 which show the mean values for all responses relating to each item. Although, *mean* values are not expected to be taken as a central tendency in terms of average, they indicate the overall tendency relating to attitudes of respondents to a given statement or question in the questionnaires.

Table 9 shows the responses of deans/heads of 25 law schools to statements regarding physical facilities and resources. The responses from 15 law schools are positive regarding the availability of classrooms designated to law schools even though only *nine* believe that the class rooms are adequate. The availability of LCD projectors in most classrooms is confirmed only by *six* out of 25 deans/heads of law schools. 15 out of the 25 law schools headed by the respondents have moot court rooms. However, only *six* out of 15 deans/heads of law schools consider the moot court rooms as adequate. The responses to Statement 15 indicate that 19 out of 25 respondents believe that office space for academic staff is inadequate. Statement 17 relates to resources in addition to which it is also related with research. Only *six* deans/heads of law schools out of 25 either agree or strongly agree that their law schools have adequate internet connection.

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<sup>43</sup> Interview, October 5, 2018.

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**Table 9: Summary of responses to questionnaire items on physical facilities and resources**

No.	Statements	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
4	The law school has its own library: Yes <u>10</u> No <u>15</u>						
5	If yes, the library has adequate number of collections, i.e. reference books and journals in addition to teaching materials	2	3	2	3	-	10
6	Textbooks are provided to students from bookstore to be returned after the course/module	3	3	1	9	9	25
7	There are classrooms designated to the law school	4	4	2	11	4	25
8	Classrooms are adequate	4	8	4	7	2	25
9	There are LCD projectors in most classrooms	6	9	4	4	2	25
10	The law school has moot court room: Yes <u>15</u> No <u>10</u>						
	If yes, the moot court room is spacious and adequate	3	2	4	6	-	15
15	Office for staff is adequate	8	11	2	4	-	25
17	Internet connection at the law school is adequate	6	10	3	4	2	25

As indicated in Table 10 (below), the mean value for the six statements under Numbers 6, 7, 8, 9, 15 and 17 (Table 9) ranges between 2.08 (on the availability of office for staff) to 3.72 regarding the opportunity of students to borrow textbooks that will be returned upon the completion of the course or module.

**Table 10: Mean for the responses to questionnaire items on physical facilities and resources**

	No. of respondents	Minimum value	Maximum value	Mean	Standard Deviation	Variance	Skewness	
							Statistic	Std. Error
Textbooks are provided to students from bookstore to be returned after the course/module	25	1.00	5.00	<b>3.7200</b>	1.40000	1.960	-.940	.464
There are classrooms designated to the law school	25	1.00	5.00	<b>3.2800</b>	1.36991	1.877	-.553	.464
Classrooms are adequate	25	1.00	5.00	<b>2.8000</b>	1.25831	1.583	.136	.464
There are LCD projectors in most classrooms	25	1.00	5.00	<b>2.4800</b>	1.26227	1.593	.589	.464
Office for staff is adequate	25	1.00	4.00	<b>2.0800</b>	1.03763	1.077	.802	.464
Internet connection at the law school is adequate	25	1.00	5.00	<b>2.4400</b>	1.26095	1.590	.689	.464



## 5. Course Delivery and Assessment

Article 21(6) of the Higher Education Proclamation No. 650/2009 (which was in force during the years covered in this study) provided that "... the teaching learning process shall be continuously updated in its design, delivery methods, and instruments of assessment".<sup>44</sup> The views of the deans/heads with regard to issues that are relevant to course delivery are the following:

**Table 11: Summary of responses to the questionnaire items on course delivery**

Statements	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Most instructors use problem-based learning in course delivery	2	5	13	5	-	25
There is pedagogy training for newly employed instructors	2	3	4	13	3	25
There is periodic pedagogy training for all academic staff	6	5	5	8	1	25

The level of focus given to pedagogy training for newly employed instructors deserves appreciation. 16 respondents out of 25 have confirmed that pedagogy training is offered to new academic staff. In terms of overall performance in Ethiopian law schools, however, the mean (3.48) shown below (in Table 12) can indeed improve when the practice is scaled up in all law schools. Good practices in this regard include the inclusion of pedagogy as a course in LL.M Programmes (such as Addis Ababa University School of Law). With regard to course delivery, however, only *five* deans/heads of law schools confirmed that most instructors use problem-based learning in course delivery.

Problem-based learning (whereby case problems, hypothetical cases and debatable perspectives are used as tools for student leaning) is believed to be effective in legal education as opposed to a predominant usage of the lecture method. Under problem-based learning (PBL), complex real-world problems facilitate student learning of concepts and principles as opposed to direct presentation of facts and concepts.<sup>45</sup> In addition to course content, PBL can promote the development of critical thinking skills, problem-solving abilities, and communication skills. It can also provide opportunities for working in groups, finding and evaluating research materials, and life-long learning.<sup>46</sup>

<sup>44</sup> Article 20(6) of the Higher Education Proclamation No. 1152/2019 has identical content.

<sup>45</sup> See, for example, Barbara J. Duch, Susan E Groh, & Deborah E. Allen (Eds.), (2001). *The power of problem-based learning*. (Sterling, VA: Stylus Publishing).

<sup>46</sup> See, *ibid*.

**Table 12: Mean for the responses to Questionnaire 4, Items on course delivery**

	No. of respondents	Minimum value	Maximum value	Mean	Standard Deviation	Variance	Skewness	
							Statistic	Std. Error
Most instructors use problem-based learning in course delivery	25	1.00	4.00	<b>2.8400</b>	.85049	.723	-.557	.464
There is pedagogy training for newly employed instructors	25	1.00	5.00	<b>3.4800</b>	1.12250	1.260	-.907	.464
There is periodic pedagogy training for all academic staff	25	1.00	5.00	<b>2.7200</b>	1.27541	1.627	-.080	.464

The Education Development Roadmap, cited earlier (in Sections 1.1 and 2.2), states that the methods of course delivery –employed in most higher education institutions in Ethiopia– “were highly dominated by the traditional lecture method”. With regard to transferable and key skills, it states that “computer skills, research skills; and oral and written communication in English are identified as major deficiencies of the graduates of HEIs.<sup>47</sup>

According to a Draft Regulatory Framework that was prepared in relation with the Legal Education Reform Programme, it was envisaged that “the Higher Education Relevance and Quality Agency in concert with the Consortium of Law Schools shall carry out pre-approval, pre-accreditation, accreditation and renewal of accreditation of Law Schools.” Self-study and periodic external evaluation were envisaged as preconditions for renewal of accreditation permit. Article 14 of the Draft was meant to regulate these schemes. It reads:

- a) Law Schools shall conduct self-study every five years according to Guidelines of Institutional Self-Evaluation issued by the Agency and Minimum Standards for Ethiopian Law Schools.
- b) The Agency in concert with Consortium of Ethiopian Law Schools shall conduct periodic institutional audit pursuant to Institutional External Audit Guidelines issued by the Agency and Minimum Standards for Ethiopian Law Schools.
- c) Accreditation permit is deemed to have been revoked where the Ministry rejects the request for renewal of accreditation based on Institutional External Audit report submitted in accordance with Article 15(b).

In the course of self-study, law schools were expected to conduct survey, and 35 (thirty five) items were suggested in the sample, among which the following six items relate to course delivery:

<sup>47</sup> *Ethiopian Education Development Roadmap*, supra note 9, p. 56

- Number of instructors who have pedagogical training
- Course load policy of the law school (regular and extension)
- Delivery methodology
- Good practices
- Frequency of using attendance sheet by instructors, and
- Frequency of administering student evaluation forms.

Many of these items were used in the questionnaires distributed to 4<sup>th</sup> year students. The questionnaires were sent to 28 law schools, and the following table (i.e., Table 13) shows the number of respondents from 24 law schools (out of 28 law schools which received the questionnaires), and it shows the breakdown of the numbers of respondents shown in Tables 14, 15 and 16.

**Table 13: The number of respondents (4<sup>th</sup> year students) from 24 law schools**

	1 <sup>st</sup> Generation		2 <sup>nd</sup> Generation		3 <sup>rd</sup> Generation	
	Number of respondents		No. of respondents		Number of respondents	
1	Addis Ababa Univ.	26	Arsi University	-	Oromia State Univ. <sup>48</sup>	-
2	Mekelle University	9	Dilla University	21	Madda Walabu Univ.	13
3	Bahir Dar University	13	Wollega Univ.	16	Assossa University	25
4	Haramaya University	54	Wollo University	13	Debre Birhan Univ.	34
5	Hawassa University	34	Debre Markos U.	15	Adigrat University	6
6	Jimma University	34	Dire Dawa Univ.	17	Aksum University	12
7	Gondar University	41	Jigjiga Univ.	12	Mettu University	47
8			Wolayita Sodo U.	-	Samara University	19
9			Mizan Tepi U. <sup>49</sup>	54	Wolkite University	24
10			Arba Minch U.	15	Bule Hora University	-
11			Ambo University	38		
<b>Total no. of respondents</b>		<b>211</b>	<b>201</b>		<b>180</b>	

Summary of the responses regarding eight items on delivery and assessment are shown in the three tables below. The respondents are 592 (i.e., 211+ 201+ 180) fourth year law students from 24 law schools. As indicated in Footnote 49, however, five out of the eight items indicated in the following three tables have 538 respondents while the remaining three items have 592 respondents. The questionnaires to 4<sup>th</sup> year students were distributed to all (i.e. 28) law schools established until 2015. Fourth year students were selected as respondents based on length of stay at law school. *Fifth year* students have not been chosen as respondents due to their engagement in externship and other commitments.

<sup>48</sup> Formerly called Public Service College of Oromia.

<sup>49</sup> Mizan Tepi University Fourth Year students have not filled the second page of the Questionnaire, and thus the number of respondents for the last two items of Table 14, for both items in Table 15 and for the second item in Table 16 are 592-54, i.e. 538.

**Table 14: Summary of responses for items on course delivery and assessment**

All instructors (5);                      Most instructors (4);                      Many instructors (3);  
 Few instructors (2);                      None (1);                      No Response (NR)

	5	4	3	2	1	NR	Total
<b>Delivery methodology: Lecture only</b>							
Respondents from seven law schools, 1 <sup>st</sup> generation	39	75	33	36	17	11	211
Respondents from nine law schools, 2 <sup>nd</sup> generation	33	61	52	47	2	6	201
Respondents from eight law schools, 3 <sup>rd</sup> generation	25	53	47	40	7	8	180
<b>Sub-total</b>	<b>97</b>	<b>189</b>	<b>132</b>	<b>123</b>	<b>26</b>	<b>25</b>	<b>592</b>
<b>Lecture and other methods are used such as problem based methods that encourage class discussion</b>							
Respondents from seven law schools, 1 <sup>st</sup> generation	18	52	38	69	17	17	211
Respondents from nine law schools, 2 <sup>nd</sup> generation	13	57	46	69	12	4	201
Respondents from eight law schools, 3 <sup>rd</sup> generation	10	45	55	56	7	7	180
<b>Sub-total</b>	<b>41</b>	<b>154</b>	<b>139</b>	<b>194</b>	<b>36</b>	<b>28</b>	<b>592</b>
<b>Instructors conduct progressive assessment</b>							
Respondents from seven law schools, 1 <sup>st</sup> generation	16	49	45	57	38	6	211
Respondents from eight law schools, 2 <sup>nd</sup> generation	14	45	35	33	16	4	147
Respondents from eight law schools, 3 <sup>rd</sup> generation	27	54	40	34	16	9	180
<b>Sub-total</b>	<b>57</b>	<b>148</b>	<b>120</b>	<b>124</b>	<b>70</b>	<b>19</b>	<b>538</b>
<b>Instructors show and discuss corrected papers</b>							
Respondents from seven law schools, 1 <sup>st</sup> generation	8	28	27	75	66	7	211
Respondents from eight law schools, 2 <sup>nd</sup> generation	10	26	22	52	30	7	147
Respondents from eight law schools, 3 <sup>rd</sup> generation	27	49	35	42	22	5	180
<b>Sub-total</b>	<b>45</b>	<b>103</b>	<b>84</b>	<b>169</b>	<b>118</b>	<b>19</b>	<b>538</b>

**Table 15: Summary of responses for items on group assignments and grading**

Always (5);                      Usually (4);                      Sometimes (3);                      Rarely (2);                      Never (1);  
 No Response (NR)

	5	4	3	2	1	NR	Total
<b>Frequency of group assignments and group work</b>							
Respondents from seven law schools, 1 <sup>st</sup> generation	46	74	51	20	12	8	211
Respondents from eight law schools, 2 <sup>nd</sup> generation	53	51	25	8	5	5	147
Respondents from eight law schools, 3 <sup>rd</sup> generation	71	58	23	8	7	7	180
<b>Sub-total</b>	<b>170</b>	<b>183</b>	<b>99</b>	<b>36</b>	<b>24</b>	<b>20</b>	<b>538</b>
<b>There are mechanisms used towards differential grading of group members who have submitted joint work (based on their varying levels of contribution and performance)</b>							
Respondents from seven law schools, 1 <sup>st</sup> generation	31	33	73	34	29	11	211
Respondents from eight law schools, 2 <sup>nd</sup> generation	16	47	37	17	20	10	147
Respondents from eight law schools, 3 <sup>rd</sup> generation	29	36	61	20	17	11	180
<b>Sub-total</b>	<b>76</b>	<b>116</b>	<b>171</b>	<b>71</b>	<b>66</b>	<b>32</b>	<b>538</b>

The responses on the frequency of attendance sheet usage and whether instructors submit grades to the Registrar *within a week* were as follows:

**Table 16: Summary of responses for items on student attendance and grade submission**  
 All instructors (5); Most instructors (4); Many instructors (3); Few instructors (2);  
 None (1); No Response (NR)

	5	4	3	2	1	NR	Total
<b>Instructors use attendance sheet frequently</b>							
Respondents from 7 law schools, 1 <sup>st</sup> generation	41	63	45	35	13	14	211
Respondents from 9 law schools, 2 <sup>nd</sup> generation	32	84	50	28	3	4	201
Respondents from 8 law schools, 3 <sup>rd</sup> generation	43	58	35	25	12	7	180
<b>Sub-total</b>	<b>116</b>	<b>205</b>	<b>130</b>	<b>88</b>	<b>28</b>	<b>25</b>	<b>592</b>
<b>Instructors submit grades to Registrar within a week</b>							
Respondents from 7 law schools, 1 <sup>st</sup> generation	10	26	28	61	75	11	211
Respondents from 8 law schools, 2 <sup>nd</sup> generation	9	17	26	47	39	9	147
Respondents from 8 law schools, 3 <sup>rd</sup> generation	32	38	37	30	32	11	180
<b>Sub-total</b>	<b>51</b>	<b>81</b>	<b>91</b>	<b>138</b>	<b>146</b>	<b>31</b>	<b>538</b>

The data in Tables 14 to 16 indicate the need for sustained improvement in course delivery and assessment. The responses in Table 14 show unduly high reliance on lectures (which should be accompanied by other methods such as problem-based learning), gaps in progressive assessment and gaps in discussing corrected papers. Although the frequency of group work that can be observed in Table 15 is commendable, there are gaps in individualizing assessments. For example, students in a team can be required to include a statement (declaration) which indicates the contribution of each member in the preparation and write up of the group assignment; and individual presentations can be required thereby making differentiated numerical grading possible.

With regard to the data (in Table 16) that indicate the frequency of attendance sheets and the submission of grades to the Registrar, the items are not meant to assess law schools based on these thresholds irrespective of class size and the course loads of instructors. For example, the minimum class size of third year students during the Academic Year 2017/18 (i.e. 2010 Ethiopian Calendar) –who are currently respondents of this study as 4<sup>th</sup> year students– was 18 (at Jigjiga University) while there were law schools that had a class size of fifty to sixty students in a section. An instructor assigned to this cohort indicated as an example, i.e. the cohort of 4<sup>th</sup> year law students at Jigjiga law school, can easily identify students who are absent, and take note of it thereof.

However, large class size requires some means of checking absence because class attendance and participation are among the core means of student learning. Such schemes do not of course envisage formal calling of names in class (as in primary school attendance monitoring). The attendance sheet can, for example, be given to the class representative so that s/he can easily indicate students who are absent (through seat arrangements that are stable during the semester); or the

attendance sheet can be circulated (while the class is in progress) so that students can either put tick marks or use their initials to indicate their presence.

Likewise, the reasonable timeline for submission of grades can be a week, or may be extended to ten or fifteen days depending upon class size, nature of the final exam and number of sections that the instructor is assigned to during a semester. The questionnaire items on attendance and submission of grades are thus expected to be used (and evaluated) by each law school in the course of self-assessment with due attention to factors such as class size.

## 6. LL.B Exit Exam

The LL.B Exit Exam Guideline was drafted with the participation of law schools and the National Educational Assessment and Examination Agency (Ministry of Education). It was issued on 19 July 2010 by the Consortium of Ethiopian Law Schools, and it was revised in March 2017.<sup>50</sup> According to Article 6 of the Revised LLB Exit Exam Guideline, the exam is classified into four parts, namely: (i) private laws (ii) public laws, (iii) laws of procedure and evidence, and (iv) miscellaneous laws, i.e. laws covered in courses other than the ones stated in Parts I to III. Article 8.1 of the Revised Guideline indicates the list of laws/courses that are classified under these four categories.

Article 4.2 of the Revised LL.B Exam Guideline, indicates sample verbs (used by Bone, 1999)<sup>51</sup> to show how “the learning outcomes of a syllabi and course materials represent the following learning domains in addition to which presentation in writing is taken into account”:

<b>Taxonomy Categories</b>	<b>Sample verbs stating specific learning outcomes</b>
Knowledge	Identifies, names, defines, describes, lists ..., selects, outlines
Comprehension	Classifies, explains, summarizes, converts, predicts, distinguishes between
Application	Demonstrates, solves, modifies, arranges, relates
Analysis	Differentiates, separates, infers
Synthesis	Combines, creates, formulates designs, constructs, revises
Evaluation	Judges, criticizes, compares, justifies, concludes, supports

[Source: Alison Bone (1999)]

The learning domains that are assessed in LL.B exit exam are clarified under Article 4.1 of the Revised LL.B Exit Exam Guideline. These domains are “(i) Knowledge and comprehension; (ii) Application, analysis, synthesis and problem solving; (iii) Critique and evaluation; and (iv) Written communication

<sup>50</sup> *Revised LL.B Exit Exam Guidelines*, supra note 20.

<sup>51</sup> Alison Bone (1999), *Ensuring Successful Assessment* (National Centre for Legal Education, University of Warwick), cited in the Guideline under the table.

(with due attention to accuracy, brevity, clarity and coherence).” According to Article 10 of the Revised LL.B Exit Exam Guideline, the weightages allotted to the four parts of the exit exam are 30% to private laws, 35% to public laws, 20% to procedural laws and skills courses, and 15% to other laws/courses not classified under Parts I to III. Each part of the exam is graded out of 100 points after which conversion is made according to the weightage allocated to each part of the exit exam.

Marking out of one hundred naturally envisages pass mark of at least half of the total marks, and scores less than 50(fifty) points are apparently fail grades unless exception is allowed to a certain range such as 45 to 49 which can be considered as satisfactory if the total average is above 50 (fifty) out of one hundred. However the pass/fail cut-off score of the exit exams has consistently been lowered owing to the number of regular students who score average marks below 50 in the exit exams.

The challenges related with high percentage fail rates in LL.B exams need remedies that can address the root causes of the problems rather than resorting to short-term measures of lowering cut-off scores for pass/fail thresholds. Lowering the cut-off score has enabled most regular students to pass the LL.B exit exam. Yet, the fail rate in the non-regular LL.B programmes (such as extension/evening, special, distance, etc. programmes) is very high in all law schools in spite of such low thresholds. A student who scores below 50 marks out of one hundred in any one of the four exit exam categories has apparently failed. Thus, the cut-off score threshold is expected be raised to at least 50%.

The 2017/2018 political realities in various parts of Ethiopia have affected the performance of some law schools. As Capital (a newspaper published in Ethiopia) noted, “[t]he rate of law students who failed their exit exams trended upward [in 2018]. ... Jigjiga had a whopping 58% of their students fail”.<sup>52</sup> As Table 22 indicates, the percentage of fail at Mettu University was 57% in 2018.

In contrast to Wolaita Sodo University’s fail percentage of 25.4% (in 2018), no regular student failed in March/April 2016 during which 110 students had taken the exam, and only 3 out of 48 students failed during the April 2017 exit exam. Likewise, 42 and 38 students sat for the exam (in March/April 2016 and April 2017) at Wollega University Law School during which students who failed were 2 and 3 respectively. The same holds true for Mizan Tepi University where all (forty) students passed in March/April 2016 and three out of thirty-three students failed in April 2017. These realities indicate that political stability in university campuses is among the factors that determine the level of student performance in LL.B exit exams.

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<sup>52</sup> Capital, *More students fail law exit exam*, July 2, 2018.

The figures (in Table 17 below) indicate the number of students who passed the LL.B exit exam conducted in May 2018, based on 40% cut-off score:

**Table 17: LLB Exit Exam result (May 2018)**

May 2018 LL.B Exit Exam Result; Pass mark 40%									
Law School/Department		Regular				Non-Regular			
		Number of students				Number of students			
		No. of examinees	Pass	Fail	Fail %	No. of examinees	Pass	Fail	Fail %
<b>1<sup>st</sup> Generation</b>									
1	Addis Ababa University	47	45	2	4.2	82	58	24	29.2
2	Mekelle University	121	117	4	3.3	33 <sup>53</sup>	11	22	66.6
3	Bahir Dar University	45	39	6	13.3	325	17	318	97.8
4	Haramaya University <sup>54</sup>	78	70	8	10.2	63+59	2+2	61+57	96.7
5	Hawassa University	148	138	10	6.7	211	22	189	89.5
6	Jimma University	92	88	4	4.3	138	12	126	91.3
7	Gondar University	85	79	6	7	7	1	6	85.7
<b>2<sup>nd</sup> Generation</b>									
8	Arsi University	69	69	-	0	Re-sit 22	6	16	72.7
9	Wollega University	51	38	13	25.4	127	2	125	98.4
10	Wollo University	47	31	16	34	2	2	-	0
11	Wolaita Sodo Univ.	59	44	15	25.4	162	15	147	90.7
12	Debre Markos Univ.	52	39	13	25	-	-	-	
13	Ambo University	57	43	14	24.5	-	-	-	
14	Jigjiga University <sup>55</sup>								
15	Mizan Tepi University	31	25	6	19.3	63	2	61	96.8
16	Dilla University	48	39	9	18.7	62	10	52	83.8
17	Dire Dawa University <sup>56</sup>								
18	Arba Minch University	52	50	2	3.8	103	4	99	96.1
<b>3<sup>rd</sup> Generation</b>									
19	Wolkite Univ. (1 <sup>st</sup> Batch)	36	34	2	5.5	-	-	-	
20	Adigrat University	46	45	1	2.1	-	-	-	
21	Mettu University	33	14	19	57.5	-	-	-	
22	Assosa University	40	31	9	22.5	-	-	-	
23	Samara University	27	19	8	29.6	-	-	-	
24	Aksum University	29	11	18	62	-	-	-	
25	Debre Berhan Univ.	40	36	4	10	11	3	8	72.7
26	Madda Walabu Univ.	25	21	4	16	-	-	-	
27	Oromia State Univ. <sup>57</sup>					558	21	537	96.2

<sup>53</sup> In-service Programme

<sup>54</sup> Evening Programme and Distance Learning Programme (63+59)

<sup>55</sup> Data is not submitted by the law school.

<sup>56</sup> The data submitted by the law school does not include data for May 2018 Exit Exam.



Even though the pass rate in the exit exams (at cut-off scores of 35% or 40%) is high in the regular programme as compared to the non-regular programme, there is a declining trend in overall performance. Owing to the decline on the level of performance in exit exams during the three years between (2011/12 to 2013/14), a study (regarding the factors thereof) was made by the Education Strategy Center (ESC) –currently Higher Education Strategy Center (HESC)– in June 2015. The factors for the decline in exit exam results were found to be attributable to resources, course delivery, and other factors.

Assessment was made regarding the validity of LL.B exit exam by the Education Strategy Center (ESC) “to determine whether the exit exam has relationship with similar measures of academic performance such as cumulative grade point averages”.<sup>58</sup> A strong correlation was found “between cumulative GPA and exit exam results” during the Academic Year 2013/14.

[The correlation was found to be] “Addis Ababa University ( $r=.80$ ), Bahir Dar University ( $r=.87$ ), Dire Dawa University ( $r=.71$ ), Hawassa University ( $r=.55$ ), University of Gondar ( $r=.70$ ), and Wellega University ( $r=.84$ ). All these results revealed that the exit exam has concurrent validity. ... From these data it could be concluded that the law exit exam demonstrated validity in the sense that it measures what it intends to measure. Such a finding is also in line with the finding of Fekadu (2013) which found a high positive correlation between CGPA and Law Exit Exam results ( $r=.82$ ,  $n=94$ ).”<sup>59</sup>

As the June 2015 Education Strategy Center (ESC) study indicates, the exit exams conducted since March 2012 “showed that the number of examinees who could pass the exit exam declined from 96.5% [2011/12] to 68% in [2012/13] and to 47.5% in [2013/14].”<sup>60</sup> The study states the following findings with regard to the exit exam results for the academic year 2013/2014:

The ... majority of the regular students who sat for the 2006 EC [2014] exit exam, or about 91%, [passed] the exam while the majority ... in the other programs such as extension, summer, and distance programs could not pass the exit exam. The study shows about 93% of students in the distance mode of learning, 80% in the extension program, and 73% in the summer in-service program did not pass the 2006 EC [2014] law exit exam. Besides, about 99% of students who had second chance of sitting for the exam, or allowed to sit for re-exam, could not pass the exam. From this data, one

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<sup>57</sup> The report does not classify students into regular and non-regular.

<sup>58</sup> Evaluation of the Law Exit Exam System in Ethiopia, *supra* note 18, p. 130.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Id.*, p. 47.

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could see that the majority of students in the non-regular mode of delivery could not pass the law exit exam in 2013/14 academic year or in 2006 EC.<sup>61</sup>

HESC's study identifies five major factors for poor performance in non-regular programs. They are (i) lenient admission criteria, (ii) treatment of non-regular students less favourably than regular students, (iii) lenient standards of evaluation in exams thereby retaining students who should have been dismissed before their eligibility to exit exam, (iv) lack of commitment and hard work and prime attention to the LL.B degree to be obtained rather than the knowledge and skills to be acquired, and (v) lack of full time engagement for legal study and exit exam preparation.<sup>62</sup>

The study further identifies other major problems that contribute to the general decline in the exit exam performance of law students in regular and non-regular LL.B programmes. *First*, it states that "poor performance of students could [inter, alia] be attached to the country's educational policy which seems [to focus] on quantity rather than quality". According to the study, the "educational system does not require students to work hard" because grade points for admission to universities and specific fields of study are getting lower." It further notes that "the number of students with weak academic performance will increase which in turn affects the teaching learning process as the system requires instructors to go down below standard in delivering the course and grading to minimize the dropouts".<sup>63</sup>

The *second* factor relates to lack of reward mechanism for excellent scores in the exit exam, and declining job opportunities upon graduation irrespective of exit exam scores thereby adversely affecting motivation and performance. Low cut-off point percentage for passing is identified as the *third* factor "that negatively affects the psychological preparedness and effort of students and contributes for the poor performance, as students need less effort to pass the exam."

The *fourth* factor is the poor academic background upon admission to law schools. The study recalls the experience of Dilla University during two academic years. First year law school placement was inappropriate because students "were first admitted in the social science field, then they were assigned to law schools without taking into consideration their interest and results." In effect, most students from these two cohorts could not pass the exam "since they lacked competence".<sup>64</sup>

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<sup>61</sup> Id., p. 124.

<sup>62</sup> Id., pp. 125, 126.

<sup>63</sup> Id., p. 127.

<sup>64</sup> Ibid.

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According to the study, the *fifth* factor includes set of factors that are related with the standards and quality of legal education. These set of factors include academic staff (in various law schools), quality of teaching materials, inadequate preparation on how students can address questions in the exit exam, large class size, transparency in complaint handling mechanisms, gaps in the provision of teaching materials to students during their summer/kiremt break, and gaps relating to books and references.<sup>65</sup>

Exit exams envisage *inputs* (curriculum, resources, admission practices, etc.) and *processes* that include delivery, assessment, research and effective law school management commensurate with the Standards embodied in the Legal Education Reform Programme. It is to be noted that LL.B exit exams are not ends on themselves, and are rather instrumental to standards of performance that address the problems in legal education in Ethiopia that were identified in the 2005 Comprehensive Justice System Reform Programme (CJSRP) and the 2006 Legal Education Reform Programme.

Feedback is indeed indispensable in the process of steadily enhancing the quality and standards of performance in legal education. To this end, Standard 17(2) of the Legal Education Reform Programme requires law schools to “devise appropriate mechanism to obtain periodic feedback from employers of their graduates and alumni.” This calls for pursuits on the part of law schools to conduct studies such as tracer studies which show employability and performance levels of graduates. They should also gather and analyze feedback from graduates, employers and other stakeholders. This is meant to monitor the relevance and validity of the elements in their programmes so that the feedback can facilitate sustained improvement.

## 7. Autonomy and Management of Law Schools

The Higher Education Proclamation<sup>66</sup> defines academic unit as “a college, faculty, school, an institute, a department or a centre established as a constituent unit of [a higher education] institution”. Article 17 of the Proclamation titled “Autonomy of Academic Units of Public Institutions” provides the following:

- 1) Every institution shall have academic units with the minimum necessary hierarchical governance structures and with appropriate nomenclature that shall be based on reasonable and justifiably clustered disciplines or fields or branches of a discipline.

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<sup>65</sup> Id., p. 128.

<sup>66</sup> Article 2(4), Higher Education Proclamation No. 1152/2019. (It is identical with Article 2(4) of the former Higher Education Proclamation No. 650/2009).

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- 2) Subject to rules, standards and procedures established by the institution, consistent with this Proclamation, academic units of a public institution shall have the necessary autonomy in administration and finance as well as in academic affairs.
- 3) Presidents shall ensure that academic units are provided institutionally with the necessary support and enabling systems and resources to fulfil their responsibilities as autonomous units.<sup>67</sup>

This provision requires ‘minimum hierarchical governance structures’. With regard to the issue of clustering within an academic unit, legal education is already a wide discipline that has various clusters of specialized fields of legal study. The greater the number of institutes and departments under a college, the more hierarchical would academic and financial administration become. The current setting in Ethiopian law schools shows that law schools/departments are academic sub-units (which cannot participate in the university senate) and they do not operate with due autonomy contrary to the autonomy that is envisaged in the legal education reform programme and the Higher Education Proclamation.

The various challenges in law schools include gaps in autonomy and management. The problems in this regard indicated in the 2006 Legal Education Reform Document, *inter alia*, included (i) lack of autonomy of law schools within the universities, (ii) over-centralized university administration, and (iii) gaps in participatory management within the law school’s administration. The problems relating to lack of autonomy within the university and over-centralization in decision making have been aggravated as compared to the level of these problems in 2006. The structural relegation of a law school onto a department under a college (such as college of law and governance) disempowers law schools and puts them into a setting worse than the realities that prevailed in 2006. The data obtained from the responses of 25 deans/heads of law schools in February 2019 indicate the challenge:

**Table 18: Summary of responses to questionnaire items on law school autonomy**

No.	Statements submitted to law school deans/heads	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
20	Law school autonomy in academic administration is adequate	9	5	3	7	1	25
21	Law school autonomy in financial administration is adequate	14	5	2	4	-	25
22	The law school has internal quality assurance schemes	4	4	3	11	3	25

<sup>67</sup> Id. Article 17 of Higher Education Proclamation No. 1152/2019 (It is identical with Article 18 of the former Higher Education Proclamation No. 650/2009).

The majority of deans/heads of law schools (i.e. 14 out of 25) have positive responses relating to internal quality assurance schemes. However, only *four* deans/heads of law schools agreed to the statement that autonomy in financial administration is adequate, while *eight* deans/heads (out of 25) agreed or strongly agreed that their law schools have adequate autonomy in academic administration.

## 8. Research and Publications

Achievements in research and publications depend upon the competence and commitment of the academic and research staff. Research outputs require the recruitment of staff with demonstrated competence for research. Another factor relates to contract of employment which requires research as one of the duties of an academic staff. Moreover, Standard 49 requires law schools to recruit staff whose prime focus is research, in addition to the academic staff primarily engaged in teaching (along with engagement in research and services). If, for example, academic staff devotes the proportions of 64%, 24% and 12% to teaching, research and services, this is reversed in the case of research staff with about 65% allocated to research and the remaining to teaching, student advising and services.

Standard 52 of the Legal Education Reform Programme states the level of attention that must be given to the allocation of resources for research. To this end, the Guideline for Standard 52 stipulates that the annual budget for research shall constitute up to one-fourth (25%) of the total budget of the law school. Various incentives including reform in salary scales have also been envisaged in the reform programme so that academic and research staff can focus on research activities without the need for part time jobs elsewhere.

The legal education reform programme envisages workable annual plans in research and publications, attainments, reporting and evaluation. Based on the evaluation of the productivity of staff in research and publications, Standard 58, *inter alia*, envisages the non-renewal of contract of employment as one of the possible sanctions against failure in scholarly outputs. Research performance, according to Standard 58(3) is expected to be reported for periodic evaluation (every two years) by external panel of reviewers. This merely becomes wish list in the absence of the inputs toward such scholarly outputs.

The gaps in this regard are apparent in view of the number of law journals that are published in Ethiopia, interruptions, prolonged delay, and the gaps in peer reviewed textbook preparation and publication. There are only few journals for a country that has 32 law schools. The law journals published (until 2018) in Ethiopia (based the publication sequence of their first volumes) are the following:

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**Table 19: Law journals in Ethiopia published until 2018**

Peer reviewed law Journals	Institution	First Year of Publication	Volumes (until 2018)	No. of issues
Journal of Ethiopian Law <sup>68</sup>	AAU School of Law	Summer 1964	30	41
Mizan Law Review <sup>69</sup>	St. Mary's University, Center for Law in Sustainable Development	June 2007	12	23
Jimma University Journal of Law	Jimma University School of Law	October 2007	9	9
Journal of Ethiopian Legal Education	Justice and Legal System Research Institute	July 2008	4	6
Mekele University Law Journal	Mekelle University School of Law	April 2010	5	5
Bahir Dar University Journal of Law <sup>70</sup>	Bahir Dar University School of Law	May 2010	7	14
Hramaya Law Review <sup>71</sup>	Haramaya University School of Law	2012	7	7
Oromia Law Journal <sup>72</sup>	Oromia Justice Sector Professionals Training and Legal Research Institute	2012	7	7
Hawassa University Journal of Law <sup>73</sup>	Hawassa University, School of Law	July 2017	2	2

Two issues of *Journal of Ethiopian law* were annually published from Volume 1 to 9 (1964 to 1973), with the exception of Volume 5 (1968) that had three issues. The only interruption in publication during this period (i.e., 1964 to 1973) was in 1971. There was an interruption of six years from 1974 to 1980, after which Volumes 11 to 14 were published from 1980 to 1989. Volume 10 has not been published. Volumes 15 to 30 (i.e. sixteen volumes) have been published from 1992 to 2018 out of which Volumes 22 and 23 have two issues each.

In addition to *Journal of Ethiopian Law*, Addis Ababa University School of Law publishes thematic series. Other periodic publications in Ethiopia include *Ethiopian Bar Review* (with interruptions) published by Ethiopian Lawyers Association, and *Wonber* (a periodical) published by Alemayehu Haile Memorial Foundation. Among the journals in the Table above, *Ethiopian Journal of Legal Education* has not been published since 2011. Justice and Legal System Research Institute was publishing the journal by coordinating law schools and facilitating the publication –under rotating editorial board membership and

<sup>68</sup> <https://home.heinonline.org/titles/Law-Journal-Library/Journal-of-Ethiopian-Law/?letter=J>

<sup>69</sup> <https://www.ajol.info/index.php/mlr>

<sup>70</sup> <http://www.bdu.edu.et/pages/journal-law>

<sup>71</sup> <https://www.ajol.info/index.php/hlr/index>

<sup>72</sup> <https://www.ajol.info/index.php/olj/index>

<sup>73</sup> <http://www.hu.edu.et/hu/index.php/research/hu-journal/journal-of-law.html>

editorial team chairpersonship— among members of the Consortium of Ethiopian Law Schools. The publication was expected to be transferred to the Consortium of Ethiopian Law Schools and ultimately to the Association of Ethiopian Law Schools. However, the decline in the pace of implementing the standards for legal education reform and changes in the institutions that coordinate legal education reform have caused a long period of interruption in the publication of the journal.

The performance of law schools in the publication of law journals reflects the level of outputs in research and publications. There are various factors that have weakened the level of performance of law schools in research and publications. These factors include gaps in the implementation of Standard 49(1) which requires demonstrated research capability as a condition for employment as academic staff in a law school, gaps in the implementation of the publication requirement as a condition for renewal of employment contracts, failure to employ adequate number of research staff, insufficient research grants, and the low salary scale that makes it difficult for academic staff to devote adequate time to research.

The following responses of deans/heads of law schools (to questionnaire items 16, 18 and 19) show the gaps in the attention given to the employment of research staff, subscription of databases and gaps in research grants that are indispensable in research and publications at law schools:

**Table 20: Summary of responses to questionnaire items on research staff, databases and grants**

No.	Statements submitted to law school deans/heads	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
16	There is research staff in addition to teaching staff	13	8	2	-	2	25
18	The law school or the university has subscribed databases that are relevant to legal education	10	8	5	1	1	25
19	The level of research grants at the law school is adequate	10	10	3	1	1	25

The responses show that research staff is not employed (in addition to teaching staff) in most law schools and there is shortage of databases subscribed by the law schools. Only two deans/heads of law schools out of 25 respondents considered research grants to be adequate. In addition to these factors, adequacy of office (Questionnaire Statement 15) and internet connection (Questionnaire Statement 17) are cross-cutting concerns that were indicated earlier in Section 4 (Tables 9 and 10). As stated in Section 4, only *six* deans/heads of law schools out of 25 regarded internet connection (Questionnaire Statement 17) as adequate, and it is a factor that is crucial in research.

## 9. Clinical Programs and Externship

One of the gaps identified in 2006 with regard to LL.B curriculum was the level of attention given to skills courses. Clinical programs and externship are among the courses that have been introduced under the 2006 Legal Education Reform Programme. There are good practices in relation to legal aid although law schools have not yet attained the standard envisaged under *Standard 24* regarding legal clinics. The Guideline for Standard 24 clarifies the following three areas of activity for the engagement of law students in clinical programmes and community services:

- a) The legal aid clinical programs in Standard [24] may include legal aid programs rendered by senior students under the supervision of academic staff with prior professional experience as judge, prosecutor, practicing lawyer or legal advisor.
- b) The spheres of activity shall be determined by interest of students, demand for the clinical service in the community close to the law school, availability of cases, and the inability of clients to retain a lawyer that can handle the case for remuneration.
- c) Sample of areas of activity may be domestic violence, prisoners' parole and restorative justice clinic, public interest litigation, environment protection, land possession disputes, etc.

Mizanie *et al* state that “[l]egal aid centers of law schools have carried out commendable tasks, [and] many of them have faced challenges in the process. Legal aid centers of some law schools are not funded by their respective Universities” as a result of which “they are compelled to look for external funding which has been unsustainable”.<sup>74</sup> They note that “no law school in Ethiopia has established a legal clinic *per se*, let alone specialized legal clinics” and state that “various law schools have legal aid centers”:

Legal aid centers –established primarily with community service objective in mind and with an incidental aim of exposing students to the practice of law– cannot be taken as legal clinics although there are possibilities to use them as legal clinics with the necessary improvements. Legal aid centers ... lack important features of legal clinics, and they provide non-course-credit earning legal services through selected volunteer students and lawyers employed for this purpose.<sup>75</sup>

In spite of these gaps, the good practices in legal aid at Mekelle University Law School can, for example, be scaled up in other law schools. Clinical legal

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<sup>74</sup> Mizanie Abate, Alebachew Birhanu, and Mihret Alemayehu (2017), “Advancing Access to Justice for the Poor and Vulnerable through Legal Clinics in Ethiopia: Constraints and Opportunities”, *Mizan Law Review*, Vol. 11. No. 1, p. 11.

<sup>75</sup> *Id.* p. 22.

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education is conducted at two centres, i.e., the Legal Aid Center and the Human Rights Center (with regard to child rights). Credit hours are attached to the legal clinic courses. As stated in a study (submitted to the Ethiopian Lawyers Association) by this author:

Orientation sessions are offered to students before they are engaged in rendering clinical legal aid services which include the laws that are relevant to the clinical course that the student is registered for. The other themes that are included during the orientation session relate to professional ethics with regard to issues such as confidentiality, and hands on orientation on crucial skills such as interviewing, identifying material facts, counseling, preparation of pleadings and other services. The students are thereafter assigned to the various centres such as the University's Legal Aid Centres and other centres coordinated under this centre, i.e. Mekelle Prison Legal Aid Center, Legal Aid Centres at police stations and other centres ...<sup>76</sup>

Students are required to "register for a clinical legal aid program course (of 3 credit hours) based on their own choice".<sup>77</sup> They "will not write pleadings as soon as they are assigned, and they are coached while they write pleadings" by a supervisory attorney who is "assigned among instructors for the purpose of mentoring and supervision".<sup>78</sup>

There are challenges that are encountered in legal aid where law students do not speak the working language of the courts. The challenge in language also applies to externship because the extern may not speak the working language of courts and other justice sector offices in a regional state where the law school is located. As Misganaw observes, this challenge can also relate to supervision by the law school because "staff members may not speak the language [of the local community] in which their students are conducting externship".<sup>79</sup> In response to this challenge, law schools usually assign students to externships at locations that are close to their primary residence. On the positive front, such assignments address the problem of language barrier, while at the same time the distance of

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<sup>76</sup> EN Stebek (2015), "Elements and Enablers of Effective Legal Aid Clinics: Attempts of Legal Education Reform 2006, and Challenges" (Submitted to the Ethiopian Lawyers' Association), footnotes omitted, p. 8. Presented at Panel Discussion on "*The Role of Law Schools in Improving People's Right to Access to Justice*", organized by Ethiopian Lawyers' Association and Ethiopian Young Lawyers Association May 15, 2015, Ghion Hotel, Addis Ababa.

<sup>77</sup> Id., p. 9.

<sup>78</sup> Ibid.

<sup>79</sup> Misganaw Gashaw (2015), "Enforcing 'Externship' in the Ethiopian Legal Education: A Critic Touching the Simulation", *The International Journal of Humanities and Social Sciences*, Vol. 3, Issue 9, September 2015, p. 69.

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the externship form the law schools adversely affects the quality and frequency of follow up and supervision.

Lack of “comprehensive and clear handbook that regulates” externship programmes is the *second* major challenge and lessons should be drawn from other countries where “the program is administered by a separate body”.<sup>80</sup> The *third* and *fourth* challenges relate to resources and partnerships. Externship requires resources and it envisages a pre-existing relationship in the form of Memorandum of Understanding between the law school and the host institution in the absence of which the latter would not feel responsible “to admit, supervise and assign appropriate tasks for extern students”.<sup>81</sup>

Misganaw indicates that in the absence of guidelines and their effective implementation, it becomes difficult to assign students “to tasks that enhance their educational objectives in the externship program” and law schools do not have the “mechanism of assuring [that] the work assigned to students is likely to help achieve educational objectives.” At the end of the externship, the performance of students is assessed based on the evaluation that they receive from the host institution, and their report to the law school involves presentations. However Misagnaw notes that “law schools often receive exaggerated results from hosting organizations and instructors, who supervise or read the reports of the student extern.”<sup>82</sup>

He states the good practices in foreign law schools whereby “student placement, supervisor choice, networking [with] the hosting institutions, monitoring the program etc.” are given due attention which include “[d]ividing the externship programme into specialized areas of the law” such as “judicial externship, legislative externship, not-for profit, externship on family law, criminal law, tax law, corporate law etc. ... depending on the availability of hosting institutions”.<sup>83</sup> According to Misganaw, this, inter alia, requires “the preparation of comprehensive handbook for the externship”, formal relationships with host institutions and “separate structures that manage the externship program” which may take the forms of “Career Development Office (CDO) or externship program coordinating office”.<sup>84</sup>

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<sup>80</sup> Id., p. 61.

<sup>81</sup> Id., p. 69.

<sup>82</sup> Ibid.

<sup>83</sup> Id., p. 73.

<sup>84</sup> Ibid.

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## 10. Observations of Law School Representatives on Networking, Law School Admission and Consolidation of Law Schools

The core themes in this article<sup>85</sup> were presented and discussed at a workshop of the Consortium of Ethiopian Law Schools on April 14, 2019. The workshop had 35 participants<sup>86</sup> from 26 law schools, HESC, Justice and Legal System Research and Training Institute (JLRTI), and Ethiopian Law Schools' Student Union.

<sup>85</sup> Presentation and Discussion at the Consortium of Ethiopian Law Schools' Workshop; hosted by Haramaya University, School of Law; Venue: Samrat Hotel, Dire Dawa (April 13-14, 2019). Title of the presentation on April 14, 2019: "Assessment of Legal Education Reform Programme in Ethiopia (2005-2018): Achievements and Challenges"

<sup>86</sup> List of Participants:

	<b>Name</b>	<b>Institution</b>
1	Abebe Assefa	University of Gondar, School of Law, Dean
2	Alebachew Birhanu	Bahir Dar University, School of Law, Director
3	Alemu Taye	Debre Markos University, School of Law, Dean
4	Demelash Shiferaw	Addis Ababa University, School of Law, Head
5	Dersolign Yeneabat	Arba Minch University, School of Law, Dean
6	Elias Nour	St. Mary's University, Center for Law in Sustainable Development
7	Endalamaw Chekol	Wolkite University, School of Law
8	Ephreim Lakew	Higher Education Strategy Center, Researcher
9	Filata Gigiso	Hawassa University, School of Law, Dean
10	Gizachew Girma	Dire Dawa University, School of Law
11	Habtamu Simachew	Wollo University, School of Law, Dean
12	Haftu Tekeleab	Axum University, School of Law, Head
13	Hailu Nega	Mizan Tepi University, School of Law, Dean
14	Honelign Hailu	Debre Berhan University, School of Law, Dean
15	Israel Woldekidan	Samara University, School of Law
16	Iyasu Teketel	Dilla University, School of Law, Dean
17	Kahsay Giday	Mekelle University, School of Law, Head
18	Kenate Hora	Ambo University, School of Law, Dean
19	Kibrom Mekonnen	Jimma University, School of Law, Head
20	Mesfin Eshetu	Justice and Legal Research and Training Institute, Senior Researcher
21	Mikias Melak	Ethiopian Law Schools' Student Union, President
22	Moges Zewdu	Haramaya University, School of Law, Associate Dean
23	Mululken Kassahun	Mettu University, School of Law, Dean
24	Muuz Abraha	Adigrat University, School of Law, Dean
25	Negese Gela	Bule Hora University, School of Law, Dean
26	Ne'ema Abrar	Jigjiga University, School of Law, Vice Dean
27	Richard Wentzell	Haramaya University, School of Law, Dean
28	Salahadin Towfik	Jigjiga University, School of Law, Dean
29	Seid Mohammed	Higher Ed Strategy Center, Legal Education Reform Pr. Coordinator
30	Sitelbenat Hassen	Dire Dawa University, College of Law, Dean
31	Solomon Girma	Madda Walabu University, School of Law, Dean
32	Tamrat Talegeta	Arsi University, School of Law
33	Teketel Labena	Wolaita Sodo University, School of Law, Dean
34	Yared Tessema	Assosa University, School of Law, Dean
35	Yibeltal Alemu	Haramaya University, School of Law

Various observations and reflections were forwarded by participants. It was noted by a participant that competition among law schools can facilitate the enhancement of overall quality and standards in legal education as long as it is conducted in the context of *cooperation* and *networking*. Yet, it was stated during the discussion that law schools should meanwhile take their shared aspirations into account because they all serve the same legal profession. The competence and integrity of a graduate from a certain law school has relevance to lawyers who graduate from other law schools because they ultimately join the legal profession in various capacities as legal advisors, attorneys, public prosecutors, judges and other engagements. Vision statements such as expressions of aspiration to be the best law school in Ethiopia by the year 'x', etc. should thus be avoided because such statements fail to consider objective standards and perceive education as a competitive match. Legal education is rather a cooperative engagement in which all actors can be winners in the course of which their ranks are bi-products of their attainments rather than *a priori* claims. This does not, however, mean that law schools cannot use phrases such as 'among the leading law schools', 'among centres of excellence', etc., because the qualifier 'among' hedges the tone in such statements.

The challenges in the *admission* of students to law schools and their possible solutions were reflected upon. Incidences of admission were recalled during which students were assigned to law schools by the universities (among students who were assigned by the Ministry of Education to universities under the general category of social sciences). These incidences resulted in the admission of cohorts with relatively low academic base and lower national exam results. It was noted that students assigned to law schools should have the academic foundation that would enable them to pursue legal education which –at entry point– requires certain levels of competence and skills in writing, oral communication and sound academic base. Even though legal education nurtures and enhances these skills, there should be the foundation to effectively pursue the courses, deliver oral arguments and prepare written assignments.

Change in the programme duration of undergraduate education in various fields (that had a three-year duration) to four years (based on the new roadmap for education development) was appreciated. It was noted that this can considerably narrow down the gap between the five-year duration in LL.B programmes and the three-year duration in various BA programmes. This can enable law schools to revisit the admission procedures to legal education and admit students on a competitive basis among First Year students who apply to join law schools.

Under this option, the remaining four years can be allocated for three and half years of law courses and half a year of exit exam and externship. The potential implications of the education reform roadmap were discussed and their positive contribution in elevating the quality of education at primary and

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secondary schools was believed to have positive effect in higher education at large including legal education.

With regard to the issue that was raised during the presentation relating to the problems in the ‘banking model’ of ‘teaching’, it was stated that lectures should not be the sole method of teaching analogous to depositing data in the minds of students followed by inventories during exams. It was stated, during the discussion, that most classes use the classical lecture-focused mode of teaching. Addressing this problem and ensuring the implementation of effective course/module delivery methods requires resources, facilities and infrastructure which should be progressively availed at law schools.

Requiring *student learning portfolio* to be prepared by students was stated during the presentation so that they can –in modular learning– record their leaning hours along with a brief statement of the learning task done. There are challenges in this regard because the current class size in most law schools is over forty students, and it can at times go up to sixty to seventy students in a class. Dividing classes into lower class size was thus suggested for courses that need higher levels of class interaction and case problem discussion.

It was noted that there should be more awareness in law schools about the 2006 Legal Education Reform Document and the Standards therein. The enhanced empowerment and broader activities by the *Consortium of Ethiopian Law Schools* is expected to address the gap in this regard. The benefits and challenges relating to the Association of Ethiopian Law Schools were discussed. It was observed that the strength and effectiveness of any association are determined by its elements, and mere formation of an association cannot be effective unless the standards and performance in law schools are enhanced.

Ethiopian law schools are thus expected to enhance the quality and standards in legal education and at the same time strengthen their networking and concerted efforts. It is such objective realities that can transform the Consortium of Ethiopian Law Schools onto an association which is long overdue. However, there must still be a focal office at a government agency that follows up, finances and assists the legal education reform programme. Budgetary and other support that is being given to the Consortium of Ethiopian law schools since its establishment should be maintained and enhanced after the establishment of the Association of Ethiopian Law Schools.

A question was raised during the discussion as to who would set the thresholds under the current realities of declining standards in higher education which seems to involve *race to the bottom*. It was noted that the standards are objective thresholds that are required by the graduate profile of an LL.B graduate and, more specifically, the standards should be determined by the learning outcomes that are required to be attained upon the completion of each course or module. Any attempt to subjectively lower standards through

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haphazard and reflexive expansion of higher education (including legal education) without the corresponding inputs, processes and through pledges such as one hundred per cent or over ninety per cent retention rates are disservice to legal education and the legal profession at large.

The concern regarding what is to be done when law schools are not up to the standard was raised. It was believed that law schools that are not up to the standard should not have been established by universities. Even though universities are tempted to open law schools by merely buying a few codes of law from Berhanena Selam Printing Press and duplicating first year law teaching materials, their desire to enhance statistical reports of new programmes adversely affects the justice sector at large because it is today's legal education that determines the prospective competence, integrity and performance in Ethiopia's justice system. It was noted that universities should rather focus on potential avenues of specialization based on their comparative advantages thereby working towards consolidation of law schools rather than further expansion. It was believed that this path of consolidation can bring some neighbouring law schools together under the auspices of the law schools that are relatively stronger in terms of resources, staff, facilities and other factors.

## 11. Synopsis of Achievements and Gaps

The Standards for Law Schools in Ethiopia were formulated to address the problems in Ethiopia's legal education. The realities at the grassroots that can easily be observed and the analysis and discussion in this article indicate that the problems in legal education in Ethiopia that were identified in 2005 and 2006 are partly addressed while most of the problems are aggravated.

A joint study (conducted by the Justice and Legal Research and Training Institute –JLRTI, Federal Supreme Court, Federal Attorney General and Higher Education Strategy Center substantiates this point. The problems in legal education that are identified in the study include (i) admission of students with low national exam results,<sup>87</sup> (ii) problems in the retention of experienced academic staff, (iii) limited areas of staff development through LL.M and PhD programmes, (iv) gaps in networking with justice sector institutions, (v) inadequate number of academic staff (with experience in legal practice) to effectively conduct skill courses, (vi) shortage of law textbooks and references, (vii) gaps in the pedagogical skills of newly employed instructors, (viii) lower attention of social sciences (including legal education) in the education policy,

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<sup>87</sup> የፌዴራል የፍትሕና ሕግ ምርምርና ሥልጠና ኢንስቲትዩት፣ ፍትሕ ሥርዓት ማሻሻያ ፕሮግራም በፌዴራል ተቋማት ያለበትን ደረጃ ለመለየት የተካሄደ ዳሰሳዊ ጥናት፣ ነሐሴ 2010 ዓ.ም፣ አዲስ አበባ። [Federal Justice and Legal Research and Training Institute, Assessment of the Status of Justice System Reform Program in Federal Institutions, August 2018, Addis Ababa], p. 146.

and (ix) gaps in course delivery methodology.<sup>88</sup> The study further states the problems caused by “opening of law schools in large numbers without due attention to standards thereby resulting in a steady decline in the quality of legal education”.<sup>89</sup> These problems necessitate the reinvigoration of the legal education reform programme.

### 11.1 Achievements

One of the significant achievements of the 2006 Legal Education Reform Programme is the extension of the duration of study in LL.B programmes to five years in accordance with Standard 9(3). Standard 16(5) reiterates the five-year duration of the LL.B programme. This was not an arbitrary increase because the standard merely reinstates the earlier duration of LL.B study at the Faculty of Law, Addis Ababa University. The duration of five years is rather modest as compared to the six-year duration until the Mid-1970s at Addis Ababa University (formerly Haile Selassie I University) School of Law. This duration included the university’s First Year Programme, four years of legal education and one year of Ethiopian University Service as intern in a legal department of an institution.

Although the pace of improvement does not meet the thresholds that were envisaged in the 2006 Legal Education Reform Programme, the following have been achieved:

- a) The revised curriculum (in the 2008 Course Catalogue, the 2013 National Modularized Curriculum and the 2019 Draft National Harmonized LL.B Curriculum) address the gaps relating to skill courses and other curricular concerns that were identified in 2005 and 2006. Achievements in this regard include clinical programmes and externship.
- b) The preparation of teaching materials for all required courses and for most electives in the LL.B programme deserves appreciation, although it was believed that substantial number of the teaching materials needed improvement, and revision.<sup>90</sup> However, the pace of the reform has steadily declined, as a result of which various tasks did not continue relating to (i) teaching materials that deserved to be developed onto textbooks, and (ii) teaching materials that had to be upgraded up to the requisite standards.

<sup>88</sup> Id., p. 147.

<sup>89</sup> Ibid. (It reads: “የሕግ ትምህርት ቤቶች (ትምህርት ክፍሎች) በብዛት መከፈታቸው ያለምንም ስታንዳርድ ከመሆኑ ጋር ተያይዞ የትምህርት ጥራት ከጊዜ ወደ ጊዜ እየሽቀለቀለ [ይደል]”)

<sup>90</sup> See Elias N. Stebek (2015), “Legal Sector Reform Pursuits in Ethiopia: Gaps in Grassroots Empowerment”, *Mizan Law Review*, Vol. 9, No. 2, pp. 273-274. DOI <http://dx.doi.org/10.4314/mlr.v9i2.2>

- c) The introduction of LL.B Exit Exam is one of the achievements in the Legal Education Reform Programme even though the pass/fail cut-off score has been under 50% (since the first Exit Exam was launched in March 2011) owing to gaps in the standard of learning outcomes that is being attained upon the completion of the 5<sup>th</sup> year.
- d) The recent Education Development Roadmap and the subsequent revision of law school admission procedures under the Draft 2019 National Harmonized LL.B Curriculum enables law schools to admit students on a competitive basis among freshman students who apply for admission upon completion of their first semester. This facilitates the application of Standard 16(4) which requires that admission of students “shall depend on reasonable expectations” that the student can “achieve the standard required for completion of the program”.
- e) The establishment of the Consortium of Ethiopian Law Schools has enabled law schools to discuss and address shared concerns regarding Exit Exam and other issues.
- f) The clinical programmes that are underway and the legal aid that is being offered to the indigent by law schools are successful in spite of the challenges and the need for substantial improvement stated under Section 9.
- g) The Legal Education Reform Programme has enabled certain law schools to be availed with physical facilities (designated to the law school) and it has also created enhanced awareness on the part of university management regarding the role of legal education as a component element of Ethiopia’s pursuits of justice system reform and rule of law.

### **11.2 Gaps in the pace and attainments of legal education reform**

In spite of the achievements indicated in the preceding paragraphs, most of the problems identified and the Standards stated in the 2006 Legal Education Reform Programme have not been attained. The gaps in this regard include the following:

- a) The curriculum reform has not made adequate progress including the preparation of *curriculum specification* and *test blueprints* for each course or module. Modularized delivery based on block teaching system (and ECTS credits) should invariably be accompanied by module introduction, themes, tasks and readings to each module.
  - b) There is tension between pursuits of expansion of law schools and the need for due attention to the quality and standards that were envisaged under the 2006 Legal Education Reform Programme. This major problem requires due attention to consolidation and enhancement of quality and standards rather than further expansion of law schools.
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- c) Wisdom and pragmatism require consolidation which can enable neighbouring universities to specialize in their comparative advantages in view of staff profile, physical facilities, university-industry linkages and other factors rather than rushing to launch a multitude of undergraduate and graduate programmes. Such pursuits are expected to even lead to the merger of some law schools. As the Minister of Science and Higher Education noted at a conference, the Ministry aspires to work toward differentiation in the focus of universities and areas of specialization.<sup>91</sup> Such initiatives can indeed facilitate the merger of some Ethiopian law schools.
- d) There are gaps in attracting and retaining academic staff who devote their full working hours for teaching, research and law school services mainly owing to extremely low remuneration and benefits which do not meet living expenses.
- e) The standards for course/module delivery and assessment have not been adequately achieved. Effective delivery and assessment require problem-based learning (PBL) as the predominant mode of delivery, periodic training in pedagogy, measurable learning outcomes, curriculum specification and test blueprints, continuous assessment and criterion-referenced grading (rather than action plans that promote zero attrition rates or over 90% retention rates).
- f) Resources and autonomy in law school administration envisaged in the Legal Education Reform Programme have not been achieved. On the contrary, autonomy has regressed in the law schools which are brought under a college (such as College of Law and Governance) thereby relegating law schools to academic sub-units that are not directly represented in the University Senate.
- g) The level of attention provided to research and publications in most law schools is not adequate. This is, *inter alia*, reflected in the extremely low number of publications by staff and the interruptions in the publication of law journals. The challenges include (i) the inability to attract and retain academic staff with demonstrated research competence, (ii) lack of research staff primarily engaged in research, (iii) low salary scales (iv) inadequate budget and research grants to law journals and other publications, and (v) failure to enforce the research obligations of academic staff. The challenges relating to research and publications equally apply to consultancy services that were envisaged to be provided by law schools.

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<sup>91</sup> Professor Hirut W/Mariam, Opening remarks to International Conference on Private Higher Education in Africa, Ethiopian Aviation Academy, Addis Ababa Ethiopia, July 25, 2019.

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## 12. Concluding Remarks

Law schools are learning platforms that nurture, prepare and hone *professionals in law* who can think, analyze, present, proactively project, argue, and agree/disagree based on critical inquiry, truth, reason and shared destiny. In the absence of effective learning, law schools cannot meet the mission stated in the Legal Education Reform Programme (Standard 2/2), i.e., “prepare competent and responsible members of the legal profession who actively contribute towards rule of law, democracy, human rights, good governance, social justice, equality, tolerance and development.” Such vision transcends the cognitive domains of knowledge and skills, because the societal contributions stated in Standard 2/2 further involve volition and the behavioural domain which include integrity and responsibility that are *sine qua non* factors in “social trustee professionalism”<sup>92</sup> in addition to expertise in law.

This requires remedial pursuits in addressing problems and gaps accompanied by proactive schemes that enhance quality and standards in all learning domains. Such pursuits aim at legal education that does not merely provide grades and award degrees, but rather prepares *competent, committed and responsible* professionals. Mere discussion and decisions at various meetings including the Consortium of Ethiopian Law Schools is inadequate unless each law school is actively engaged in bringing about solutions to its challenges and gaps. The viability and performance of the Consortium of Ethiopian Law Schools are determined by the competence, responsibility and commitment of member schools which constitute its foundation. The standard and efforts of each law school can then nurture and enhance synergy at the level of the Consortium which can facilitate and harmonize the efforts of all law schools.

In addition to addressing the gaps and challenges at the grassroots, there is the need to enhance the Consortium’s activities beyond periodic meetings because the tasks of coordination (such as following up the performance and challenges in law schools), experience sharing, networking, performance evaluation and feedback provision are daily activities that necessitate an office, adequate budget and a secretariat. These engagements of the Consortium are expected to be assisted by the provision of an office and secretariat support to the Consortium under the government institution that implements the Legal Education Reform Programme.

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<sup>92</sup> See, for example, Rachel F. Moran (2018), “The Three Ages of Modern American Lawyering and the Current Crisis in the Legal Profession and Legal Education”, 58 *Santa Clara Law Review* 453 (2018), pp. 516, 517 and 522. Available at: <https://digitalcommons.law.scu.edu/lawreview/vol58/iss3/4>

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As noted in the introduction, there are recent developments that have transferred the task of following up the Legal Education Reform Programme to Justice and Legal Research and Training Institute (JLRTI, former JLSRI). According to Article 5(4) of the Federal Justice and Legal Research and Training Institute Establishment Proclamation No. 1071/2018, JLRTI's objectives include "coordinating, integrating and ensuring the effectiveness of justice system and legal education reform programmes as well as any other reform program carried out in the justice sector". This is reiterated in Article 6(3) of the Proclamation and other provisions. However, transferring the task of following up the legal education reform programme to JLRTI is expected to be accompanied by *caveats* against loss of institutional memory. This requires the continued engagement of HESC on various pertinent issues such as student admission, exit exam, law school autonomy and other concerns.

Although there were expectations that an *Association of Ethiopian Law Schools* would take over the implementation of the Legal Education Reform Programme, harmonized efforts and synergy are required from JLRTI, HESC and the prospective Association of Ethiopian Law Schools. It is such coordinated engagement that can overcome the challenges and optimize the opportunities in the enhancement of quality and standards in legal education. In the absence of such focused institutional engagements –accompanied by the empowerment of law schools– the institutional memory and continuity of legal education reform may steadily decline.

Legal education that merely focuses on technical skills and the instrumental dimension considers "the lawyer as rhetorician rather than as person of learning".<sup>93</sup> The "vocational or the instrumental side"<sup>94</sup> of legal education may indeed prepare a skilled communicator (in oral and written arguments) based on the literal readings of the law. However, this becomes shallow in preparing a prospective member of the legal profession unless holistic attention is given to the intellectual, technical and ethical dimensions in legal education. Law schools should thus transcend fixations on the number of graduates and instead focus on the attainment of their mission, learning objectives and graduate profile envisaged in the 2006 Legal Education Reform Programme. Indeed, they have no option, but to either continue through the path of regression or reinvigorate the legal education reform programme by enhancing their attainments and addressing challenges and gaps. ■

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<sup>93</sup> Peter L. Strauss (1985). "The Metamorphosis of Legal Education", *New York Law School Law Review*, Vol. 30, pp. 637, 638.

<sup>94</sup> *Ibid.*

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