



**EMPLOYABILITY SKILLS VERSUS HUMAN DEVELOPMENT SKILLS:  
DILEMMAS THAT BACHELOR OF LAW (LLB) GRADUATES FACE IN SOUTH  
AFRICA**

**Final Report**

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## List of Acronyms

Acronym	Description
CHE	Council on Higher Education
GCB	General Council of the Bar
IIE	Independent Institute of Education
NGO	Non-governmental organizations
LLB (degree)	Bachelor of Laws (degree)
LPA	Legal Practice Act
LSSA	Law Society of South Africa
NQF	National Qualification Framework
SALDA	South African Law Deans Association

# 1. INTRODUCTION AND BACKGROUND

## 1.1 Introduction

The lack of employability of the Bachelor of Law (LLB) students remains a huge problem, particularly in South Africa (Biggs & Hurter, 2014). The four-year LLB undergraduate degree faces tremendous criticism in the country because it is purported that the qualification fails to produce well rounded and competitive legal practitioners (Biggs & Hurter, 2014). Therefore, it could be argued that the quality of education and the skills acquired by LLB graduates does not match the demands of the legal fraternity. This might in turn contribute towards an increase number of unemployed LLB graduates in South Africa.

Subsequently, the University of the Witwatersrand, arguably one of the best universities in South Africa, decided to re-align the LLB undergraduate degree to a postgraduate degree in 2015 (Dzedze, 2017). The decision of the university is said to be driven by the criticism of the quality of legal education, and the notion that LLB graduates are ill prepared for the workplace (Dzedze, 2017).

## 1.2 Background of the Study

The *Apartheid* system that prevailed prior the 1994 democratic dispensation has perpetuated inequality and discriminations within the legal education, which undermined the essence of human development (Greenbaum, 2010). According to Greenbaum (2010) in 1994, approximately 85% of the legal profession was mostly comprised of white South Africans.

The four-year undergraduate law degree (LLB) was introduced as a solution towards the *apartheid* injustices which had excluded certain races (such as blacks and coloureds) from attaining access to legal education and training (van Niekerk, 2013). The proposed plan for the new four-year degree was to make law qualifications accessible to everyone, especially the previously disadvantaged groups (van Niekerk, 2013).

However, it is argued that discrimination and inequality within the legal education still persists, and the four-year undergraduate LLB curriculum is said to fail in meeting the demands of the legal practice. Therefore, it is posited that students complete their LLB degrees without acquiring the necessary legal skills as required by the labour market.

### **1.3 Research problem and sub-problems**

#### **1.3.1 Main problem**

Current consensus in South Africa is that the LLB degree is poor and weak (Bauling, 2017). This degree produces graduates who are poorly trained and lacking in proper skills required in legal practice (Louw & Broodryk, 2016). The same authors argue that the degree is far more theoretical than practical. This subsequently impacts on the quality of the curriculum and on the graduates produced. There is an apparent gap between employable skills and human development skills on the part of LLB degree graduates. This state of affairs seems to have an effect on their chances of gaining employment in the legal services sector in South Africa.

#### **1.3.2 Sub-problems**

Given the main problem referred to above, the following are regarded as the sub-problems:

- LLB graduates' students have poor literacy, numeracy and research skills competency; and
- The curriculum of the LLB undergraduate degree does not adequately prepare graduates for employment the legal services sub-sector.

### **1.4 Research Questions**

The study seeks to provide answers to the following research question:

- What constitutes employability skills for LLB graduates?
- Which human development skills are required by LLB graduates to enhance their employability?
- What are the criticisms levelled at the undergraduate LLB degree?

### **1.5 The aim and objectives of the study**

The purpose of the proposed study is to explore the challenges preventing LLB graduates to secure employment in the legal services sub-sector.

#### **1.6 Objectives of the study**

The study seeks to:

- To establish inadequacies of the LLB undergraduate degree

- To make recommendations to improve employability skills and human development skills.
- To make recommendations for future research

### **1.7 Summary**

Section one provided a detailed introduction and background of the four-year LLB degree. Furthermore, this section outlined the problem statement, the research aim, objectives of the study and the research questions underpinning this study. The next section outlines the literature review.

## **2. LITERATURE REVIEW**

### **2.1 Introduction**

This section focuses on the review of the previous studies which investigated the similar problem. The legislative framework is also reviewed; however, the focus is only limited to the South African legislations.

### **2.2 Employability skills**

To get an in-depth understanding of the employability skills we need to agree on the definition that we are adopting for the purpose of this section. There is no universal definition of employability skills as it means different things to different employers and industries (Jonck, 2017). One could argue that the term employability skills is contextual and different in industries as they require different sets of skills for different duties. Hence, in this study employability skills refers to sets of crucial skills and attributes that the graduates must possess.

According to Louw & Broodryk (2016) skills such as communication, writing and legal interpretation are critical in the fraternity. These skills are regarded as common skills that a person is expected to possess in a workplace. According to the Council on Higher Education (CHE) (2015) the employability of LLB graduates comprises of the following general skills and attributes; knowledge and understanding of the South African and international law, critical thinking skills, research skills, applied competence (ethics and integrity, communication skills and literacy, numeracy, Information technology, problem solving, and the transfer of acquired knowledge). In addition, Dicker (2013) argue that the employability of LLB graduates includes well-developed generic skills namely; analysing and investigate skills, ability to construct and communicate an argument, proficiency in speaking English, and also a skill to understand and interpret legal papers.

One could argue that the lack of the employability skills has a negative impact on the productivity of graduates in the legal fraternity, and the economic growth of the country. Therefore, it jeopardises the role, quality and status quo of the legal education and profession at large (Greenbaum, 2010). Hence, there is a need for an enhancement of the employability skills among LLB undergraduates to provide an opportunity for them to remain relevant and competitive in the labour market, which will ensure that there are less critics around the quality of the LLB graduates produced by the education institutions. Colgan, Domingo and Papacostantis (2017) suggests the incorporation of a skills based LLB curriculum which will enhance their employability, legal education and also the efficiency of the legal profession.

Therefore, the enhancement of employability skills is crucial to respond to the critics and challenges around the quality of the LLB undergraduates.

### **2.3 Human Development**

Human development seeks to understand different stages of human development and how that may have an influence in how an individual 's future may unfold (Jahan, 2018). Human Development in this study focuses on how human child early development of LLB undergraduates affect their chances of being competitive and employable in the legal services sub-sector. Human development is complex and unique to different people. Human development focuses on human early child development and how that might shape their lives in the future (Jahan, 2018). Human development is unique to each person depending on their exposure, support, available opportunities and challenges (Jahan, 2018). However, in this study human development focuses on the early development of Individuals and how that plays a role in their competitiveness and work readiness in the labour market.

Dicker (2013) argue that one of the challenges confronting the quality of the LLB undergraduate is that students enter the tertiary institutions without necessary skills and competency required in the tertiary level (Dicker, 2013). Therefore, one could argue that there is a gap between what secondary schools are producing and what is required in the tertiary level. Consequently, some students from high school who get enrolled in universities tend to find it hard to adapt to the tertiary standards because they lack the basic writing and numeracy skills to be competitive in tertiary institutions.

Therefore, human development is applicable for this study to highlight that individuals grow, learn, and develop differently as human beings and depending on the challenges, opportunities and support they had growing up. Hence, human early child development is important as it might contribute to the development and work readiness of LLB graduates in South African today.

### **2.4 South African education system**

The pre and post-apartheid legal education discussed below;

#### **2.4.1 The LLB degree during the pre-apartheid era**

The South African education system during apartheid was informed around the experiences of oppression and racism (Calitz, 2015). In addition, according to Vorster and Quinn (2017) the education system during apartheid perpetuated racial segregation and inequality at

schools and educational provisions (Vorster & Quinn, 2017). The nature of the South African education system was centrally around the apartheid indoctrination rather than education (Whitear-Nel & Freedman, 2015). The education system was unequal in nature and practice as it promoted the interests of the apartheid regime (Calitz, 2015). One could argue that apartheid regime interests could not provide suitable education especially to the oppressed as it served the interest of the ruling apartheid government.

However, the law degree during apartheid was divided into Baccalaureus Procuratoris (“BProc”), Baccalaureus Iuris (“Bluris”) degree and a post-graduate law degree (Van Niekerk, 2013). According to Greenbaum (2015) the BProc degree qualified graduates to practise only attorneys and the Bluris qualified graduates to practise as prosecutors in the lower courts (Greenbaum, 2015). However, the post-graduate LLB degree allowed graduates to work in both the lower and higher courts (van Niekerk, 2013). According to degree Greenbaum (2010) in order to attain the post-graduate LLB degree students had to complete an undergraduate degree which was frequently a Bachelor of Arts (“BA”) or a Bachelor of Commerce (“BCom”) degree. This choice was followed by those who had financial support to complete two degrees (van Niekerk, 2013). One could argue that the BProc and the Bluris degrees were restrictive in practice as compared to postgraduate LLB degree.

#### **2.4.2 The LLB degree during the post-apartheid era**

According to Van Niekerk (2013) the four-year LLB undergraduate degree was introduced in 1998 by the Qualification of Legal Practitioners Amendment Act 78 of 1997. Furthermore, the four-year LLB degree qualified graduates to practice as both advocates and attorneys (Whitear-Nel & Freedman, 2015). This was to ensure that all people have equal chances to practice law after the completion of their LLB degree. The motivation behind the introduction of the single four-year LLB was to respond to the underrepresentation of black people in the legal profession as well as equal qualifications for all as opposed to the post-apartheid law degree qualification (Fourie, 2016). As a result, the government introduced a single law degree as a remedy to the post-apartheid Baccalaureus Procuratoris (“BProc”), Baccalaureus Iuris (“Bluris”) degree and a post-graduate law degree (Greenbaum, 2015).

#### **2.5 LLB graduates from private vs public institutions**

The LLB degree is offered in both public and private institutions in South Africa. The following are all 17 universities offering an LLB degree in South Africa namely; the University of South Africa, University of Witwatersrand, University of Cape Town, University of Pretoria, University

of Johannesburg, Nelson Mandela University, University of Limpopo, University of Limpopo, Rhodes University, University of the Western Cape, University of Stellenbosch, University of Zululand, University of Venda, University of Fort Hare, University of Kwa-Zulu Natal, University of the Free State and North West University (CHE, 2017). However, the private institution accredited to offer an LLB degree is Varsity College. According to the Southern African Legal Information Institute (2019) there is no difference between the LLB degree offered at public and private institutions as both institutions are stated to produce graduates that are fit for admission to practice as attorneys and advocates.

The Pietermaritzburg High Court on 22 February 2019 ruled that LLB graduates from private institutions are qualified to practice law in the legal profession like their counterparts from public institutions (Law Society of South Africa, 2019). One could argue that this then brings an equal opportunity for graduates and opens access especially for the provision of LLB programmes offered by private institution in South Africa. The Law Society of Society (2019) argue that the KwaZulu-Natal (KZN) Law Society would only admit graduates with an LLB university qualification and excluded those from private institution (Varsity College). Contrary, according to the Southern African Legal Information Institute (2019) the LLB university graduates had more advantage of gaining employment as compared to graduates from the private institutions.

However, the Southern African Legal Information Institute (2019) argue that the KZN law society decision was based on the fact that only a university qualification qualifies one to be admitted to practice law in south Africa. In addition, the KZN law society argued that the Independent Institute of Education (IIE) was not part of the 2017 listed accredited institution to offer LLB programmes (Southern African Legal Information Institute, 2019). However, the High court ruled that there is no difference between the LLB degree offered by the IIE and public Institutions (Law Society of South Africa, 2019). According to Southern African Legal Information Institute (2019) the qualification offered by the IIE is equivalent to a university degree and that there was an unfairly rule against the exclusion of IIE graduates by the UKZN law society in terms of their admission for practice as attorneys and advocates.

## **2.6 LLB curriculum**

According to the CHE (2015) the LLB degree curriculum is meant to prepare students for admissions to the legal practice profession as well as post-graduate studies. The length of the undergraduate degree is four years. Additionally, the LLB degree is equivalent to an NQF Level 8 (CHE, 2015). However, an admission to the LLB degree varies from one institution to

another. The LLB degree admission point score (APS) range from 26 to 37-43 APS around South African institution offering the LLB qualification (CHE, 2018). The LLB curriculum incorporates theoretical knowledge and practical knowledge and skills in their final year through law clinics (Fourie, 2016).

Colgan, Domingo and Papacostantis (2017) indicated that LLB curriculum entails of courses that are skills-based courses. The following are LLB courses considered compulsory and skills based namely; family law deals with reading & writing skills, contract Law it focuses on legal solving and reasoning skills, jurisprudence on writing and critical thinking skills, civil procedure on legal drafting, practical legal studies and research report on legal research skills (Colgan et al 2017).

However, Bauling (2017) argue that law teachers should construct learning environments that contributes towards developing and instilling the employability skills of the students. A poor unstructured LLB curriculum is a challenge to the LLB undergraduate degree because what they are taught seem not to correspond to the requirements of employers in the legal industry. The same author argues that a well-structured LLB degree curriculum should focus on the practicality of law imparting which will produce graduates who possess competencies and attributes required and expected in the legal practice.

However, Gravett (2018:1) argue that the “LLB curriculum that only produces graduate who can “think like lawyers” in the narrow sense ill-serves them, the profession and the public”. Therefore, one could argue that there is an urgent need to improve the curriculum offered by law schools in order produce graduates who are not only going to think like lawyers but be lawyers. In addition, graduates who will be able to apply or translate their theory-based knowledge into the real world of work.

However, Biggs & Hurter (2014) argue that there is no consensus, universal criteria or standards on what should be included and not in the current LLB curriculum in the universities around South Africa. The same authors argue that there are different views across the universities and also limited information on the integration of theory and vocational skills within LLB undergraduate curriculum.

The four-year LLB degree is considered to be equivalent to a National Qualification Framework (NQF) level 8-Bachelor of Honours degree (CHE, 2018). The bachelor of honours degree is a postgraduate specialisation degree which is research-based aim is to deepen the understanding and experience of the field. It is characterised by theory and practical

experience. One could argue that the LLB degree undergraduate degree is a general qualification and not a specialisation degree. Nevertheless, scholars such as Bauling, Dicker, Dzedze, Gravette and etc. reveal similar ideas regarding the quality of the four-year undergraduate degree. There is an expressed dissatisfaction with the quality of law graduates and curriculum in South Africa. Hence, the Higher education and training in partnership with the private and public institutions must develop or add courses in the LLB curriculum to respond to the demands of the industry, in order to produce graduates that meet the standards of the legal fraternity.

## **2.7 The Legislative Framework**

The legislative framework for the current study is explored below:

### **2.7.1 The Legal Practice Act**

According the Department of Justice and Constitutional Development (2014, 2), “the Legal Practice Act (LPA) serves to provide a legislative framework for transformation and restructuring of the legal profession in line with constitutional imperatives in order to facilitate and enhance an independent legal profession that broadly reflects the diversity and demographics of the Republic; to provide for the establishment, powers and functions of a single South African Legal Practice Council and Provincial Councils in order to regulate the affairs of legal practitioners and to set norms and standards and, to provide for the admission and enrolment of legal practitioners”. The primary responsibility of the Legal practice act is to develop policy and norms that will address the issues surrounding of discriminations and inequality within the legal education and profession (Department of Justice and Constitutional Development, 2014). The LPA is appropriate for the study to ensure easy accessibility and broader representability into the legal profession especially to the previously disadvantaged groups.

Fourie (2016) argue that the previous postgraduate LLB degree, which incorporated more of a skills-based curriculum, was lengthy and difficult for South Africans to afford it especially the previously disadvantaged groups during the post-apartheid era. As a result, the four-year undergraduate law degree was introduced to provide easy access, cheaper and shorter LLB undergraduate degree for better representative of all south African racial groups in the legal education and profession (Dzedze, 2017). Dzedze (2017) argue that the shortening of the four-year LLB degree was essential to ensure that there is a transformation in the demographical makeup of the legal education and profession. In addition, the transformation in the legal education and profession is crucial in the new democratic of South Africa where

all people must be treated equal and also have equal access to the legal education (Greenbaum, 2010).

### **2.7.2 The National Qualifications Framework Act**

According to the Department of Higher Education and Training (2016) the National Qualifications Framework Act (67 of 2008) the CHE is responsible to provide Quality Council (QC) and one of the most fundamental roles is the quality assurance of Higher Education qualifications. The National Qualifications Framework Act 67 of 2008 is intended for “classification, registration, publication and articulation of quality-assured national qualifications” (CHE, 2018). However, the Higher Education Qualifications Sub-Framework (HEQSF) is one of the three sub-frameworks that comprises the National Qualifications Framework Act that was introduced in 2013.

The HEQSF is responsible for qualification development standards and also links the aim and characteristics of different qualifications through CHE as the quality assurer for Higher Education (CHE, 2015). According to the CHE (2018) the HEQSF proposes that the quality of LLB programmes must be responsive to the needs of the labour market, to ensure that students are equipped with necessary knowledge and understanding of the learning content, high level of cognitive and other generic skills including problem solving and practical application of principles, written and spoken communication and computer literacy. This National Qualifications Framework Act is applicable for the study to ensure better quality of the LLB graduates after completion of their studies.

However, Fourie (2016) argues that the four-year undergraduate seems to be failing to equip students with the necessary skills required in the labour market and the students also seem to fail to complete their degree within the period of four years. This then raises questions on whether the four-year LLB is achieving its intended outcomes. Despite the transformational plan of introducing the four-year LLB degree, there is a misalignment between the four-year LLB undergraduate curriculum and the requirements of the employers within the legal industry. Therefore, Biggs and Hurter (2014) argue that it is important for the four-year LLB universities curriculum to provide education that leads to employment, and this can happen when there is a close relationship between the university and the labour market.

According to Biggs & Hurter (2014) they argued that the LLB undergraduate degree is more theory based than skills based which then impacts on the quality of graduates produced. In addition, Fourie (2016) argues that LLB undergraduates complete their degrees lacking

general work ethic, skills and knowledge. Therefore, discussion continues around the four-year undergraduate degree - if it should be improved by incorporating vocational skills in the curriculum - or be reverted to a postgraduate degree (Dzedze, 2017).

Dicker (2013: 16) argues that standards were lowered, and examination papers set with the aim of reaching the prescribed pass-rate levels rather than testing students' legal knowledge and skills. Therefore, lack of necessary skills among LLB undergraduates makes them less relevant in responding to the demands of the labour market. However, Fourie (2016) argues that graduates lack general work ethics, professional integrity, lack of understanding and experience when dealing with clients. Nevertheless, Gravett (2018) argue that the lack of necessary employability skills among LLB graduates ill-serves them in responding to the needs of the legal fraternity.

### **2.8 Measures put in place by higher education South Africa to improve the quality of the LLB degree.**

The South African Law Deans Association (SALDA), the Law Society of South Africa (LSSA) and the General Council of the Bar (GCB) held a summit in 2013 entitled Legal education in crisis? The summit, attended by stakeholders in the legal profession and education raised concerns around the poor quality of legal education which produces graduates who are ill-equipped for the legal job market (Quinot & Greenbaum, 2015). The proposed solution was a standard-setting process for the LLB qualification under the supervision of the National Task Team.

According to van Niekerk (2013). The same author posits that the standard-setting process aimed to focus on necessary LLB graduate skills and attributes. The skills and attributes identified during the 2013 LLB summit comprised of the following; "knowledge of substantive law, generic skills such as literacy, numeracy, research, analytical, IT, ethics, a commitment to social justice, the requirements of the workplace, and resources (Dicker 2013).

The CHE is the quality council for the higher education in South Africa. Therefore, their fundamental role is promotion of quality assurance in the higher education sector. This role is important to assure that students graduate with the necessary sets of skills and capabilities required in the labour market.

It is worth noting that during 2015, the CHE conducted a National Review Framework of LLB degrees offered in all South African Universities against the background of the LLB Standard (Whitewar-Nel & Freedman, 2015). All universities offering an LLB degree had to submit a self-

evaluation report against the following measures; staff qualifications, coherence of the curriculum, infrastructure and resources required (Whitear-Nel & Freedman, 2015). This was, in turn, to improve the quality of the LLB programmes offered in all South African Universities. The University of the Witwatersrand (Wits) extended the undergraduate LLB into a post-graduate degree in order to improve the quality of the qualification produced in the institution (Dzedze, 2017).

## **2.9 Summary**

There is an expressed dissatisfaction with the quality of law graduates in South Africa (Bauling, 2017). In addition, the quality of the curriculum is also in question (Gravett, 2018), and this subsequently impacts on the quality of the graduates produced. The graduates are not ready for practice in the legal fraternity. The researcher concludes that there is a need to improve employability capacity of the LLB graduates as well as the curriculum itself.

## **2.10 Importance of study**

SASSETA has previously conducted research titled: *The Assessment of the Learning Conditions of Candidate Attorneys during the Transformation attempt*, which is somewhat similar to the current study. The previous study however focused more on the transformation of the legal profession, while this study centres on the LLB graduates and the curriculum instead of transformation of the legal profession. The results of the study will benefit students as it will provide them with relevant knowledge on the importance of acquiring employability skills. The study will also be crucial to the public and private institutions as it will recommend the development of an LLB curriculum that will cater for or match the demands of the labour market.

### **3. RESEARCH DESIGN AND METHODOLOGY**

#### **3.1 Introduction**

This section seeks to outline the research design that was employed in the study. The following research executed a qualitative research approach. In addition, this section discusses the units of analysis, sampling, data collection and ethical considerations which were deployed to accomplish the research objectives.

#### **3.2 Qualitative research design**

Qualitative research was used in the study. A qualitative research explores and examines a meaning of human behaviours and their experiences within a particular context (Flick, 2018). However, a researcher involved in qualitative research, interacts with participants in order to take into account or understand their viewpoints and practices and make sense of the changing nature of their experiences (Flick, 2018). Qualitative research is applicable in this study as the aim of the study is to explore and provide new insights on the challenges confronting the LLB graduates which then affect their chances of gaining employment.

#### **3.3 Research approach**

An exploratory study was followed. Exploratory studies seek to understand what has happened and is currently happening, it also seeks to search for new insights and ask or explore research questions regarding a particular phenomenon or event (Robson, 2012). The explanatory study is suitable for this study as it gives the existing status quo on the quality of LLB but also allows - or generates - new insights on the nature of challenges confronting the LLB graduates to secure employment. The exploratory research approach is applicable to and essential for this study as it prompts new understanding and solutions that will lead to future research studies and will also contribute to the existing knowledge around the proposed study topic.

#### **3.4 Sampling**

The sampling method for this for this study is homogenous purposive sampling. According to Etikan, Musa and Alkassim (2016), this method of sampling seeks to select participants who share similar traits or specific characteristics. Homogenous purposive sampling for this study comprised of participants sharing similar challenges and experiences around the ill-preparedness of LLB graduates in terms of their employability and acquiring jobs after completion of their studies within the safety and security legal sub-sector. In this study the

sample was drawn from LLB graduates, specifically candidate attorneys, principal attorneys as well as the Legal Practice Council officials in South Africa.

### **3.5 Data collection**

The study applied one on one semi-structured interviews and focus groups to collect data. The semi-structured interview methods used were both structured and unstructured, and according to Longhurst (2003) the semi-structured interviews assist in understanding different opinions and experiences around the researched topic. Focus groups assist to obtain detailed information or perceptions from a group of people on the research problem (Dilshad & Latif, 2013). Additionally, notes and audio tape were taken during the semi-structured interviews as well as focus groups. The interviews took about 30 minutes to 60 minutes and Longhurst (2003) argues that recorded interviews allow the researcher to focus fully on the interaction, other than focusing on writing everything that is said during the discussion.

### **3.6 Data analysis**

The study used thematic analysis. The thematic analysis sought to identify patterns or themes in order to analyse data within qualitative data (Braun & Clarke, 2006). The thematic analysis is more applicable as the study does not only want to summarise collected data but also seeks to interpret and make sense of it (Maguire & Delahunt, 2017). Thematic analyses are flexible as is not tied to any theoretical perspective and gives an in-depth account of the data (Maguire & Delahunt, 2017). The thematic analysis was applicable for the study to assist the researcher to become familiar with the data, organising the data and coding the results which was organised into broader themes all of which assisted in answering some of the main research questions.

### **3.7 Limitations and Challenges**

The study is mainly focused on LLB graduates and principal attorneys from two law firms and the Legal Practice Council officials. This is mainly due to accessibility and time constraints. The sample used in the study is small and cannot be a true representation of the whole population, therefore, the results cannot be generalised. Some participants were unwilling and reluctant to participate in the study.

### **3.8 Ethical considerations**

Ethical considerations followed in the study a described below.

### **3.8.1 Informed consent**

An informed consent was granted by participants or an organisation to conduct research before data collection process. Information about the research study and what it entails was disclosed to participants through an informed consent letter. Participants were also made aware that participating in the study was voluntarily. Furthermore, information obtained and recorded during data collection are stored securely and treated with confidentiality.

### **3.8.2 Protection of the rights and interests of participants**

The participant or an organisation 's identity is respected and treated with confidentiality. Participants or an organisation's rights to privacy, right to autonomy and confidentiality was treated with respect. Additionally, their rights and interests were protected by means of adherence to privacy, anonymity and informed consent to participate in the study.

### **3.9 Summary**

This section outlined an overview of the research methodology that was used to conduct the study. Data collection, data analysis, ethical considerations and the limitations of the study was discussed. The next section discusses the findings of the study.

## **4. PRESENTATION AND DISCUSSION OF THE FINDINGS**

### **4.1 Introduction**

This chapter consist of the findings of this study were presented and analysed using a thematic analysis. The participants of this study were LLB graduates, principal attorneys from private law firms as well as the Legal Practice Council officials. The current study was not meant to yield conclusive evidence regarding the employability of LLB graduates in the legal fraternity. The intension was to investigate challenges encountered by the LLB graduates in finding employment and to contribute to the transformation of the LLB curriculum so that it can cater for or match the demands of the labour market by means of gathering perceptions of the participants.

Section 4 focuses on presentation of the findings of the current study

### **4.2 Presentation of the findings of the study**

The findings of the current study will be presented according to the following themes that have been identified namely:

- Challenges encountered by LLB graduate,
- Factors impeding the chances of LLB graduates to find employment in the legal fraternity,
- The impact of early human development on the work readiness of LLB graduates, and
- The quality of the LLB Curriculum.

#### **4.2.1 Challenges encountered by LLB graduate**

The first theme explored the challenges encountered by LLB graduates in finding employment. The following questions were posed by the researcher:

- What challenges have you encountered as an LLB graduate in seeking employment?

The findings and responses below are based on the LLB graduates from a private law firm. This participant indicated that demographics, age, race and lack of experience as their biggest challenge in seeking employment as graduates. The following are the direct quotes from the participants. "Demographics is the biggest challenge for me. For instance, I applied to a law firm and my application was refused just because I am white, and probably my age being so young. Lack of experience is also a big one, I think in these kinds of settings they don't expect

you to have all the knowledge, but experience is important and plays a role in graduates finding employment. But also, for me, demographics is the biggest challenge I have encountered.” “For me it was the concept of having to have a licence, in the beginning this was a big problem. In most applications for candidate attorney, I have seen that a driver’s license was a requirement and I did not have. The age thing is a big factor in terms of gaining experience because you come fresh from university and do not have any experience.”

#### **4.2.2 Factors hindering LLB graduates to find employment**

The participants were asked the following question to understand and gain insight on their perception regarding the factors hindering LLB graduates to find employment:

- Which factors do you think hinders LLB graduates to find employment after the completion of their studies?

According to the LLB graduates their academic record is one of the factors hindering them in finding employment. Direct quotes from the LLB graduates “It would be our academic results, sometimes they are so shocking that employers do not want to hire you. You have to give them your academic record when you apply.” “Your academic result is important, that is why if you are not an A plus student it is hard to get a job. You can get a job at the” big five law firms” but, ironically those people working at the “big five law firms” have no social life or background, they live in a vacuum, they are just career driven. The curriculum is different from university to university. The thing is the curriculum does not fully prepare you for your interview, a lot of people enter interviews and expecting a lot of textbook related questions when that is not the case.

However, the Legal Practice Council officials argue that the quality of the degree is the biggest factor hindering LLB graduates in finding employment. The following are the direct quotes from the Legal Practice Council officials; “I think it is the quality of the degree, which speaks more than just to the word ‘quality’ it speaks to skills, the lack of legal practical skills. I suppose it also depends on what graduates actually want to do with the degree because if you have graduated and want to be an attorney not all graduates are admitted as attorneys. If you graduate and you want to be an attorney you need to do your practical training, articles and then write board exam as well.” “The legal profession is a very wide profession; it will be very difficult to cover everything in four years. There is the big problem of writing and language skills, because what an attorney and advocate does is to present a client’s case to court. If you cannot do that properly for your client it can destroy your client’s case, the language skills

are important because you deal with clients on a daily basis. We have basic bookkeeping skills and how to manage an office. It is a very specific skills set it is not like running a usual ordinary business. It is much more than that and also more specialised, even your bookkeeping will not be your general bookkeeping.”

The principal attorneys indicated that the Lack of basic writing skills among LLB graduates can be a factor hindering them to find employment. The following are direct quotes from the principal attorneys; “I will tell from the outset their CVs are filled with spelling and grammatical mistakes, and they want to tell us about their hobbies. As a perspective employer I am not interested in their hobbies. Besides the fact that the CVs are not properly prepared, and they go on about saying they stick to accuracy and pay attention to detail. But the graduates cannot spell and do grammar check. Graduates make mistakes like that. Sometimes some graduates have an LLB qualification as a second degree, but they cannot write English.

#### **4.2.3 The impact of early human development on the LLB work readiness**

To understand the impact of early human development on the LLB work readiness, the participants were asked the following questions:

- Do you think early human development might have an impact on the work readiness of LLB graduates in South Africa today? And why?
- Do you think high school adequately prepares learners for the LLB qualification? And why?

The Legal Practice Council officials expressed that family background or structure and exposure, as well as the basic education plays an important role in the readiness of LLB graduates. The following are the direct quotes from the LPC officials; “Look of course it would play a role, we all know that kids in grade 8 cannot read but it comes back to what your parents cannot afford. I.e. his parents did not send him to a good school. It does not change the fact that the curriculum is bad. Even if it was the old postgraduate curriculum if you did not have the best preparation then you may not have been able to finish your LLB degree. But it is wider than the LLB, I was listening to a report the other day that now the high school pass rate is 33%, these are all below average. Now you get to University and you are expected a student to get an 80% but you have never needed to get anything above 33%.” The problem is like what my colleague said, the services that are available to people in the rural areas. You can take his daughter for example having got 7 distinctions and also having done extra maths lessons.

“It really depends, there is a massive unfairness. You are living in a rural area, if you look at the pass rate is terrible. If you live in Pretoria, you can pick and choose the best schools. You see the poor continue to suffer. It is this thing now; I will keep going back to the engineering degree. My daughter had a friend who got 60% in Maths, which is sufficient to be admitted into the engineering degree but within 6 months he realised he is not cut out for engineering. The transition from High School to university is massive, even a person who took ordinary maths and alpha maths, they still struggle. So even, if you lower the entry requirements, people are still going to drop out. There is massive inequality in our country.”

However, the principal attorneys stated that “the basic education is not really equipping learners especially from a languages perspective. Even in Afrikaans I had to really get extra help to get my language up. It really does not prepare you especially the language part and their writing skills. In school you learn how to write a letter but when they come to the workplace and are supposed to write a simple letter, the graduates fail to do so. The graduates do not even know how to paragraph for instance, and its people coming from good schools. It is not those from disadvantaged schools but any school that I am talking about right now”.

#### **4.2.4 The quality of the LLB Curriculum**

In order to understand the participant’s perception on the LLB curriculum, the following question was posed to the participants:

- What are your perceptions of the LLB curriculum?

LLB graduates’ states that the LLB curriculum equips and prepares them enough for the world of work. “It not easy but it is good. The LLB degree does prepare you for the world of work. I think I agree with my colleague, I did [Law of] contract and [Law of] delict modules in second year and by the time I was in fourth year I had kind off forgotten because it was a year module. The other participant indicated that they used to have like Law of Contract A and B, where the modules would be continued through your fourth level studies. So, you get your exposure throughout the curriculum. You see for me the curriculum was very broad. I have never gone to court during my studies at university up until I started working. But in fourth year we had to work at a law clinic where we worked pro bono, so back then I did end up going to Kliptown Magistrate Court.” “It’s hard but for the differentiation of careers it is very good. It relatively prepares you. For instance, law contract they always stress how you need to go back to the basics, bringing more attention to things learnt very early in the curriculum, i.e. specific types of contracts.

Principal attorneys indicated that the quality of the LLB curriculum is a big problem as it fails to prepare graduates for the legal fraternity. "I came from an environment where LLB was a postgraduate degree. Having the four-year LLB worked i.e. easy access and affordability of the degree was a good idea and it worked. But shortening the degree does not help them because they do not have legal writing skills." "They cannot write, even the simple thing of knowing where a capital letter should be for example. Spelling and writing skills are the things that should be studied at school. Maybe it might not be the students necessarily, but maybe the graduates were not taught correctly at university. When I did Afrikaans, you have to do a language in LLB but they do not teach you the basics, they only focus more on typical things in the language, or the university should consider teaching or training the students on legal writing, you know the basics just to freshen up the memory. Or put it on a university standard." Legal Practice council official argue that the LLB degree should revert back to a postgraduate degree as it fails to equip students with relevant skills required in the world of work. "I 100% think it should go back to what it was because at least in your junior degree a foundation is laid. I am speaking from past experience, so when you do your postgraduate at least you have an understanding of different concepts, then you are able to understand complex issues a bit better such as merges and acquisitions. But in any instance and attorney if you look at the whole degree, they would study for five years, your junior degree and the LLB or the BProc that was four years. Although my degree was a junior degree, there was a lot of post grad things that I attended. So, you used to study for five years and then you do articles and then you do a board exam. So it's quite a long time you spend studying, I almost want to say injustices that were created in reducing this degree because they took away the value and the weight that was put on the degree and by doing that, I think it made the profession not what it was before. I understand why the government shortened the degree, it may be a case of making it more accessible, but you need to balance out accessibility into the profession and protection of the public. You really need to balance that out because the last thing you want to do is having thousands of graduates walking around that cannot apply this degree. I mentioned that I work in another department and a simple thing like, there is process that happen in court you have an application and an action process, which is basic first year stuff. That somebody with an LLB degree that is on their way to be admitted does not understand the difference between the two. I am referring and talking about people that submit correspondence to me that it is so badly written, that you think 'where did you guys study?' It is not a white or black thing; it is across the board."

### **4.3 Council on Higher Education findings**

According to the report on the national review of LLB programmes in South Africa November 2018. The following were some of the findings around the LLB curriculum;

#### **4.3.1 Practical exposure**

One of the finding was that there are modules other university's curriculum that should expose them to the practical knowledge and experience. However, those modules as stated by the report are electives instead of compulsory modules.

#### **4.3.2 Information technology**

Additionally, the LLB curriculum standard is that the curriculum incorporates a module that responds to the emerging use of technology.

### **4.4 Theme discussion and interpretation**

The responses of the participants are discussed and interpreted bellow.

#### **4.4.1 Challenges encountered by LLB graduate**

Understanding the challenges encountered by LLB graduates is important, as it will assist with implementation strategies towards enhancing employability skills of LLB graduates. For the purpose of this study it is helpful to gather insights on the participant's responses on the challenges they are facing in finding employment. The participants argued that there are various challenges they experience as LLB graduates in seeking for employment. Furthermore, the participants indicated that demographics, race and lack of experience as their biggest challenge in seeking employment as graduates. One of the participants indicated that she once sent an application to one of the law firms, but the application was unsuccessful because she is white. This then reveals the injustices and inequality within the legal profession. This goes against the whole notion of democracy in South Africa, that everyone be treated equally and must have equal opportunities.

Another participant indicated that demographics as His biggest problem because most of the job opportunities for required a driver's license and experience. In addition, the participant indicated that age as a big factor in terms of gaining experience, meaning that there is just a lot expected from fresh graduates coming from universities in terms of expecting them to have experience in their fields of study just after completion.

#### **4.4.2 Factors hindering LLB graduates to find employment**

The participant revealed that the quality of academic results influences whether an employer is going to hire an LLB graduate or not. Employers tend to hire graduates with excellent academic record as opposed with those with average results. In contrast, some argued that the LLB graduates who obtained cum-laude in their LLB, struggle with answering the basics questions concerning their modules. This indicates that as much as graduates are getting good grades at universities, they tend to fail to translate what they have to learn to practice. Furthermore, some participants stated the LLB curriculum does not prepare graduates for job interviews as graduates have textbooks knowledge and not the required practical knowledge. Legal practitioners note that the quality of LLB degree is a big challenge hindering graduates to find employment. In addition, graduates also lack skills which are crucial and basic such as writing and language skills. And these are the skills they should have acquired during their LLB tertiary level. This then rises questions around what modules should be included or dropped in the LLB curriculum, so that it speaks to the basic skills like writing and language skills which are basic foundation skills any LLB graduate should have acquired.

#### **4.4.3 The impact of early human development on the LLB work readiness**

Family background or structure and exposure as well as the basic education system plays a pivotal role in the readiness of LLB graduates. Good basic education impacts work readiness of graduates as it lays a strong foundation for future studies and influences performance thereof. A Legal Practice official was concerned with the basic education pass rate being set at 33% (which is below average) and then students at university are expected produce higher grades. Students from rural areas are disadvantages due to scarcity of resources compared to students in big cities. The move from high school to university divulges a huge number of students not managing the transition as evidenced by the high dropout numbers. Learners are not fully prepared for an LLB qualification by high schools as the education itself is not of high standard and lacks important basics modules in the curriculum. This then indicates that the work readiness of the LLB graduates goes beyond the LLB degree. In order to correct the problem around the LLB graduates work readiness, a strong basic education is required.

#### **4.4.4 The quality of LLB Curriculum**

The LLB curriculum equips graduates for work according to the LLB graduates interviewed. In contrast, some participants argue that the LLB curriculum is a problem as it does not prepare graduates for the legal fraternity. The curriculum does not equip graduates to be fully competent for legal professional practice. The Legal Practice Council official posits that the

LLB curriculum does not equip students with relevant skills required in the work environment. The official furthermore proposed that LLB must revert to a post graduate programme with a junior degree as foundation which will create value and increase the status of the degree.

#### **4.4.5 Practical exposure**

The legal practical exposure on how deal with clients is important. The LLB curriculum must incorporate a module that will assist students with day to day exposure on how to deal with clients. The module should be compulsory especially in the final year of their studies.

#### **4.4.6 Information technology**

Technology is pivotal in the way residents live and work and, as the world is becoming technologically driven, it is important for the LLB curriculum to be responsive to the changing nature or the use of the new evolving technology.

#### **4.5 Summary**

This section discussed the findings of the study namely; challenges encountered by LLB graduate and the quality of LLB curriculum. The findings were analysed and interpreted to derive a conclusion. The next section discusses the conclusion and recommendations of this study.

## **5. RECOMMENDATIONS AND CONCLUSION**

### **5.1 Introduction**

This section (5) presents the recommendations and conclusion of the study. The recommendations are stemmed from the findings of this study outlined below.

### **5.2 Recommendations**

The findings of the current study indicated that the LLB curriculum does not sufficiently equip graduates with the necessary skills required for the legal profession. Hence, it is important to find solutions that will improve the employability of LLB graduates. This section seeks to address strategies that can be used in order to improve the quality of the LLB graduates and the LLB degree curriculum.

#### **5.2.1 Challenges encountered by LLB graduates**

LLB graduates encounter various challenges in seeking employment including age and lack of experience. Thus, the study recommends that graduates must get involved in voluntary work, vacation work and make be spectators at court proceedings which are free of charge to gain practical experience.

#### **5.2.2 The impact of early human development on the LLB work readiness**

The Department of Higher Education and Training should revisit the Basic Education curriculum to incorporate reading and writing into the curriculum at an early stage as it serves as a good foundation for learners' performance in their high school and tertiary educational respectively in future. In turn, it will improve the work readiness of LLB graduates for the work environment.

#### **5.2.3 Improving employability among LLB graduates**

The study noted that the employers cannot be ultimately responsible for enhancing the employability skills of LLB graduates. Thus, the study recommends that all stakeholders including employers, universities, representatives and graduates need to work together to improve the employability skills and the quality of the LLB graduates today.

#### **5.2.4 The quality of the four-year LLB Curriculum**

The study recommends that graduates enter compulsory practical legal training before commencing with their articles. Furthermore, curriculum must incorporate or teach students basics skills such as writing and language skills which are fundamental skills that LLB graduates should have acquired at university. The study also recommends that the LLB degree revert back to a postgraduate degree and that a junior degree be a prerequisite for LLP studies. Furthermore, a closer partnership between the universities and the employers should be explored in order to correct or have an LLB curriculum that matches or caters for the demands of the legal profession.

According to the CHE 2018 report on the national review of LLB programmes in South Africa, the following were the recommendation on the four-year LLB qualification. The duration of the current four-year LLB qualification does not meets the standards set for the legal education (CHE, 2018). The report recommends graduates to have their first degree in humanities or commerce with law modules (CHE, 2018). The report further recommends extension of the current four-year degree to a five years programme (CHE, 2018).

#### **5.3 Future research studies**

The current study was conducted from two law firms and the Legal Practice Council. This study can be used as a basis for further research and can increase the sample size to include other stakeholders such as universities and legal professionals.

#### **5.4 Conclusion**

It is important to address issues around the quality of the LLB curriculum to ensure quality of LLB graduates. The study concludes that there is a need to strengthen partnerships between legal professionals, employers, colleges and universities to revise the four-year LLB degree curriculum. This will in turn improve the employability skills of LLB graduates in South Africa.

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