

# GIMPA LAW & ETHICS POLICY PAPER

## LEVERAGING COVID-19 TO DELIVER TECHNOLOGY-BASED LEARNING INTO THE FUTURE

### Executive Summary

On Wednesday, 3<sup>rd</sup> June 2020, Kojo Bentsi-Enchill Esq., Founder and Retired Senior Partner of Bentsi-Enchill, Letsa & Ankomah, delivered via Zoom, the fifth edition of the GIMPA Law and Ethics Web series on the theme: *Leveraging COVID-19 to deliver Technology-Based Learning into the Future*. This session was moderated by Ms. Joan Selorm Tsorhe, a Lecturer at the GIMPA Faculty of Law.

The age of Information and Communications Technology (ICT) is characterized by the disruptive as well as creative impact it has had on different facets of socio-economic life. However, there hasn't been a drive for technological change in the legal sector of Ghana, owing to the inherently conservative nature of the legal profession in Ghana. COVID-19 has however propelled technological change in legal education, in particular, and it is imperative that this is sustained.

In order to facilitate this, a number of issues will have to be addressed by all stakeholders, including, but not limited to: the introduction of Continuous Technological Legal Education (CTLE); the provision of fast, stable and affordable internet access; the development of compulsory Law & Information Technology modules; delivery of online lectures as an alternative to and/or complement of the traditional in-person mode of delivery; and accessibility to virtual law libraries as well as access to legal databases.

This will nonetheless require massive logistical expenditure and the needed infrastructure put in place, as well as the need for attitudinal change across the board. Strenuous efforts will thus have to be made by all stakeholders of legal education in Ghana, in order to have an efficient and results-oriented education system that will produce top-notch and well-rounded graduates for the legal and job market in general.



## I. Introduction

Legal education in Ghana, beginning in the late 1950's, was modelled along the lines of that which existed in the United Kingdom. This lecture based approach has not seen any major change since then. As a result, legal education in Ghana has always been extremely conservative in nature. Although technological advancement in the Twenty First Century in particular, has revolutionized legal practice such that the function of a lawyer is constantly being redefined, this doesn't seem to have trickled down to affect legal education in Ghana in any significant manner. COVID-19 has however thrust change upon all sectors of the legal sector value chain in Ghana. With the closure of all educational institutions in Ghana to halt the spread of COVID-19, there have been attempts at transitioning to online teaching. Online lectures, which was once unthought of within legal circles, has now become the new norm in all the Law Faculties in Ghana, as well as the Ghana School of Law, with varying degrees of success. This has clearly exposed a worrying lack of preparedness for

such a transition, owing to the fact that online teaching and learning is not incorporated in, or necessarily thought of as a substitute to, or compliment of the traditional mode of teaching and learning. In the short term, the benefit of embracing technology has placed less burden on physical facilities, prevented the spread of COVID-19 amongst students and shown that it is possible to deliver quality education, even remotely, once logistical and other ancillary issues are overcome. This policy paper thus advocates for a complete rethinking of legal education in Ghana. Whilst there are many obstacles in the path of a total transformation and a move towards technology-based legal education, COVID-19 has taught us that we cannot continue to do things in the same way we have become accustomed to. In order to fully function and remain relevant in an increasingly changing world, we must redefine ourselves and our institutions by adapting to the times, and leveraging on this new normal to move away from the conservative mindset which is obverse to progress.



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## II. Impact of Technology on Legal Practice and Careers in Law

The impact of technology on law practice has been profound, and includes the following:

- **Revolution in law firm technology:** All aspects of legal work and performance can now be assessed with comprehensive management tools including calendar, time tracking, billing and accounting software's. The use of email, e-discovery tools, case management and communication tools like video conferencing applications have also greatly facilitated and influenced the speed of doing legal work;
- **Internationalization of law practice:** The practice of law in Ghana is now not hindered by physical borders or one's qualifications *per se*. This is because, technological advancement by way of the availability of legal databases has made it easier for foreign trained lawyers to research Ghanaian law to tentatively find solutions for their clients, which can then be reviewed and confirmed by qualified Ghanaian lawyers subsequently; and
- **Intensification of law practice:** With the advent of technology, lawyers work around the clock, with the risk of fatigue and burn out very likely.

The impact of technology on legal careers has also been profound, including the following:

- There is an increasing demand in the legal job market for lawyers to be technologically savvy in order to be able to operate in an ICT intensive legal environment;
- Lawyers are being required to continuously keep abreast with fast changing legal technology, involving a combination of Continuous Legal Education (CLE) and Continuous Technological Legal Education (CTLE);
- The work of lawyers seems to be under threat with the advent of artificial intelligence solutions i.e. computer systems and other technological innovation that operate with greater speed and efficiency than humans;
- Traditional secretarial banks together with conventional secretarial work have increasingly become obsolete; and
- New jobs are however being created for 'legal technicians' who combine legal knowledge with ICT expertise. For instance, administrative staff at law firms may soon require a Law Degree as well as ICT training to effectively and efficiently function in the legal environment.

## III. Challenges

Technology has not greatly influenced legal education in Ghana for a variety of reasons including, but not limited to, the following:

- The delivery of technology-based learning is beset with the conservative Ghanaian culture and mindset, which is generally averse to change;
- The advocacy for technological change in legal education faces the herculean task of getting broad based support amongst the various stakeholders, something that is lacking to date;
- The move towards online delivery of classes, as a result of COVID-19, has not meant a change in the substantive content of legal education – which is necessary, but may take a while;
- Any attempt to fully integrate technology into legal education and law practice will create the possibility of engendering a divide between the haves and have nots, for instance – between technologically advanced law firms and old school law firms, as well as between the technologically inclined law student and the traditional law student;
- The prospect of this divide may very well lead to resistance to technology because the status quo serves as an implicit leveller;
- There is a lack of access to electronic databases (both local and foreign), as well as virtual libraries to aid the teaching and study of law and legal research; and
- Electronic databases in Ghana are sometimes not entirely reliable sources for legal authorities and information generally.



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## IV. Policy Recommendations

- The Accreditation process for the various Law Faculties in Ghana, facilitated by the National Accreditation Board (NAB) and the General Legal Council (GLC) should include the requirement of fully functioning ICT capacity and resources such as computers, access to legal databases and virtual libraries, online examinations etc.;
- Educational packages offered to Law Students should include access to locally developed online legal resources and databases like Datacenta, either free or at an affordable cost for students. Subscriptions to foreign legal databases like LexisNexis and Westlaw should also be made available to expose students to knowledge from other jurisdictions to help improve the quality of legal research;
- Proficiency in ICT and access to personal computers/laptops must gradually become a necessary prerequisite for entry into the various Law Faculties and the Ghana School of Law;
- A module on Law & Information Technology should be introduced as a compulsory subject at the various Law Faculties in Ghana;
- A standing committee on Law & Information Technology and its application to legal education and law practice should be established at, or be a function of all Law Faculties, the Ghana School of Law, Law Firms, Governmental Departments, the Ghana Bar Association as well as Law Students' Associations;
- Fast, stable, free and/or affordable internet access must be a requirement for all Universities and Schools as a matter of public policy;
- The foundations of the educational system in Ghana needs a fundamental overhaul in order to address issues of poor quality of some law graduates;
- Open book examinations must be embraced as an alternative to the traditional closed book mode of assessment of law students in Ghana
- with higher standards of grading introduced to ensure quality control;
- Pressure groups can increase access to legal education, especially at the professional level i.e. the Ghana School of Law, by advocating for the gradual and systematic incorporation of technology in order to make legal education readily and remotely accessible;
- There should be a system of monitoring and inspection of Ghanaian developed legal databases to ensure their quality and accuracy;
- There should also be several standing committees of legal experts in various fields of law within and outside Ghana, established by the General Legal Council for instance, to advise the Government from time to time on matters of national concern;
- Paralegal training programmes must be institutionalized; and
- Pro Bono services must be mandatory for lawyers.

## IV. Conclusion

COVID-19 has forged a whole new world, one with an increasing reliance on technology. Legal education must therefore keep up with technological advancement and adapt to the times. Change will however not come suddenly, but must be a gradual process.

The inevitability of this change nonetheless is necessary to make the law graduate ready for the legal and job market generally, which has taken the lead in employing technology to ensure efficiency. A concerted effort is however required by all the stakeholders in order to leverage the opportunity COVID-19 presents for delivering technology-based education into the future.

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