

## **Legal Education in Sri Lanka during the Post-Pandemic Crisis: Importance and Impact**

Dr. Athula Pathinayake  
*Principal, Sri Lanka Law College*

Your Lordship the Chief Justice Jayantha Jayasuriya PC, Hon. Justice Priyantha Fernando, President of the Court of Appeal, Ms. Indika Demuni de Silva PC, Solicitor General, Hon. Dr. Susil Premajayantha, Minister of Education, Mr. Palitha Kumarasinghe PC, Chairman of the Standing Committee of Legal Studies, esteemed Colleagues, and Guests.

We are told that Mahatma Gandhi said, “live as if you were to die tomorrow, learn as if you were to live forever” which resonates strongly at times greatly. Recently, we lawyers have been forced to abandon our habits and established ways of thinking. For us, thinking like a lawyer has been a badge of honor and a mark of high levels of reasoning, but our traditional ways of thinking have been deeply challenged.

The year 2022 began like any other with academic programs rolling out like usual and then the COVID-19 pandemic struck. Lockdowns were imposed, and we saw our academic institutions close along with other organizations across society. The closure took our profession by surprise. In legal education, as in the law itself, we have largely followed well-established traditional processes with physical attendance classes and in-person appearances in Court. Lawyers and legal educators had minimal experience with online meetings or e-learning platforms.

So, when we faced unexpected worldwide lockdowns, legal education which until then was conducted physically came to a sudden halt. Even so, we quickly established e-learning platforms and continued with lectures online. As you might imagine the shift was challenging because the processes were unfamiliar to students, lecturers, and administrators alike.

While the pandemic consumed the entirety of the academic years of 2020 and 2021 restricting legal education to online education, regular physical lectures were resumed in 2022 under a hybrid model. That hybrid model was successful until April this year, but the economic crisis forced us to revert to online education. Our familiarity with the platforms was more than an advantage but there were additional challenges for academics, including extended power cuts.

Then the question is, what was the broader impact? We know a little about the impact of these dangers. One study conducted by professor Rameez in 2020 at the Southeastern University of Sri Lanka, found that 65% of students considered online education save time and money and 77% thought it provides positive incentives to students. Also, many students faced many difficulties in paying full attention to online learning. Some students struggled with e-learning, due to

factors such as sudden changes in learning patterns, their economic stature, loneliness at home, their lifestyle, and lack of IT skills. In addition, although the majority of students were initially interested in online education, their interest declined over time.

Though this study was based on a survey of students at the Southeastern University of Sri Lanka, in general, it seems reasonable to think it would apply to law students as well. Our experience confirms this. These sentiments have been echoed by the Asia Development bank in a brief published in May 2022. While students liked the convenience of online learning, especially the accessibility of the teaching material, some challenges were identified such as mental and physical health issues, inability to experience practical components, power cuts, poor signal, lack of devices, and poor internet.

In legal education, we use lectures, seminars, competitions, court visits, post-mortem visits, debates, moots, and other courses of teaching methods designed to give students a range of learning experiences. We think they are an important part of holistic legal education, but most of them were unavailable to law students throughout 2020 and 2021. We saw low attendance and lesser engagement during lectures at that time. Which is also indicative of the students' declined interest. Another aspect is due to prolonged lockdowns and a consequent lack of social interaction have led to a decline in mental health among students.

So, what have we learned for the future? I do not need to elaborate on the

significance of the Republic in ensuring the continuity and improvement of legal education. That is obvious. But are there lessons in that COVID-19 experience for the future of a stronger, better system of legal education? Indeed, what we have gone through has given us a teachable moment. We faced a crisis and were resilient in the face of the challenges. We found a virtuous blended mode.

Now we must incorporate the advantages of e-learning in our traditional lecture rooms. Organizations around the world have changed radically since the pandemic. Many now offer work from home. Most meetings are held virtually. While fundamental tasks such as grocery shopping are now done online much more often. One classic example is, known as a very traditional and conservative body, the Council of Legal Education now almost converted into a paperless working environment at their meetings thanks to the initiative and the advice given by his Lordship Chief Justice. The incorporation of technology in efforts to modernize has reached public assistance as well as in wide-ranging reforms undertaken by the Ministry of Justice. All these changes mean that it is vital for legal education in Sri Lanka to keep up, necessity is the mother of invention, and we must take forward the inventions that arose from the recent crisis as we step into the future. For instance, Law College is attempting to move away from the root and traditional learning, but that itself is a challenging task. It requires a new kind of creative thinking and teaching that goes beyond the notion of modernization.

The entrance of technology for legal education serves another important end. With the rise of the 4G, as my learned friend said, and other developments, Sri Lanka is poised to become a 21<sup>st</sup>-century Singapore or Hong Kong. In the future, the law will certainly play an important role, and it is of utmost value that the law students of today who will be the lawyers of tomorrow are already familiar with the way technology works. The pandemic will be remembered as a dark time but in the days ahead we need to leave the focus on these positive developments and the country's potential.

The experiences of legal educators during the pandemic have also inculcated a measure of flexibility and degree that is new in the traditionally rather rigid world of law. The unprecedented crisis we faced has forced us to be more adaptable to external developments. For instance, Law College which took pride in never being shut down during any crisis even black July was this time forced to shut down its doors in the face of an invisible pathogen. Now we are more amenable to adjusting our ways to externalities. In a certain way, legal education in Sri Lanka survived a tumultuous period during two years of successive crises but we can see this as a formative period of legal education in Sri Lanka and an opportunity. Educators and students underwent alien experiences and have come out as more resilient, holistic, and adaptable people. So, what does this mean for the future? While the changes we underwent in ensuring the continuity of legal education can, in general, be viewed in a positive light there are still some

concerns, we must not skip lightly over these in our efforts to modernize legal education.

The mechanisms we adopted in the past two years were band-aid solutions. Patch ups to enable us to brave the storm. Going forward, we must invest in a deep technological system. Preferably, as once spoke, to facilitate high-quality and modern legal education. It is a question of whether such technology exists in Sri Lanka and if it does, whether we have the resources to invest in it. In addition, our academic and administrative staff will have to undergo extensive training to familiarize themselves with any such new system. Although there is considerable demand to modernize legal education in total we must not jump the gun. There must be more consultations and reviews before we begin a large-scale modernization because contrary to popular opinion, technology is not healthier. As just one small example, our current curriculum contains vestiges of the old traditional classroom-based road learning from throughout legal education. If technology is going to play a significant role in the delivery of legal education, then the curriculum too must be fundamentally updated. This will not be a walk in the park. It will take dedication and hard work. It will be an extensive, tiresome, and challenging process spanning multiple years and will undergo many trials, rollouts, and rollbacks. We must also ensure that the mental and physical health challenges raised by exclusively online learning are mitigated in the future. We do not want to subject the student population

to a mass mental health crisis. So, the challenging times we underwent have forced us to change our ways. With caution, we may find this opportune moment as we work to bring legal education to the standards of the 21<sup>st</sup> century.

In conclusion, I can do no better than to quote Jennifer Fleming, pioneering in

strategy development and performance alignment, speaking about the challenge we now face. It is a simple statement but it's profound as it pinpoints the nature of the task that suggests the creativity, we shall need to summon in order to succeed. Finally, I can say teaching in the internet age means we must teach tomorrow's skills today. Thank you.