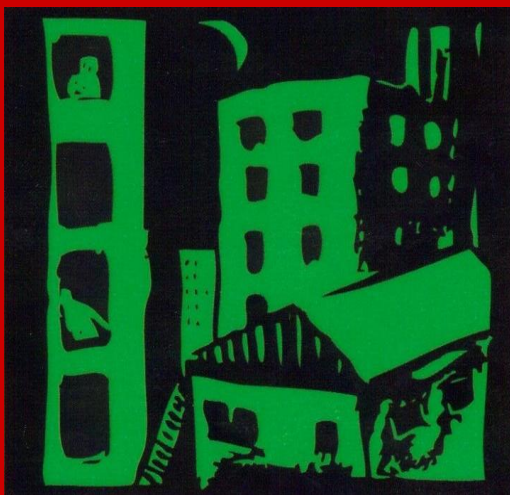
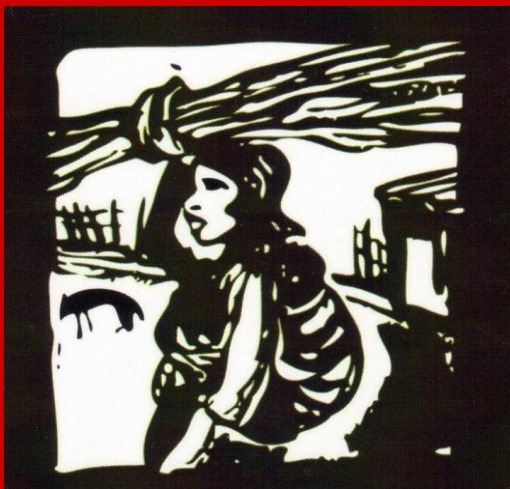


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In pursuit of the workplace-ready graduate: Using the UWC Law Clinic's WIL project to prepare final-year law students for entry into legal practice*

SHÉAN JAMIE RIPPENAAR

Attorney and Lecturer, University of the Western Cape, Law Clinic, Bellville, South Africa

<https://orcid.org/0009-0001-4323-4769>

ABSTRACT

A recent call in the legal profession in South Africa for universities to produce a greater number work-ready graduates, has seen many law faculties, whose focus is on research and academic teaching, asking how this is to be achieved. The University of the Western Cape (UWC) Law Clinic believes it has found the answer: Workplace Integrated Learning (WIL). This involves the provision of both in-office and out-of-office WIL opportunities – in-office, in the form of a working duty period at the office, and

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out-of-office, in the form of an assignment requiring students to attend court and observe practitioners and others at work. These opportunities have been used by the UWC Law Clinic to raise the skill level of final-year law students and so increase their employability. It was found that WIL opportunities provided immense value for students. This includes developing students' communication, drafting and interpersonal skills. However, while this is a means to improve the skills graduates require in the workplace, various challenges, such as higher student numbers and resource constraints, need to be overcome before WIL could see mainstream implementation in South African law schools. Thus, although WIL is a possible answer to the call made to university faculties of law by the legal profession, certain obstacles would have to be overcome before this solution could be of benefit to all.

Keywords: workplace integrated learning; legal practice; core skills; law clinic; employability; stakeholders; opportunities; challenges; implementation; improvement

1 INTRODUCTION

“The gap between university legal education and legal practice significantly contributes to the view that most law graduates are substantially underprepared for entry into legal practice.”¹

As the above quote suggests, a challenge facing many law graduates is that after completing their studies and tertiary education, they have no experience in working in legal practice, as they have never spent time in legal practice or developing and exercising the skills required for a career in it. The reason is that the current LLB curriculum at many South African universities is focused on the transfer of academic knowledge. While for many years this was the accepted *modus operandi*, recently regulatory bodies such as the Legal Practice Council, along with numerous law firms, have called for universities to deliver more well-rounded graduates for entry into the legal profession.²

In commenting on this call, Govender and Wait state that while “employers,³ demand that higher educational institutions should provide a strong knowledge base to their graduates, employers are especially concerned if these graduates are not equipped to apply that knowledge at work.”⁴ Some have gone a step further and argued that “the entire way in which legal services are delivered will be radically transformed”,⁵ and

¹ Welgemoed M & Erasmus D “The importance of graduate attributes in preparing law students for legal practice” (2023) 44(4) *Obiter* 709.

² See Mojapelo P “Transformation, independence and poor ‘products’ of the LLB” (1 December 2012) *De Rebus* available at <https://www.derebus.org.za/transformation-independence-poor-products-llb/> (accessed 3 July 2024).

³ “Employers” in this context include the potential employers of law graduates.

⁴ Govender C & Wait M “Work integrated learning benefits for student career prospects – mixed mode analysis” (2017) 31 *South African Journal of Higher Education* 49.

⁵ Armour J, Parnham P & Sako M “Augmented lawyering” (2022) 1 *University of Illinois Law Review* 71.

hence law firms are requiring more from universities in order to keep up with this transformation.

Therefore, in 2024 and going forward, employers seek to employ graduates who possess a diverse skill set that includes, among other things, people skills, commercial and social media awareness, and the technical skills required of the relevant profession. Employers also seek graduates who can take the lead on projects and give attention to detail.⁶ Thus, one could argue that, in modern-day South Africa, employers seek graduates who possess not only academic knowledge but also the practical skills required to enter, operate in, and thrive in the workplace. As Govender and Wait state, “classroom-based instruction alone does not produce future-fit graduates”.⁷

This shift in what employers are looking for in law graduates, has presented a challenge to universities, whose primary focus is research, teaching and learning. Universities are now being asked to expand on their historic and existing *modus operandi* to create and implement programmes aimed at equipping students with the skills required by the modern legal profession.⁸ Universities are therefore now asked to produce graduates who, along with sufficient academic knowledge, also possess the necessary skills required for their chosen field. As Welgemoed and Erasmus observe, “an improvement in the training of law students, as far as preparing them for entry into legal practice is [concerned, is] now necessary”.⁹

This shift has led various faculties of law to ask how it is to be accomplished. The University of the Western Cape (UWC) Law Clinic believes it has the answer: Workplace Integrated Learning (WIL). Govender and Wait state that WIL, if used, implemented and supervised correctly, could “improve students’ work readiness and their ability to transfer theoretical knowledge into the practical implementation”.¹⁰

In this article, I explore what WIL is, set out the benefits thereof for law students, and make recommendations as to how WIL could be used to equip law students for the contemporary workplace. To this end, the article discusses and analyses WIL methods currently used by the UWC Law Clinic in the training of final-year law students, as well as methods that are planned to be used in the future. The article sets out the benefits of using WIL, as observed by the UWC Law Clinic, and also notes the challenges encountered in providing WIL opportunities.

⁶ Rowland O “The top skills you need to be a solicitor” (5 February 2024) *Targetjobs* available at <https://targetjobs.co.uk/careers-advice/law/top-skills-you-need-be-solicitor> (accessed 24 June 2022).

⁷ Govender & Wait (2017).

⁸ See Mesumini J, Thaba-Nkadimene KL, Mzindle D, et al. “Work-integrated learning experiences of South African technical and vocational education and training lecturers” (2023) available at https://www.ijwil.org/files/IJWIL_24_1_83_97.pdf (accessed 27 January 2025). The authors note at 83 that “lecturers lack the requisite knowledge, practical skills and experiences to provide learning experiences that equip students with the required attributes [to flourish in the modern workplace]”.

⁹ Welgemoed & Erasmus (2023).

¹⁰ Govender & Wait (2017).

2 WHAT IS WORKPLACE-INTEGRATED LEARNING?

Workplace-integrated learning is a structured educational strategy aimed at integrating classroom studies with practical work. According to Maseko, WIL is an umbrella term for describing practices across a range of academic disciplines that integrate formal learning with workplace concerns.¹¹ Shirley et al. describe WIL as:

*[a] structured educational strategy aimed at integrating classroom studies with learning through productive work experiences in a field related to a student's academic or career goals. WIL is further described as a partnership among students, educational institutions and employers, with specified responsibilities for each party.*¹²

WIL entails programmes or courses that link university students to a workplace related to their field of study and provide them with an opportunity to work in that workplace. In using WIL, students can engage with potential employers and broaden their perspective on their chosen profession while interacting with and learning from persons who are doing what they themselves intend to do on a day-to-day basis in the future.¹³ WIL, in the context of the legal profession, can be seen as providing law students with an opportunity to gain the practical skills required for a career in legal practice by enabling them to acquire work experience through a structured or an unstructured programme.

The importance of WIL for law students is that it is widely accepted that in the legal profession students learn from such an experience and are to apply theory in practice and develop in-demand transferable skills.¹⁴ WIL, as explained below, can either operate within the structure of a specific university and take place on the campus, or be conducted as a programme, where, in partnership with a law firm, government department or court, the student is based off-campus.

3 THE SOUTH AFRICAN AND INTERNATIONAL PERSPECTIVE

Before an argument can be made about the value of WIL for a law graduate, an investigation must be conducted to determine whether WIL occupies a place in the South African teaching paradigm. In 2007, the promulgation of the new Higher Education Qualifications Framework (HEQF) introduced the term "Work Integrated

¹¹ Maseko LA "A review of work integrated learning in South African mining engineering universities" (2018) 118(12) *The Journal of the Southern African Institute of Mining and Metallurgy* 1315 at 1316.

¹² Shirley M, Davies I, Cockburn T & Carver T "The challenge of providing work-integrated learning for students – the QUT experience" (2006) 10 *Journal of Clinical Legal Education* 134 at 135.

¹³ Faro T "What is the purpose of Work Integrated Learning (WIL)?" (29 November 2021) *Careers Portal* available at <https://www.careersportal.co.za/education/what-is-the-purpose-of-work-integrated-learning-wil> (accessed 4 July 2022).

¹⁴ Lawrie J "The benefits of legal work integrated learning" *QUT: The University for the Real World* available at <https://www.qut.edu.au/insights/law/the-benefits-of-legal-work-integrated-learning> (accessed 9 October 2024).

Learning” in a Department of Education document for the first time.¹⁵ The HEQF provides that:

*[w]here Work Integrated Learning (WIL) is a structured part of a qualification, the volume of learning should be appropriate to the purpose of the qualification and to the cognitive demands of the learning outcome and assessment criteria contained in the appropriate level descriptors. It is the responsibility of the institutions, which offer programmes requiring WIL credits to place students into WIL programmes.*¹⁶

The above illustrates that, at a national level, the South African government acknowledges WIL and further recognises that academic teaching needs to be paired with practical experience. In addition, the importance of WIL was also acknowledged by the then Higher Education Minister, Dr Blade Nzimande, who, in 2011, in an address to the KwaZulu-Natal Intercluster Forum, recognised that every workplace can be a training space; that his department would be increasing learnerships at all levels of government; and that all state-owned enterprises were expected to do the same.¹⁷ Dr Nzimande again expressed the national government’s support of WIL in 2022 when he acknowledged the need to significantly expand the participation of young people in skills development programmes and workplace-based learning opportunities.¹⁸

The government has programmes in place to support WIL. However, the HEQF places the duty of providing WIL on institutions of higher learning, as it provides that “it is the responsibility of institutions which offer programmes requiring WIL credits to place students into WIL programmes”. Lewis et al, note that here the HEQF, for the first time, requires higher education institutions to place students in the workplace.¹⁹ Such programmes must be appropriately structured, properly supervised, and assessed.²⁰

In its acknowledgment and support of WIL, the South African national government has followed a similar approach taken by Australia, which has also recognised the need to develop career-ready students who can compete in the ever-changing global economy and the role that WIL can play in achieving this. In this regard, universities in Australia

¹⁵ Higher Education Qualifications Framework (GN 928, GG 30353, 5 October 2007) available at [https://www.dhet.gov.za/Policy%20and%20Development%20Support/The%20High%20Education%20Qualifications%20Framework%20\(HEQF\).pdf](https://www.dhet.gov.za/Policy%20and%20Development%20Support/The%20High%20Education%20Qualifications%20Framework%20(HEQF).pdf) 5 (accessed 24 February 2024).

¹⁶ Higher Education Qualifications Framework, Higher Education Act 101 (GN 1655, GG 18515, 19 December 1997) 9 available at https://www.gov.za/sites/default/files/gcis_document/201409/a101-97.pdf (accessed 24 February 2024).

¹⁷ South African Government (2011) “Every workplace a training space: Minister of Higher Education and Training Blade Nzimande address to the KwaZulu-Natal Intercluster Forum” available at <https://www.gov.za/news/speeches/every-workplace-training-space-minister-higher-education-and-training-blade-nzimande> (accessed 29 June 2022).

¹⁸ South African Government (2011).

¹⁹ Lewis M, Holtzhausen N and Taylor S “The dilemma of Work-Integrated Learning (WIL) in South African Higher Education – the case of Town and Regional Planning at the University of Johannesburg” (2010) 57 *Town and Regional Planning* 25 at 26.

²⁰ Higher Education Qualifications Framework (2007) at 7.

are strengthening partnerships between themselves and employers to facilitate deeper connections between them in order to promote the benefits of WIL for all stakeholders, especially students.²¹

The importance of WIL for law students has been recognised too in the United States of America (USA). Universities throughout the USA believe that gaining practical work experience in a law school will help a student build and hone the expertise required to thrive in legal practice – key skills include communication, decision-making, and critical thinking.²² As a result, leading law schools, such as the School of Law at the University of Miami, offer their students a plethora of training opportunities outside of the classroom that are focused on helping them gain hands-on work experience. These include moot-court and trial-skills programmes and “The Clinic Experience”.²³ Similarly, Duke University’s School of Law offers a clinical programme that offers students a structured opportunity to build their own experiential bridge between the classroom and practice.²⁴ It is therefore clear that WIL has been recognised in South Africa as well as the wider world as a tool that can be used to merge the realms of academia and the workplace and in so doing prepare graduates to enter the workplace.

4 HOW THE CLINIC USES WIL TO TRAIN FINAL-YEAR LAW STUDENTS

As explained above, WIL, in the context of the legal profession, can be used to equip law students with the skills necessary to enable them to successfully enter and thrive in any form of legal practice. Van Der Merwe notes that the potential benefit of using the work-based learning approach is that it enables students to experience authentic learning, with all its associated advantages.²⁵ There are various methods for conducting WIL, such as workplace placements, internships, field work, job shadowing, and cooperative education. Von Treuer *et al* further indicate that these methods involve an interplay between workplace experience and formal learning.²⁶ With Van Der Merwe’s statement cited above as its foundation, the UWC Law Clinic has over the last two years²⁷ modified its presentation of clinical legal education to include more WIL. The clinic is registered with the Legal Practice Council and is part of the Faculty of Law of UWC).

²¹ Universities Australia “Work-integrated learning in universities: Final report” (10 April 2019) *APO Analysis & Policy Observatory* available at <https://apo.org.au/node/242371> (accessed 29 June 2022).

²² Miami Law “The value of work experience for law students” (12 February 2019) *Study International* available at <https://studyinternational.com/news/the-value-of-work-experience-for-law-students/> (accessed 4 July 2022).

²³ University of Miami School of Law “Miami law clinics” available at <https://www.law.miami.edu/academics/experiential-learning/clinics/> (accessed 4 July 2022).

²⁴ Duke Law “Clinics and externships” (2022) available at <https://law.duke.edu/study/clinicaexperiential/> (accessed 4 July 2022).

²⁵ Van der Merwe S “A case study in advocating for expanded clinical legal education: The University of Stellenbosch module” (2017) 28(3) *Stellenbosch Law Review* 679 at 684.

²⁶ Von Treur K, Sturre V, Keeke C & McLeod J “An integrated model for the evaluation of work placements” (2011) 12(3) *Asia-Pacific Journal of Cooperative Education* 196.

²⁷ The two years referred to in this article are 2023 and 2024.

UWC is a South African public university. Its main campus is located in the suburb of Bellville about 21 kilometres from the centre of the City of Cape Town. The university was established in 1960 by the South African government as a university for coloured people only. Its slogan is “from hope to action through knowledge” and, in achieving this, UWC is committed to excellence in teaching, learning and research, and to nurturing the cultural diversity of South Africa. Furthermore, UWC also responds in critical and creative ways to the needs of a society in transition.²⁸ The Faculty of Law which was established in 1979 is fully committed to meeting the legal challenges of an increasingly complex and globalised world and is currently ranked in the Times Higher Education World University Rankings.²⁹

As discussed in detail below, one of the ways in which UWC it seeks to respond to the needs of a society in transition is by providing students with exposure to WIL opportunities under various models of WIL as part of the LLB curriculum. The UWC Law Clinic is one of the many clinics that have been established by law faculties in South Africa to provide free legal services to clients who cannot afford legal representation.³⁰ By offering legal assistance to marginalised and underprivileged communities, law clinics help to bridge gaps in access to justice, while for the students working at such clinics, it is opportunity for them to gain valuable skills in client interaction, legal research, case management, and courtroom practice.³¹

The UWC Law Clinic operates as a law firm run by professional attorneys who are all admitted to practise as attorneys of the High Court of South Africa. It focuses on two main projects: clinical legal education (CLE) and access to justice. In 2023 and 2024, the UWC Law Clinic used both these projects to incorporate WIL into the training of final-year law students and in doing so provided them with their entry into the world of work. The various WIL methods used by the clinic are explained below.

4.1 Clinical legal education

CLE is the mechanism of teaching law students with the aid of real-world, hands-on experience in legal clinics or similar settings. CLE therefore refers to a form of learning

²⁸ University of the Western Cape “UWC mission statement” available at <https://www.uwc.ac.za/about/uwc-at-a-glance/mission#:~:text=UWC%20is%20a%20research-led%20university%20responsive%20to%20the,sustainable%20solutions%20to%20the%20challenges%20of%20our%20time> (accessed 29 June 2022).

²⁹ Times Higher Education “World university ranking by subject: Law” (2021) available at https://www.timeshighereducation.com/world-university-rankings/2021/subject-ranking/law#!/page/0/length/25/locations/ZAF/sort_by/rank/sort_order/asc/cols/stats (accessed 29 June 2022).

³⁰ Bodenstein J (ed) *Law clinics and the clinical law movement in South Africa* Cape Town: Juta (2018) at 14.

³¹ Bodenstein (2018) at 17–18.

that aims to help students comprehend the practical application of the law.³² Du Plessis writes that it involves an intensive small-group or solo-learning experience in which each student takes responsibility for legal or law-related work for a client (real or simulated) in collaboration with a supervisor.³³ A CLE course is thus aimed at the transfer of skills from the supervisor to the student and the subsequent development of those skills under supervision. This understanding is supported by Egleston who, in describing CLE, notes that the emphasis in such courses or modules is on the application of skills to practical problems, which is achieved by having students work in a law clinic and deal with real problems in the community.³⁴ CLE programmes at universities worldwide are generally premised on the ideal of providing access to justice for the poor and marginalised.³⁵

4.1.1 Vocational training – in-office

At the UWC Law Clinic, CLE is executed through the presentation of the module Clinical Law 431 (“CLN431”). This is a full-year elective module offered to final-year law students as part of the LLB curriculum. It is presented by the attorneys employed at the UWC Law Clinic, who act both as supervising attorneys to the final-year law students and as lecturers for the module.³⁶

The module consists of two components. The first, the academic component, is presented through lectures. The purpose of the lectures is to provide students with the theoretical foundation to carry out the tasks required by the second component. The second component, the practical component, takes place as a weekly duty period. During this duty period, the students are present at the office of the UWC Law Clinic. There they work under the supervision of their supervising attorney and consult with clients, complete work related to a file or matter assigned to them,³⁷ and engage with their supervising attorneys on various aspects of the law and legal practice. It is during these periods of engagement with their supervising attorneys that the transfer of skills discussed above takes place. These skills include consultation skills as well as legal writing and drafting, skills which are then put into practice and exercised by the student when the student is working on a specific matter.

In addition to consulting with clients and working on actual litigious matters, students also complete simulated exercises. These exercises are compiled by the supervising

³² Sharma S “Clinical legal education in India – an analysis” (2024) *The Law Brigade Publishers* available at https://ajmrr.thelawbrigade.com/wp-content/uploads/sites/19/2024/02/AJMRR_Dr-Somlata-Sharma.pdf (accessed 12 July 2024).

³³ Du Plessis M “Clinical legal education: Identifying required pedagogical components” (2015) 40 *Journal of Juridical Science* 64.

³⁴ Egleston D “Clinical legal education” (1976) *The Advocate* 337.

³⁵ Bodenstein (2018) at 36.

³⁶ In CLE431, the attorneys at the UWC Law Clinic present the lectures for the module and act as the supervising attorneys for student work.

³⁷ This would be a matter where the consultation with the client took place in the previous week.

attorney and based on cases previously handled by the UWC Law Clinic. This model of WIL used by the UWC Law Clinic is similar to the one described by Egleston who states that when undertaking CLE, “students operate the model office in a manner similar to that of a private practitioner”.³⁸ Kay et al. refer to this as the “micro-placement” model, as it involves students spending short periods in the workplace while working on highly focused projects.³⁹ The model used by the UWC Law Clinic thus bridges theory and practice and provides final-year law students with an on-campus WIL experience.⁴⁰

4.1.2 Vocational training – out-of-office

The UWC Law Clinic was able to accommodate only 107 and 125 final-year law students in the CLN431 module in 2023 and 2024, respectively. However, with the number of final-year law students registered at UWC in these years exceeding these figures, the clinic was required to adapt its teaching and assessment methods in order to provide WIL opportunities for all final-year law students.

The UWC Law Clinic thus developed the module Legal Process 411 (“LPP411”), which forms part of the final-year LLB curriculum. All final-year law students at UWC not registered for CLN431 are required to take LPP 411. The objective of this module is to provide students with practical skills training to adequately prepare them for the practice of law. In LPP411, students are taught consultation and legal writing skills, matrimonial and family law, ethics, and all aspects of criminal proceedings.⁴¹ In order to ensure that the students registered for LPP411 have a WIL experience, the UWC Law Clinic created a compulsory assignment that accounts for 25 per cent of the students’ continuous assessment mark and which requires them to do the following:

- attend a local magistrates’ court;
- identify a particular court where civil matters will be heard on the day that the student attends the court;
- take a photo of the court roll for that day;
- sit in at the identified court and listen to the matters being heard on that day;
- identify one matter on the court roll which is not being postponed and write down the case number and the names of the parties;
- listen to and write a report on the proceedings that took place at court in the matter, with the report noting the following:

³⁸ Egleston (1976).

³⁹ Kay J, et al. “Innovative models of work-integrated learning: Features, enablers and challenges” (2018) Refereed proceedings of the 3rd International Research Symposium on cooperative and work-integrated education, Stuttgart, Germany 95 at 98.

⁴⁰ Sunnemark L, et al. “Bridging theory and practice through Work-Integrated Learning (WIL): Critical perspectives on conceptualisations of WIL at a university in Sweden” (2023) 65(4) *Critical Studies in Education* 8.

⁴¹ The content of LPP411 is presented in lectures by attorneys employed at the UWC Law Clinic.

- parties involved in the matter;
- issues in dispute in the matter;
- issues that have been settled in the matter (if applicable); and
- submissions or arguments made by the legal practitioner appearing in the matter.

In addition to the tasks set out above, students are required to interview the registrar or clerk of the court. The questions posed differ from year to year, are founded in the Law of Civil Procedure, and are related to the application of the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa. The rationale for requiring students to do this assignment is that it is an opportunity for those students not registered for CLN431 to engage in WIL – albeit in an off-campus environment.

Moreover, in completing this assignment, students are engaging in observational learning. Observational learning is defined as the process of learning by watching others and considering their actions. In employing this form of learning, students are perceiving behaviour, acquiring skills, and determining how best to employ their observations in their own lives.⁴² Additionally, in using observational learning, they are engaging in the four pillars of observational learning: Attention, Retention, Reproduction and Motivation.⁴³ Students engage in the Attention pillar by having to sit in at court and listen to the submissions made by the legal practitioners. They engage too in the Retention and Reproduction pillars, as they are required to listen to, and then write a report on, the proceedings in court. Finally, they engage in the Motivation pillar as they are observing the skills which they will one day need to use in their own careers. As the assignment takes place at a court with the assistance of the magistrates and court staff, the WIL model employed by the UWC Law Clinic here is the Hackathon or Event model. This model is described by Kay et al. as involving students working on once-off intensive activities in conjunction with industry partners.⁴⁴

4.2 Outreach

The clinic also conducts its Street Law Programme as a way to provide law students with more WIL opportunities. The Street Law Programme, launched in 2009, is a voluntary outreach programme aimed at providing access to justice and education on human rights to people of all levels of education. It has two main points of focus: educating and uplifting the youth; and community service. The programme is operated in the Access to Justice project of the UWC Law Clinic and runs in association with the Students for Law and Social Justice (SLSJ) organisation. The Street Law Programme aims to achieve the following:

⁴² Mosunic C “What is observational learning? Benefits and how it works” (2024) *Calm* available at <https://www.calm.com/blog/observational-learning> (accessed 18 July 2024).

⁴³ Mosunic (2024).

⁴⁴ Kay, et al. (2018).

- promote social conscientiousness and responsibility among law students and graduates by giving back to their communities;
- promote awareness about the Constitution and human rights in schools, places of safety, and communities;
- empower communities, law students and school learners through education on various aspects of the law;
- provide continuous training to law students to equip them with the skills necessary to present participatory workshops to school learners and members of the broader community;
- gain a better understanding of the law practically and within its social context; and
- develop and refine students' legal and organisational skills by designing and presenting lessons, programmes, workshops and other educational activities to give effect to the above.

The Street Law Programme is therefore an out-of-office WIL opportunity for students, as taking part in the workshops and advice days gives them the opportunity to engage in community service and have contact with real-life clients. Cassim and Mahomed write that the Legal Practice Council recommended that community service be carried out not only by legal practitioners and candidate legal practitioners but also by law students and that South African law faculties should ensure that they expose law students to community service during their studies.⁴⁵

The Street Law Programme is a voluntary programme and available to second-, third- and final-year law students. Students taking part are divided into groups and, after receiving training and time to prepare, are required to present lessons in high schools,⁴⁶ where learners are taught about the Constitution, human rights, democracy and the law in general. These lessons are the main activities of the programme. The Street Law Programme also conducts advice days which students can take part in. These advice days take place at various community advice offices that are affiliated with the UWC Law Clinic. At the advice days, students consult with clients under the supervision of a practising attorney. Therefore, although mainly focused on community engagement, through the Street Law Programme students can engage with live clients in a structured manner on various aspects of the law.

The Street Law Programme thus provides law students with an opportunity to develop their soft skills⁴⁷ as well as research skills. According to Cassim and Mahomed, the

⁴⁵ Cassim R & Mahomed S "Street law programmes: The benefit of community service for law students is a two-way street" (2020) *De Rebus* available at <https://www.derebus.org.za/street-law-programmes-the-benefit-of-community-service-for-law-students-is-a-two-way-street/> (accessed 16 July 2024).

⁴⁶ These lessons are presented by the students at the school itself. The selected schools are usually located in lower-income communities.

⁴⁷ "Soft skills" in the context of this article are a set of personal attributes and abilities that allow individuals to interact effectively with others in a professional setting. See Danao M & Main K "11

structure of the training in WIL should encourage students to develop their listening skills, note-taking skills, presentation skills and research skills; this also encourages teamwork, and teaches students how to support each other and work with different people to achieve a common goal.⁴⁸ So, while participation in the Street Law Programme does not lead to direct involvement in legal practice, participation in the programme and the WIL opportunities presented through the programme develop the soft skills of junior law students, which will enable them to have a successful career in law.

5 BENEFITS OF WIL FOR LAW STUDENTS

5.1 VOCATIONAL 'IN-OFFICE' WIL

Govender and Wait note that the benefits of WIL include the creation of future-fit graduates who are ready for the workplace.⁴⁹ In the presentation of the above programmes, the UWC Law Clinic observed that WIL led to significant improvements in both the communication and interpersonal skills of students as well as the development of the core skills required to be successful in the legal profession. The most improved core skills were the abilities of students to write and comprehend at a high level, to speak in public, and to maintain composure in high-pressure environments. The clinic also notes that while taking part in WIL, students, in their consultations with clients and while working on a matter, gain confidence from being able to identify various theoretical concepts that they have been taught in class. Govender and Wait support this observation and note that one of the positive effects of WIL is the identification by students of concepts taught in class and being required to put theoretical knowledge into practice.⁵⁰

Brayne et al. submit, however, that CLE, in particular real-client work, is by definition unpredictable. The client often does not come with a formulated legal problem, and in a majority of consultations with clients, students encounter a matter where the facts presented by the client are vague or where further investigation needs to be done for the picture to be complete. What the student encounters is a tangled web of issues from which a legal problem may be distilled.⁵¹ Students thus learn that in legal practice, the solution to a client's issue is often not simply the concise black-and-white application of the law but rather a matter of compromise and willingness to settle when it is best to do so. Therefore, another benefit of WIL is that students learn this while still at university and are able to navigate finding practicable solutions under the supervision of their supervising attorney.

essential soft skills in 2024 (with examples)" (28 April 2024) *Forbes* available at <https://www.forbes.com/advisor/business/soft-skills-examples/> (accessed 16 July 2024).

⁴⁸ Cassim & Mahomed (2020).

⁴⁹ Govender & Wait (2017).

⁵⁰ Govender & Wait (2017).

⁵¹ Brayne H, Duncan N & Grimes R *Clinical legal education – Active learning in your law school* 1st ed Ashland, Oregon: Blackstone Press (1998).

Another benefit seen by the UWC Law Clinic is that, by participating in WIL, students learn the attention to detail and accuracy which is needed for meeting professional legal standards, especially when drafting. A further observation is that by consulting with clients during their duty period, students develop the ability to think on their feet while remaining calm and emotionally in control. Moreover, the knowledge that they are working under the supervision of their supervising attorney provides them with the freedom to develop their core skills with the reassurance that their supervising attorney is there to guide them and correct mistakes. This approach is supported by Brayne et al., who note that “the advantage of this approach is apparent as by working side-by-side with their supervising attorney, students are able to maximise the learning experience through this close participation”.⁵²

5.2 Vocational ‘out-of-office’ WIL

As stated above, both the “in-office” and “out-of-office” models of WIL play a role in the preparation of law students for the workplace. The benefits which the out-of-office WIL model are palpable as it creates an opportunity for students which it develops their communication skills in that they are required to, for example, engage with staff at the relevant court. In addition, it gives students the opportunity to observe the theory which they have been taught be applied in practice, while being in the particular environment heightens the student’s awareness of workplace culture.⁵³ Another benefit of WIL is that it provides a student with a “foot in the door” and with access to a company or law firm and its decision-makers.

Therefore, both methods of WIL used by the UWC Law Clinic are essential and have provided significant and observable benefits for final-year law students. As Bodenstein et al. have noted, “it is clear from the literature that there is no single method of CLE”.⁵⁴

6 CHALLENGES FOR LAW SCHOOLS IN IMPLEMENTING WIL

Wasserman notes that in South Africa’s diverse educational as well as social and political landscape, the LLB degree holds a unique position and is much sought-after.⁵⁵ However, this has led to an ever-increasing number of LLB graduates in the job pool who are looking to secure positions as candidate attorneys, while the available space for these graduates is not expanding at the same rate.⁵⁶ As such, the first challenge in implementing WIL programmes is that the number of law students currently registered

⁵² Brayne, et al. (1998).

⁵³ Govender & Wait (2017).

⁵⁴ Bodenstein J, et al. *Clinical law in South Africa* 1st ed Durban: LexisNexis (2004) at 92.

⁵⁵ Wasserman M “The demand for a Bachelor of Laws (LLB) degree in South Africa” (7 July 2023) *Regenesys* available at <https://www.regenesys.net/reginsights/the-demand-for-a-bachelor-of-laws-llb-degree-in-south-africa> (accessed 22 July 2024).

⁵⁶ Pierpoint K “South African law students to become candidate attorneys?” (2020) available at <https://www.linkedin.com/pulse/enough-space-south-african-law-students-become-kyle-pierpoint#:~:text=In%202017%20there%20was%20a,and%20University%20of%20the%20Witwatersrand> (accessed 22 July 2024).

and requiring WIL opportunities far exceeds the WIL opportunities available. Businesstech reports that South Africa is expected to generate almost two million jobs by 2030 but that this is not nearly enough to absorb the number of people coming into the workforce.⁵⁷ Furthermore, in relation to the legal profession, Nijland states that South Africa's high unemployment rate, tough economic climate, and high annual number of LLB graduates means there will be fewer opportunities for law firms to appoint candidate attorneys, given that "the industry is set up in such a way that there are simply not enough positions available".⁵⁸

This means that the limited number of WIL opportunities currently available and the high number of law students is an obstacle which must be overcome before WIL can be mainstreamed in South African law schools. This submission is supported by Shirley et al. who, in commenting on the challenge of providing WIL for law students, note that "the size of the student cohort will impact the universities' ability to create an enriching workplace experience for students".⁵⁹

In addition, Jackson et al. note that significant costs are associated with implementing quality WIL programmes, costs which include monitoring the quality of work undertaken, liaising with university partners, and mentoring and supervising students.⁶⁰ Thus, a second challenge in implementing WIL programmes relates to resource constraints and capacity issues. As Bodenstein et al. note, "the lack of sufficient funding and resources is arguably the most significant challenge faced by CLE."⁶¹ As indicated above, the UWC Law Clinic currently has the capacity to accommodate only about 120 final-year law students in the CLN431 module. In CLN431, the ratio of supervising attorney to students is 1:25, whereas Bodenstein et al. noted that the ideal ratio in CLE should be between 1:7 and 1:12.⁶² Accordingly, resource constraints and capacity issues, which include the willingness of strategic partners to assist and the availability of sufficient resources to allocate to mentors and supervising attorneys, remain a significant challenge in implementing WIL.⁶³

⁵⁷ Businesstech "South Africa's unemployment rate is heading to 40%" (29 April 2022) *Businesstech* available at <https://businesstech.co.za/news/business/581710/south-africas-unemployment-rate-is-heading-to-40/> (accessed 7 July 2022).

⁵⁸ Nijland M "LLB graduates have a mountain to climb to qualify as lawyers" (15 September 2021) *Wits Vuvuzela* available at <https://witsvuvuzela.com/2021/09/15/llb-graduates-have-mountain-to-climb-to-qualify-as-lawyers/#:~:text=South%20Africa's%20high%20unemployment%20rate,positions%20available%2C%E2%80%9D%20he%20says> (accessed 7 July 2022).

⁵⁹ Shirley, et al. (2006) at 135.

⁶⁰ Jackson D, Rowbottom D, Ferns S & McLaren D "Employer understanding of work-integrated learning and the challenges of engaging in work placement opportunities" (2017) 39(1) *Studies in Continuing Education* 35 at 40.

⁶¹ Bodenstein (2018) at 72.

⁶² Bodenstein (2018) at 70.

⁶³ Jackson, et al. (2017) at 38.

While the push for WIL is apparent, many, including Naidu, acknowledge that the training of law students starts in the classroom theoretically and then extends into an external environment.⁶⁴ Therefore, a third challenge facing a law faculty wanting to implement a WIL programme that will benefit all its students is getting buy-in from stakeholders. These include law firms, bar councils, the Department of Justice, and the various courts.

Moreover, in dealing with stakeholders in implementing WIL, the UWC Law Clinic has encountered a misalignment in expectations from universities and stakeholders as a challenge facing WIL. As WIL requires input from all stakeholders, a solution⁶⁵ to this problem must be found. The clinic has found that engagement with stakeholders helps address the misalignment in expectations. As of 2024, the second year of requiring students to attend court to complete their assignment, the students faced fewer obstacles in gaining access to the court and court officials, as the court staff knew why the students were there and what the assignment was about. In addition, the attorney responsible for the above assignment informed the staff at courts near campus in advance that the students would be attending court and why they would be doing so.

WIL also presents problems for students, including transportation costs, additional expenses incurred in attempting to meet workplace dress standards, and limited opportunities to obtain experience in particular areas of interest. From the employer's perspective, potential drawbacks include difficulties in managing relationships with students, giving appropriate feedback, finding physical space for students placed in the organisation, and the pressure of having to supervise the student in an already busy schedule. From the university's perspective, potential drawbacks include logistical difficulties in finding placements, a lack of staff with the necessary practical experience to coordinate the programme effectively, and lack of career-development opportunities for academic staff members involved in such programmes, as these programmes are distinct from research-based opportunities.⁶⁶

7 HOW THE UWC LAW CLINIC INTENDS TO USE WIL IN FUTURE

In a significant development, Acting Western Cape Judge President Goliath sent a memorandum to stakeholders in the legal profession on 28 May 2024 and announced the introduction of a helpdesk at the Western Cape High Court.⁶⁷ The memorandum states that "two Helpdesk computers" have been introduced at the general office (Room

⁶⁴ Naidu E "Work-integrated learning to help with graduate unemployment" (14 April 2022) *University World News* available at <https://www.universityworldnews.com/post.php?story=20220412102705795> (accessed 24 June 2022).

⁶⁵ Choy S & Delahaye B "Partnerships between universities and workplaces: Some challenges for work integrated learning" (2011) 33(2) *Studies in Continuing Education* 157 at 161.

⁶⁶ Shirley, et al. (2006) at 137.

⁶⁷ Goliath AJP "Helpdesk for the legal profession at the Western Cape High Court" (June 2024) available at <https://lpc.org.za/wp-content/uploads/2024/06/MEMORANDUM-HELPDESK-FOR-THE-LEGAL-PROFESSION-AT-WCHC.pdf> (accessed 28 May 2024).

1) at the Western Cape High Court to help candidate attorneys and messengers ascertain the status of a particular matter and to decrease the time spent at court waiting for a file. This is achieved by allowing access to court registers loaded on the helpdesk computers, making it possible for practitioners to easily and expeditiously ascertain the status of a particular file and determine where the court file is likely to be located.⁶⁸

This has prompted the UWC Law Clinic to modify its method of training final-year law students so as to enable graduates to make the most of this new resource for the benefit of their clients. This will be done with the introduction of a UWC Law Clinic site on UWC's SharePoint platform. The development of the site is also in response to the need for the clinic to have a centralised platform to manage cases and documents. The site will enable a folder to be created for each matter and each student. The supervisor and the student will then have access to the folder for a relevant matter, and through the site the student will be able to upload work completed on the matter, which the supervisor will then, through the site, be able to edit and provide feedback and guidance to the student.

The site, which will be introduced in 2025, will facilitate a seamless collaboration between students and their supervising attorney while a matter is being worked on. Therefore, while each person working on the relevant matter will have the benefit of operating independently, the granting and limiting of who can access which documents on the site will ensure that the necessary level of security is upheld and that attorney-client confidentiality is maintained. To date, a pilot site has been developed and tested, and staff training on the user interface and operation of the site has been conducted.

8 CONCLUSION

WIL enables students to, while still at university, to experience their future work context and develop generic professional skills that positively influence their employability.⁶⁹ In using the potential of WIL as a base, combined with the recent recognition of the benefits of WIL by government and professional bodies. As well as universities now being required to provide graduates with diverse skills and experiences, the UWC Law Clinic in 2023 and 2024 embarked on a project aimed at using WIL to raise the core skills of final-year law students. The rationale for this was to provide a high level of legal-practice-related training for students to ensure a higher level of employability for the student.

The first two years of the WIL project have revealed that WIL adds critical value to the student university experience and can be used to bridge the gap between universities and the working world. In addition, WIL provides students with an opportunity, while in

⁶⁸ Goliath (2024).

⁶⁹ Winborg J & Hagg G "The role of work-integrated learning in preparing students for a corporate entrepreneurial career" (17 January 2022) *Emerald Insight* at <https://www.emerald.com/insight/content/doi/10.1108/ET-05-2021-0196/full/html#:~:text=Work%2Dintegrated%20learning%20enables%20students,et%20al.%2C%202008> (accessed 29 July 2024).

a controlled university environment, to learn and, through practice, develop the core skills⁷⁰ they will be required to execute at a high level in the workplace. The development of these skills also contributes to building the confidence of students and develops their maturity. This in turn increases their employability, as students who have taken part in WIL can contribute and be fully productive much sooner than others after the completion of their studies.⁷¹

However, as discussed above, there are still challenges in the implementation of WIL that limit the number of law students who are able to take part in it. As the research project of the UWC Law Clinic has shown, these challenges will continue into the near future despite the acknowledgment around the world of WIL's importance. The challenges identified thus place a duty on law faculties to be innovative in how they present WIL, as the results achieved by the UWC Law Clinic show that the benefits of WIL far outweigh the current and future costs of overcoming these challenges. As the ESPN analyst Mina Kimes always says, it is better for the floor level of your skills to be higher than for your ceiling to be higher,⁷² and it is by raising base level skills at university that the gap between legal education and legal practice will become smaller.

⁷⁰ Core skills are reading, writing and speaking skills.

⁷¹ Lewis, et al. (2010).

⁷² The Bill Simons Podcast "Daniels Vs. Maye and Caitlin Vs. Everybody with Mina Kimes. Plus, a WrestleMania 40 Mega-Preview with Ariel Helwani and David Shoemaker" (3 April 2024) *Happyscribe* available at <https://www.happyscribe.com/public/the-bill-simmons-podcast/daniels-vs-maye-and-caitlin-vs-everybody-with-mina-kimes-plus-a-wrestlemania-40-mega-preview-with-ariel-helwani-and-david-shoemaker> (accessed 7 November 2024).

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