

STRATEGIC MANAGEMENT AND IMPLEMENTATION OF LEGAL EDUCATION IN INDIA—A PERSPECTIVE

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Abstract

The emerging trends in science, technology and the rapidly shifting terrain of globalization of businesses and the ensuing legal provisions necessitate the legal fraternity to understand and adapt to the consequences of development in science and technology and thus enforce strategic planning of legal framework on par with the international standards.

The application of managerial principles to the implementation of an international business model for legal and para-legal services is an incentivized and highly emerging area of management and law that needs to be understood, pursued and strategically structured.

The paper focuses on the law reforms that have contributed significantly to the strengthening of legislative processes in supporting constitutionalism, rule of law and democratic governance and the challenges which the legal education reform process encounter and the proposed mitigation strategies specifically those applicable to the legal education system in India.

The paper is an attempt to create awareness on the requirement for strategic quality management in the legal arena, that can be considered as a service industry from the functional view point.

Introduction

In the global economy, the legal fraternity in general and the Indian legal institution in specific must enhance their capacity for development in presentation, communication and technology besides promoting innovation, thereby, enabling the continuous creation of additional value for clients, lawyers and judges.

The Indian judiciary, in a nutshell, is in need for a strategic and quality enhancement of its resources to foster a sense of reality and trust in the institution and create awareness of its importance to the public at large and the institution in specific. For that reason, introduction of various aspects that include:

- Awareness on the importance of justice with focused emphasis on legal education and awareness.

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- Creation of viable and quality resources for enhancing the skills of the judicial components (the students of law, the lawyers & advocates, the solicitors, the drafters and the judges).
- Management of the databases for faster retrieval and documentation.
- Development of innovative technologies by utilizing the results of advances in technologies in the most productive manner to facilitate faster judgments.
- Creation of an environment for competitive trends in creation of new products and services.
- The management of legal technology and innovative trends that aim to maximize the cost-effectiveness of investments in technology development and ultimately contribute to the legal enterprise value.
- Strategic IP Value Creation.
- Strategic Licensing & Technology Commercialization.
- Strategic IP Enforcement.
- IP Acquisition & Inbound Licensing.
- Strategic Marketing of Ideas, Brands & Capabilities.
- Strategic quality analysis using a balanced scorecard.

Understanding Constitutionalism, Rule Of Law & Democratic Governance

Every democratic government draws its legitimacy from its constitution. National constitutions set the tone, the spirit and the framework from which all other laws and the form of government draw legitimacy. Constitutions guide the nature and type of political and legal systems which national governments embrace in any democratic order. They lay out fundamental principles such as constitutional principles relating to the legal and political authority to govern, the powers to govern and limitations on such powers, conditions for the exercise of the authority to govern, the protection of fundamental rights and freedoms and their limitations and the need to uphold constitutional principles and the rule of law. Further, the fundamental principles relate to policy and legislative measures which the State must adopt and implement in order to promote the welfare and development of the people. In order for the State to implement the policy and legislative measures, the three organs of the State namely, the Executive, the legislature and the Judiciary must exercise their respective constitutional mandates independently while adhering to principles of democratic governance that include transparency, accountability and rule of law. Therefore, it follows that the notion of constitutionalism embodies various facets of democratic principles, which are interdependent and range from transparency, accountability, rule of law, respect for human rights, all which lead to democratic governance.

Discussion On The Various Aspects Of Strategic Creation Of Quality In Legal Management

The awareness of the importance of justice and environmental justice in particular can be created by drawing upon the realms of academic investigation, government and public policy, sociology, healthcare and the philosophy to unite environmental awareness with the quest for social justice. Generation of a sense of responsibility to promote awareness and fairness when dealing with issues of environmental quality, social justice, technological innovations and their utility, legal implications in and justice in less treaded areas of human rights, consumer awareness, tribunals and international laws and procedures can be facilitated by innovative and strategic legal management by creating forums and workshops on these crucial areas of immense ignorance yet importance.

Some of the areas where the need for awareness is rampant and there are many issues, dilemmas and undiscovered areas include environmental racism and civil rights i.e. the targeting of certain communities for undesirable land use, from environmental equity characterized by a complexity of cultural norms, rules, regulations, behaviours, values, policies, and decisions leading to the promotion of sustainable communities and the realization of high potentials, or contribute to the degradation of environments by impeding communities from enjoying quality social, political, and environmental health.

Emphasizing the importance of promoting an understanding of the central issues of race, income, intent, pollution control versus prevention, positivism and participatory research, and top-down versus bottom-up perspectives of investigation, public awareness, understanding of environmental issues and concerns, comprehension of the various Intellectual property laws and constitutional provisions.

Many conferences over the years have contributed to the organization and dissemination of information vital to the growth of the environmental justice movement but the awareness of information related to such educational and informative content are crucial to the strategic management of legal resources thereby providing quality legal information.

Creation of a good and effective legal suggestion system and implementation of the key areas that are highlighted to promote and improve in their services induce the confidence and boost the morale of the legal fraternity. Unprejudiced implementation of ideas and security for the position and financial stability are the key areas which need emphasis in the Indian legal system as these are very sensitive and challenging aspects the mar the systematic and effective functioning of the legal system. Effective and quality human resource management is another application aspect of effective quality legal management.

Quality In Strategic Legal Management

The different aspects of strategic quality management that need to be thoroughly understood and applied to create an effectively efficient quality legal

management system include financial strategy, basic business strategy, research strategy, and most importantly a wage system based on ability. A quality feedback system with a creation of an understanding and awareness of the overall direction of the legal organization in particular and the legal system in specific, as there is nothing general about a judicial functionary, and the importance of reinvesting the profits of knowledge and finance to promote further growth and technological advancement is crucial to the growth of a technologically savvy judicial system.

The different steps that need to be strategically adhered to and followed include strategy formulation and strategy evaluation covering the various aspects of suitability, feasibility, acceptability by applying and analysis the various strategic management theories such as the Growth and portfolio theory the marketing revolution theory, the Japanese challenge, competitive advantage theory, the concepts on strategic change and information, technology and knowledge driven strategies.

Therefore, legal strategic management is an ongoing process that evaluates and controls the clients and the judicial system in which the legal process is involved. It assesses its international competitors and sets goals and strategies to meet all existing and potential competitors in terms of quality and time efficiency and then reassesses each strategy annually or quarterly [i.e. regularly] to determine how it has been implemented and whether it has succeeded or needs replacement by a new strategy to meet changed circumstances, new technology, new competitors, a new economic environment, a new social, financial, or political environment.

Omron's Philosophy Of Kyouso

Omron's philosophy is "Let machines do what machines can do and humans should enjoy the activities in more creative field."

In one word, "automation" is the value that has been ever-present in our minds as we have contributed to society since the foundation of Omron. Globally, Omron strives to achieve "*Kyouso*" (collaborative innovation), whereby we work to create new and better things with other people and organizations. In this activity, we recognize the importance of "*Wa*" (harmony) with partners. With this in mind, there are two key points in conducting successful collaborative activities. The first is "open minded communication." For truly valuable output from collaboration, sharing values and visions with each other is important. The second is "finding the right partner." For the best achievement, partnering with the top people is strongly expected. In order to have the best association, we must be aware of the need to manage ourselves to raise ourselves technically and ideologically to communicate with the top people. This concept is applicable to the legal research and innovative trends and quality value creation in legal management.

Research and legal research in specific is the effort to create something that has not existed in the world before. The value of this research is shared with society only when its achievements are presented to society as a new beneficial product. However, researchers need to have their own "will" and "strategy" to accomplish this task. Such "will" is the sense of what each researcher can accomplish and how to match the value of that accomplishment to societal needs. No matter how deeply the researchers pursue a technology, especially in the legal perspective, if this technology does not become a commercial product, the achievement does not have any value. And the "strategy" is how each researcher overcomes a lot of hurdles and obstacles in order to achieve the will. To facilitate the development of such a mindset among each and every researcher, as an example, poster sessions have to be facilitated in the legal institutions and universities with many young lawyers periodically to discuss each researcher's "will" and "strategy" with their supervisors, colleagues, and researchers from different fields in the study of law.

A combination of the right research and the right experimental design is needed to reach effective and realistic and just conclusions. Various risk factors will have complicated interactions and result in different combinations of exposure and deliverance of justice. Actively proactive checks are an essential pre-requisite for the efficient functioning of the judiciary and any miscalculation in the legal process and product during development is bound to have disastrous results. The need for education and awareness of issues of judicial and legal quality and the rights all individuals are entitled to is one of the early steps towards strategic legal management of the resources. In today's world, there is inequality in all spheres and in all levels. Right to information and information being delivered to all is one important advancement that can be achieved through legal process that is technologically advanced, for instance through a world-wide network of legal functionaries working towards creating an awareness to the provisions of the law and international issues that affect the sustenance and quality of life. To quote Aristotle, the distinction between the absolute and relative inequality is put into practice with "equals treated equally, un-equals unequally. Relative inequality simply recognizes the differences inherent in human individuality."

Recent Trends In The Clinical Learning Of Law

The report such as the Mac Crate Report may be used by the teachers of law to fine tune the legal education and the lacunae in the area of legal education. The Report of the ABA Task Force on Law Schools and the Profession: Narrowing the Gap and its Statement of Skills and Values to help live-client clinics is a strategic application tool for enhanced legal education. The report implemented in the USA is a document that provided clinical law teachers with a new opportunity to strengthen clinical education through negotiation within the law school and with the larger legal community. The report is an effort to practical learning in the law schools adopted across the country to legal

education clubbed with clinical application of the study of law. This can be adapted in the Indian context and made mandatory by the Bar Council of India so as to provide a hands-on experience of a legal clinic and its implementation during the course of legal education.

A combination of the class room curriculum and the analytical clinical methodology which should be the prevalent theme in discussions of live-client clinics increases the accountability of the students during the course of their study. The combination of the two is important as it allows for a stringent analytical and substantive understanding of the subject area of law.

A good clinical teaching of law requires that need to develop counter-narratives, such that if the theme of the clinical narrative is insubstantial, the counter-narratives must be capable of reinforcing and explaining the concept. Therefore, a good clinical teaching of law does far more than wed knowledge of legal doctrine and legal analysis with common sense. Though expensive, the live-client clinics owing to their simulation focus may be considered as an alternative to seminars, moot courts and law reviews and may be considered as an add-on to the main course of substantive legal education

Development of multi-year strategies for clinical implementation of the live-clinics of substantive law, negotiation subjects, which is a key to litigation and the practice of law, should be implemented so as to promote a live dealing of the legal procedure during the course of study. Curriculum and hiring of legal fraternity to teach, adapt and implement the clinics is another challenge that can be easily surpassed by emphasising on the need for educational value vis-à-vis use of live client clinics and simulation courses of law.

The simulation courses of legal education such as legal research and writing, appellate advocacy, interviewing and counselling, negotiation, alternative dispute resolution, trial advocacy should be taught with the lawyering skills of problem solving, legal analysis and reasoning, legal research, factual investigation, oral and written communication skills, client counselling, negotiation, litigation and ADR procedures, organisation and management of legal work, and recognizing and resolving ethical dilemmas.

The coalitions with law schools in India formalising the need for simulation clinics as a part of the legal curriculum, integrated approach to the learning and application of law and legal studies is important to facilitate a thorough understanding of the need for a change in the strategy in the implementation of legal education.

Support should be sought from outside the education system from the Bar Examiners, Bar councils, the Bar and alma of law schools, from the legal firms and organisations to enhance the standard of legal education and its efficacy.

Conclusion

The paper concludes on a suggestive note to implement strategic changes to the legal education system and impart education in the law schools so as to have a theoretical and practical application of the laws, and most importantly a live-clinical system so as to facilitate the varied lawyering and legal principles quintessential in the understanding of the importance of the change in legal education.

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