

# Learning Disabilities of Legal Trainees- Pre-Admission Tests and Students' Performance- Case Study of ZCAS University

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## Abstract

Even though students with eidetic or photographic memories are naturally found in universities, it is not necessary that all the students be of the same super endowment. However, in the university setting, we need students who have stability in all faculties so that the learning process is maximised through constructive and interactive instruction. Issues in education can neither be divorced from the fact-value dichotomy nor from the nature-nurture imperatives that affect and determine educational outcomes. In this regard, neither can some issues escape some element of subjectivity nor others be strictly measured and assessed by

scientific strictures. The objective of this paper is to examine some of the learning disabilities among our law students at ZCAS University, and how these affect their academic performance. We settled on this topic after noting that some of our students do not perform well because of many learning disabilities which could be hidden from our view and which should have been diagnosed during the pre-admission period; and also diagnosed through pre-admission tests. Our objective was to establish some of the underlying causes of their poor performance during tests and final year examinations. In this paper, we theoretically explore learning disabilities related to mental, physical, social, emotional, and spiritual aspects of the well-being of our students. The research took the form of administering questionnaires to the relevant students through purposive sampling. With regard to the methodological approach, we adopted an exploratory approach by using descriptive, quantitative and analytical qualitative methods such as content and thematic analysis. We found out that some students came to the university not because they had academic strength and aptitude in the field of law but because they could afford to pay for the programme. We also found out that some of the students admitted to the university had poor learning styles and habits such as spending too much time online with friends. Furthermore, it came to light that some lecturers did not deliver lectures to suit the learning styles and preferences of students. Our findings were not conclusive enough as similar tests have to be carried out in future in different places to validate and corroborate our findings.

**Keywords:** legal studies, educational psychology, pedagogy, university education, learning disabilities

## 1. Introduction

In this article, we research the learning disabilities of students undertaking the law degree in our university, ZCAS University. We assume that there are underlying causes of underperformance among this set of students which could be related to learning disabilities. We kept an open mind to find out from the questionnaire responses what the outcome would inform us about whether there were other extraneous factors that affected the performance of the law students.

This article aims to unravel the causes of low performance of our law students through research by administering questionnaires to a select group of students on the law programme to provide insight into the causes of their underperformance. Even though a lot of literature abounds elsewhere in the world on research conducted in this area, there is not much research carried out in Africa in general and Zambia in particular on this topic, hence our interest in delving into it (ACTP, 1981; AHSSPPE, 1987; Adelman & Olufs, 1986). We used the case study approach because a national survey would have been too expensive for us to shoulder and also it would have been time-consuming and also not specific enough for our needs.

### *1.1 Background Information and Theoretical Preamble*

Learning disabilities and disorders are conditions which can be physical, mental, emotional, social, psychological and spiritual in nature which may lie in the fields of clinical psychology, special education, psychiatry, psychoanalysis, medicine, and Early Childhood Education

(Bursuck et al.1989; National Joint Committee on LD, 1987; Ridenour & Johnson, 1981; Prater & Minner, 1986). Learning disabilities are internal to students and are not externally located. However, external factors may act to either worsen or improve the student's performance (Kemp, 2015).



Figure 1. The Learning Process (Authors)

From Figure 4 above, we deduce that the learning process takes the path of this progression:

- *Ingestion* which is made up of sub-areas of Receiving instruction and knowledge and then Reflection
- *Processing* which is made up of Digesting information and Interpreting it
- *Output* which is made up of presenting information received and storing it to show understanding; Application of the data presented to show insight; Evaluation of data presented; Reformulation of presented data after evaluation and correction of errors; Application of reformed idea; Evaluation and Reformulation; and when over time the variables change, then there is a Paradigm shift and need to come up with an entirely new knowledge that matches the times (cf. Aubrey & Riley, 2019). Learning is therefore partly an iterative process; and partly one of trial and error, progression and regression; and finally consolidation and integration after an ‘eureka’ or ‘enlightenment’ encounter through real life experiences where knowledge is applied and verified empirically.

When we jumble up the first letters of these processes of learning that we have identified, we derive the acronym RAPID REAP.

R – Reception of instruction

A- Application of instruction

P- Processing of instruction

I Interpretation/Ingestion

D - Digestion of instruction

R- Reformulation of instruction or paraphrasing to own the knowledge

E Evaluation of Instruction

A Alteration and Adaptation of instruction to solve problems

P Presentation of instruction in modified format / Paradigm shift

(Source: Authors)

The right ordering of the learning process is therefore outlined here below:

Reception of instruction, Processing of instruction, Digestion and Decoding of instruction, Ingestion of instruction, Interpretation of instruction, Presentation of instruction, Evaluation of instruction, Alteration of instruction, Reformulation, and Paradigm shift.

It is the view of educators and psychiatrists that an adult's life is affected by what happened in the first five years of that adult's early childhood life (Sakyi, 2017a). It is within those early childhood days that the phenomena known as Oedipus and Electra (Elektra) complexes take root in the formative years of personal identity manifestation and identification with the male and female genders (cf. In Greek mythology, Electra, daughter of King Agamemnon and Clytemnestra, asks her brother, Orestes, to kill their mother and her lover (who unfortunately, unbeknown to Electra, was her brother, Oedipus, given away at birth because the Delphi Oracle had prophesied that he would kill his father. It is believed that young girls in early childhood fall in love with their fathers while the boys fall in love with their mothers. (Merriam Webster Dictionary, 1999; cf. Sigmund Freud; Carl Jung)

Learners with learning disabilities need special care and support for them to function properly in a learning environment where everyone is assumed to be normal (Adelman & Vogel, 1990; Adelman & Vogel, 1991). It takes specialists to identify or diagnose learning disorders and disabilities through prognosis before prophylaxis, therapeutics and interventions can be recommended (APA, 1972; ACT, 1987; AHSSPPE, 1986). However, every ordinary teacher can detect learning disorders and disabilities through careful observation in the classroom.

It must be noted that people inherit the genetic code of their parents and ancestors through the DNA and so certain disorders and intellectual disabilities and deficiencies could be related to some congenital malfunctioning either brought on by the use of some drugs taken by the mother during pregnancy or the type of lifestyle of the mother during the period of pre-parturition. Apart from intrinsic factors, there are also extrinsic factors which affect or influence the learning disabilities of college students, in the popular nature-nurture controversy (Anderson et al., 2007; Hughes & Smith, 1990; Gibbs & Huang, 1991)

Students with these learning disabilities sometimes feel isolated, discriminated against, and ignored. Some, with glaring signs of disabilities and disorders, may be restricted in their

movements and sometimes confined to fixed locations in infirmaries and special education centres. Some may be controlled with regard to what they wear, eat, and who to associate with. They may be denied freedom to choose things for themselves, and may be under constant scrutiny and control. However, these are extreme cases that need handling by highly-trained specialists.

Those with extreme cases may have many privileges denied them, thus they have narrow choices in life as they are controlled. Such control can lead to depression, self-pity and sometimes temper tantrums, withdrawal and anti-social behaviour (Barry et al., 1983; Becks & Sales, 2001). These negative reactive behaviours may affect their academic performance. These are extreme cases where clinical interventions are needed. In this paper, we are not so much concerned with these extreme cases which fall in the lap of medical personnel and specialists as we are with the ordinary and hidden cases. Be that as it may, suffice to state that all teachers in mainstream and speciality fields need to have some nodding acquaintance with these extreme cases.

In severe and extreme cases, students with learning disabilities may be withdrawn from mainstream academic institutions and placed in special schools where there are specialists with the relevant knowledge, equipment and resources to deal with them (Vogel & Adelman 1990; Sinclair & Alexson, 1986). As we are not experts in learning disabilities but rather interested and concerned lecturers, we will not take a clinical approach. Instead, we take the theoretical approach of discussing and analysing the issues and challenges of our law students with reference to our work in the lecture room.

We will however, take a pedestrian approach which is exploratory and fundamental in the sense that special educational needs are not much attended to in Zambia in particular and in Africa in general due to lack of resources and also lack of interest in these areas by both authorities and practitioners. Sometimes, policy makers and authorities should not be blamed for the paucity of resources such as funds, trained personnel and equipment. There is also lack of knowledge by stakeholders who should report cases and bring them to the attention of policy makers. In the 1990s, Zambia adopted progressive educational policies, some of which were dubbed '*education for all with no child left behind*', and '*educating our future*', thus beating a path of inclusive education, especially educational access for the young girl child living in far-flung rural areas, with paucity of educational infrastructure and instructional materials (cf. Paulo Freire, *Pedagogy of the Oppressed*)

Special education needs are under-reported, under-researched, and under-funded in Africa. When newly-admitted university or college students are asked to take pre-admission medical tests, these tests only cover a few physical checks of the functioning of the lungs, heart, liver, eyesight; and physical features of height, weight, and age. Aptitude and psychosomatic tests are not carried out for want of resources (cf. Vogel, 1988; Nash, 1989; Michaels et al., 1988).

Thus, many students who are admitted into universities and colleges do go there with many hidden learning disabilities, disorders and defects. Not even simple Intelligence Quotient (IQ) tests and Myers-Briggs Personality Tests are administered to the fresh students (Aubrey 7 Riley, 2019: 202). In Zambia, Grade 7 examinations have special aptitude test paper called

Special Paper 6. However, with many reports and incidents of examination paper leakages and malpractices, one cannot be sure whether some students manage to scale through that paper through underhand means (Maheka et al., 2020). It must be noted however, that even though learning disorders and disabilities may hinder progress at college and reduce academic performance of some students, these disorders and disabilities should not be misconstrued as mental retardation or a state of being moronic and an imbecile. An imbecile or a moron is one whose mental age is far below his or her chronological age, with his or her Intelligence Quotient (IQ) score far below 100 (Reynolds, 1985; Vogel, 1982; Woodcock & Johnson, 1977; Wechsler, 1981).

### *1.2 Types of Disabilities*

A disability is any form of limitation on the efficient performance of a person arising from physical, mental, psychological, and social maladjustment. Physical disabilities include being crippled or lame, having no arms or having one arm, being deaf, dumb, or blind, being paralysed in parts of the body, among others. Some disabilities include Autism, Dyslexia (Spelling Processing Disorder), Downs Syndrome, Amnesia (Memory Recall Processing Disorder), Attention Deficit Hypersensitivity Disorder (ADHD), Dysphasia (Speech Processing Disorder), Dyspraxia (Spatial Processing Disorder), Dysgraphia (Writing Processing Disorder), Bipolar Affective Disorder (BAD) (Extreme mood swings), Auditory Processing Disorder, Visual Processing Disorder, Dyskinesia (impairment in physical bodily movement), and Dyscalculia (inability to do arithmetic calculations) (Kemp et al., 2017; Shaw, 1988; USDHHS, n. d.)

Autism is defined as having difficulty in mastering academic skills as well as having problems with communication, reading body language, and bonding socially with people around you (Kemp et al., 2017). Some autistic students have been found to be geniuses with high sense of precocity. Attention Deficit Hypersensitivity Disorder (ADHD) is found in students who have short attention spans and who may display disruptive behaviour. They suffer from anxiety, depression, and emotional trauma (Kemp et al. 2017; Healey, 2005). Dyslexia is associated with those students who have reading problems as they cannot recognise sounds and words correctly, and they may misplace letters when spelling words (Ingram & Dettenmaier, 1987; Greg & Hoy, 1989; Bjork, 1989; Cain et al., 1984; Chisolm, 1988; Shaw, 1988; Cordoni, 1979; Javorsky, 1990; Guyer, 1988).

Amnesia is related to loss of memory and it is connected with the functioning of parts of the brain which deal with storage and recall of information in the cortex, cerebrum and cerebellum. Amnesia is common in adult learners who engage in andragogy (adult learning) (Haig & Patterson). Dysphasia/Aphasia is a condition whereby a student has problems following speech and spoken word as they cannot easily distinguish between sounds. Those who suffer from Dyspraxia (Sensory Integration Disorder) have weak sense of judgement of spaces as they also lack proper motor skills and coordination (Kemp et al., 2017). Those who suffer Bipolar Affective Disorder often swing quickly between moods, and are unstable and unpredictable in behaviour.

According to Merriam Webster Dictionary, those who suffer from Bipolar Affective Disorder

are psychotic, as they suffer from manic depressive illness which makes them swing moods between being manic on the one hand and exhibiting acute depression on the other hand. Writing disability in students is referred to as Dysgraphia. Many of our students have this disability as during exams and tests, they tend to write poorly in almost indecipherable handwriting. Some of these writing problems spring from early years in primary school when they should have been guided properly to write clearly. Dysgraphia may also be connected to other factors such as nervousness, fear, diffidence, poor coordination between the brain and limb movement, and anxiety. Millennium children seem to be much more at home pressing buttons on the keyboard than with writing with pens and pencils, so they should be encouraged to use computers a lot for their learning activities (Dalke, 1988; Dalke, 1993; Dalke & Schmitt, 1987; Dahlan, 2020).

Trained Psychologists and psychiatrists can diagnose all learning disabilities symptoms (Shaw et al., 1987; Cress, 2009; Moses & Presbey, 2013; Neault, 1990; Nat. Assoc. of Trade and Tech. Sch, n. d.). People who suffer from learning disabilities need special care and attention or special education.

Children with exceptional mental ability are called Gifted children or Precocious children. They need to be identified and sent to special schools (Sakyi, 2001). Autism is a defect whereby some of the people suffering from it are extremely intelligent yet they behave abnormally such as being withdrawn and not being social. People with dyslexia cannot spell letters in words in their right order as they tend to write letters in a word in any order. Dyscalculia is inability to do simple calculations or solve simple numerical problems such as ratios, multiplication and other mental calculations. There are also people with speech impairment or impediment who cannot differentiate between the pronunciation of the alphabet letters such as L and R. These conditions in speech lapses are often due to vernacular interference as some vernacular languages either do not have some of the letters of the English alphabet or some sounds are lacking in the English alphabet (Dinklage, 1971; Ganschow & Spark, 1986)

Mental disability shows deformity in Intelligence Quotient (I.Q.) where a person's academic performance or Mental Age is below their Chronological Age. Such people are called Morons or Imbeciles or mentally retarded people (MRP). Two Frenchmen, Binet & Simon, developed I.Q. Tests in France in the 19<sup>th</sup> century to determine the suitability of children for them to be admitted in the modernized schools in France at the time (Aubrey & Riley, 2019:41; Sakyi, 2001; Sakyi, 2017a). Their contribution was a great breakthrough in educational pedagogy. It led to the development of Aptitude Tests which are also used as Job Recruitment and Selection Tests. At workplaces, we need Counsellors who can handle employees with some form of social, mental, and physical problems (Gajar, 1986; Armstrong, 1993).

Some employees, just like some students, out of stress, do take to drugs, alcohol and some do take to heavy smoking which can affect their health. Psychopaths, Sociopaths and Social Deviants are those individuals who have no moral compunction or conscience when they commit a crime due to some defects in their upbringing, their low power of cognition, low self-esteem, and not knowing what is morally right or wrong (lacking sense of propriety).

These people have seared and callous consciences. The danger of having such social freaks in the university calls for attention and concern (Garrett & Welch, 1987).

Bandura (1977) was among the first educators to point to the Theory of Social Learning or socialisation theory of learning where learning takes place in our social circles or settings at home, in the community, and at school through peer learning or group activity or learning through observation of what others do. Miller (1998) corroborated the findings of Bandura. The core of learning theories is the Cognitive Learning Theory which has been much researched on by many eminent psychologists such as Piaget, Binet & Simon, Edward de Bono, Jung, Freud, Allport, Goethe, Dewey, Froebel, and Eysenck, among many other psychologists of eminence and prominence.

When we are stressed, our brain secretes hormones called cortisol into our blood stream which causes our Blood Pressure to be high (Kemp et al, 2017). Some secretions such as oxytocins are also secreted into our bloodstream to prepare us to react to stimuli from our environment. In the long run, over-secretion of such body chemicals can be dangerous to our health and wellbeing. These secretions control our emotive and evocative actions and reactions such as fear, sadness, excitement, being courageous, surprised, jealous, and hateful, among other affective actions. We also learn through our affective moods or emotions which are activated by such secretions (Peterson, 1989; Swamy, 2010)

## **2. Literature Review**

Silalahi et al. (2020) did a study in Indonesia among college students of male and female gender to ascertain their agility in adapting to the use of technology through online learning of the English language during COVID-19 pandemic. Their findings led them to conclude that female students are faster in adopting technology and adapting to technological changes than their male counterparts. Their findings showed that female students show more sense of urgency, creativity and responsibility than their male counterparts. They also showed that female students may have better aptitude and attitude to learning than male students as they adopt more optimistic perspective towards learning than their male counterparts. Their findings showed how quickly females embrace change, their dexterity and also their sense of maturity in responding to emergencies compared with their male counterparts. That study pointed to the fact that lecturers in universities and higher education have to adopt differentiated gender-sensitive approaches in handling students in a professional manner, without causing gender discrimination, especially when dealing with male students who have learning disabilities (Scheinber & Calpere, 1987; Shaywitz & Shaw, 1988; Skinner, 1965)

Silalahi et al. (2020) used the Gravett & Caldwell model for their qualitative research. What their result did not show was that perhaps the male students had more learning disorders and disabilities more than their female counterparts or vice versa. It could also be that their model was not well-suited for that kind of study.

Kemp et al. (2017) showed in their paper that if students dilly-dally and procrastinate in submitting an assignment, then it could be that they have learning disabilities. They averred that learning disorder or disability has nothing to do with intelligence or motivation but rather



with the ability of the brain of a student to process data in an effective and efficient manner, as our brains are wired differently. This is because there are problems such as Auditory Processing Disorder and Visual Processing Disorder which are linked respectively to inability to process spoken word and inability to process visual data such as graphs, charts, pictures, and tables of figures respectively (Kemp et al., 2017; Skyer & Skyer, 1986; Kahn, 1980; Konrad, 1984; Hargie, 2006).

Anecdotal evidence suggests that Einstein observed that he failed in those schools he attended even though he also failed those schools for not giving him what he wanted from them. Learning is thus a two-way process whereby the learner on the one hand and the teacher and educational system on the other hand should integrate efforts towards achieving a common goal of imparting education which meets the needs and circumstances of the learner by building a symbiotic, integrative and interdependent learning community (HEATH, 1987; AHSSPPE, 1986; Blosser, 1984; Kravetz & Wax, 1991)

This approach to learning is called child suggestibility or student-centred learning approach. In this case, learning has relevance or meaning only with reference to the needs of the learner and his or her peculiar environment. It is no use teaching a fisherman's son how to build an aeroplane when there is no aeroplane factory around and the child has shown interest and inclination in pursuing the father's career of fishing rather than pursuing an aviation career. Thus, the environment has meaning only with regard to the environed or inhabitants (cf. Carl Sauer; Hartshorne, Lyell, Playfair, William Morris Davies/Geography).

Long ago, in primary school, one of us had a bad experience whereby a friend and classmate made a grammatical mistake in an English lesson where he was to compose a sentence with the word Write. He said, "When I come to school, I write Writing". The teacher kept correcting him several times and hitting him on the head each time with a thick wooden one-foot ruler. My friend was adamant as despite the hard knocks on his head, he stood his ground to the consternation and horror of the class.

Many members of the class whispered to him to say the correct thing but he refused and continued repeating the wrong sentence. Apparently, he had a point since Writing was a subject on our timetable in Primary Grade Four in 1960 in Ghana. Both the student and the class teacher had different perspectives on the same issue so the teacher should have used her experience to reflect on what that unfortunate student was trying to get across. This is because our brains are wired differently. That unfortunate incident was perhaps not a case of child abuse at that time, as the use of corporal punishment was the order of the day. However, in this day and age, nothing of this sort can be entertained in our schools because of enhancement of human and child rights.

Learning Disability (LD) has been earmarked as a multidisciplinary field of study and as such there is no compact definition of what it is as its definition may vary from discipline to discipline (NASET LD Report, n. d.). NASET defined Learning Disability as a discrepancy or gap between potential and actual achievement so that correct interventions such as supporting services can be used to bring potential and actual to be at par (Parks et al., 1982).

Students with Learning disabilities may have normal or above normal intelligence but they may have difficulties in certain learning areas such as reading, math, writing, processing information for an essay or comprehension (NASET LD Report, n. d.). Dalke (1993) cited in Vogel, S.A. & Adelman, P. B.(eds.) posited that transiting from secondary school to university could be daunting and traumatic for those students with Learning disabilities so much so that in the beginning, students will start to fail if support systems in the university are lacking.

Cowen (1993) observed that many university-bound students do not understand their Learning Disabilities for them to seek early intervention as some feel overconfident and have self-denial. Others have low self-esteem. Cowen (1993) observed that many freshmen lacked pre-university preparation and exploration of suitable careers to pursue so they end up having problems with their chosen university programmes (Fielding & Moss, 1989; Cowen, 1985; Hanson & Campbell, 1985).

The good news is that Johnston (1993) remarked that in the USA, many Learning Disabilities Programs had been launched to train specialists to assist freshmen in all the universities so that they can succeed (Goldhammer, 1990; Straughn, 1988; Price & Johnson, 1986). Unfortunately, in Africa, such programmes are rare and deemed to be costly, so most students in Zambia, for instance, hardly have any form of Learning Disabilities support or interventions. Lack of such support systems leads to high dropout rate in our universities, and in the worst case scenarios, some students may take to drugs or heavy liqueur drinking and some may contemplate committing suicide. Sadly, and shamefully, one of our male students committed suicide outside the university by jumping from a 15-storey government building complex as a result of having differed with the mother in an altercation. However, it can be observed that some students are slow learners and late developers so at the university, such students need support such as psychosocial counselling and encouragement for them to catch up with the pack (Polloway et al., 1984; Norlander et al., 1990; HR Center 1988; Huttington, n.d.; HEATH, 1989)

### *2.1 Theoretical Underpinnings of Learning Methods*

Learning disabilities are characterized by features such as inability to process information correctly, poor ability to do calculations, weakness in following speech, inability to store information for recall, inability to connect with people and to react sensibly to external stimuli, among many others. As earlier stated, learning disorders and disabilities are caused by internal factors such as thought processes, cognition, physical condition of the body and psychological state of the mind of the student. Internal factors which influence learning outcomes include critical thinking, self-discipline, early childhood parental care which inculcates pristine value systems, and attitude of the student. Externally, support systems such as learning support, incentives and motivators, as well as the socialization process can either create enablers for learning success or roadblocks to hinder the process. Figure 2 below which was developed by us shows the Learning Onion and external and internal influencers of the learning process.

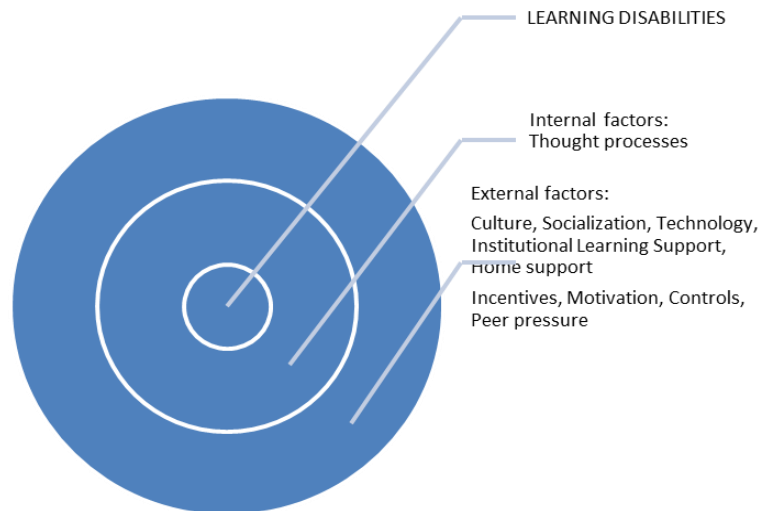


Figure 2. Internal and External factors that affect Learning Disabilities-The LD Onion  
(Authors)

Honey & Mumford gave us five different styles of learning namely Reflectors, Pragmatists, Idealists, Realists and Activists (Aubrey & Riley, 2019: 202). David Kolb and Gibbs took us through the cycle of Experiential learning of first an Encounter, Reflection, Theorizing, and Abstraction or putting the theory into action when a similar encounter occurs, thus the learning process is cumulative, based on classification, internalisation, and cognitive processing of external information (Rollinson, 2008:172-190).

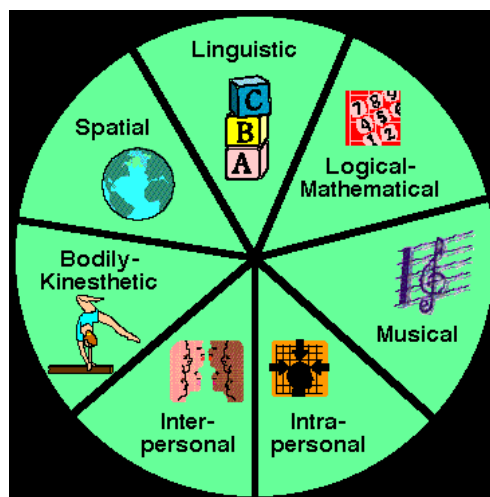


Figure 3. Howard Gardner’s Multiple Intelligences

(Source: Online)

Figure 3 above shows how we are differently endowed with different forms of intelligence as professed by Howard Gardner. This should prompt teachers to probe students in order to know their strengths and weaknesses in order to deal with their learning disabilities.

Our universities should have a dedicated cadre of lecturers who take personal interest in the

wellbeing of students by acting as their advocates or *amicus curiae*, by doing some pro-bono or ex-gratis work for the greater good for the greater public by sacrificing some of their time to mentor, coach, counsel and build supportive relationships with their students so that those with learning disabilities could be helped to walk through the maze and minefield of complex assignments in order to cross the finishing line. This will require our universities to develop robust tutorial systems whereby every student would be put in a small tutorial group, Oxford-style, for close monitoring, supervision and mentoring.

It must be noted that learning disabilities may be traced to the early years in school where students are not helped to form good learning habits and attitudes such as developing good handwriting, mastering the multiplication tables, being *au fait* with spelling, correctly identifying different phonetic sounds, and developing the right habit of following instructions to the letter. It is important to state that students should be encouraged to develop critical thinking skills for problem-solving. Some of the learning disabilities of students could be traced to poor parenting in the early years when students needed support and intervention with their homework (Markham, 1983; Minskoff et al., 1989). Some students develop fear which affects their ability for self-expression and confidence because some parents dote on their children by pampering them.

Such students become poor at self-expression and also some stutter and stammer in speech. They also tend to have poor social skills in bonding with people. Some become bullies if they are physically endowed, and others may resort to cheating, lying and swearing to cover up their academic deficiencies. Thus, some learning disabilities stem out of cumulative years of lack of appropriate learning interventions and at the university level, it may be too late to effect interventions.

Those from affluent backgrounds become patrons and sponsors of anti-social behaviour in order to win popularity with room-mates and course peers; they may engage in spending sprees to impress others, and may outsource their assignments to the less affluent but capable students to do their coursework for them. Some may copy the assignments of their friends as they easily exchange notes on WhatsApp, Instagram and other social media. Some do not heed plagiarism advice and may be caught when software detectors such as Turnitin is used to appraise their work.

## 2.2 *Methods and Models of Learning*

Learning is a process of integration and synthesizing of information, classification of data, learning by association and discrimination, sequencing of data, ingestion, abduction, abstraction or theorizing, organization, experimentation and testing of knowledge through application of knowledge for problem-solving. All these are cognitive activities in a processional whole. Learning therefore is an iterative and cumulative process as shown by the learning curve which rises steadily over time and plateaus or flattens out later in the Sigmoid or Gompertz elongated letter S-shaped Curve. Thereafter, some breakthrough occurs after theorizing; then there is a spurt and great upsurge in knowledge acquisition whereby the graph goes up steeply after a *eureka* moment has occurred. Kemp et al. (2017) noted that students who cannot do things of their age group have developmental problems dating back

to early childhood years at school.

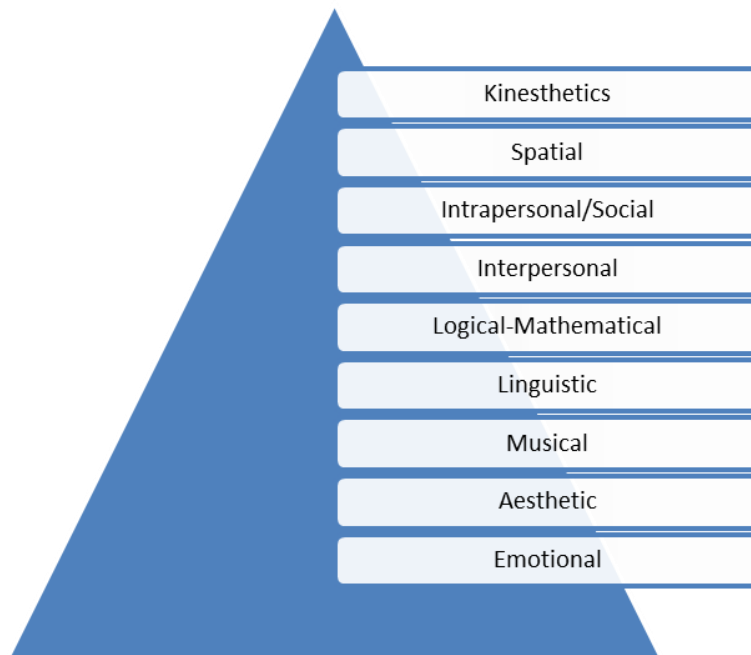


Figure 4. Howard Gardner's Multiple Intelligences

(Source: Adapted from Aubrey & Riley, 2019:202)

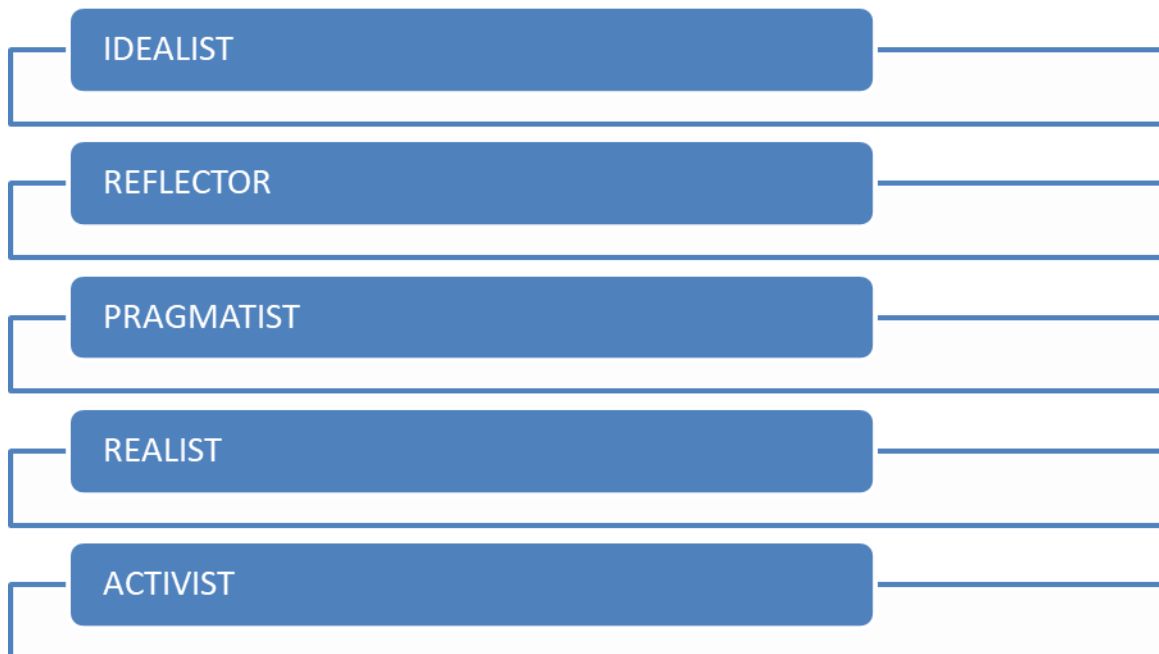


Figure 5. Honey & Mumford (1974) - Learning styles

(Source: Adapted from Aubrey & Riley, 2019:202)

Howard Gardner does not rule out intelligence in any one of us as his nine forms of intelligence are distributed evenly across the entire human population in the form of

Linguistic ability, Kinetic or motor ability, Musical ability, Aesthetic ability, Logical ability, Social and Emotional ability, among others (see Figure 4 above) (Aubrey & Riley, 2019: 202 & 234). Every student has at least a forte or strength in one of these nine areas which can be harnessed for performance improvement in the other areas. This is why group or team working is emphasized for building synergy and helping students to complement one another with their strengths. This has been the Toyota Way and Japanese way of achieving great results without resort to individualistic tendencies of self-centredness, personal achievement, individual aggressiveness and having narcissist orientation of personal goal achievement and dominance over others. Figure 5 above shows the different learning styles as outlined by Honey & Mumford (1974).

According to Armstrong (1993:425), Skinner (1965) cited in Heneman III et al. (1986:407) the key to success in learning is continuous practice, reinforcement and giving positive and constructive feedback to learners by trainers. Students with Learning Disabilities in universities need interventions, constant practice by using the Kumon philosophy, and giving them positive reinforcement feedback (Blackmore et al., 1991; Kolls et al., 1974; Knapp & Knapp, 1984). Armstrong (1993:425) stated that learning is a process of cognition, cybernetic control or having external stimulus and cues, and also a process that is based on action or hands-on activity of self-discovery.

### *2.3 Effects of not Dealing with Learning Disabilities*

When students find no support forthcoming as interventions to help them overcome their learning disabilities, they become frustrated, develop low self-esteem and they may feel angry and bitter at themselves (Kemp et al. 2017). Some may take to hard drugs, drunkenness, absenting themselves from classes, not submitting assignments, and they may resort to playing video games to unwind, or hang out aimlessly with other frustrated students (Mellard, 1990; Kress, 1990; Liscio, 1986; Mangrum & Strichart, 1988).

Yet, all they need is a bit of encouragement, recognition, empathy, support, mentoring, coaching, counselling, offering them outreach in the form of some extra tutorials, and the need for them to be differentiated in teaching by giving them assignments which they can cope with, and which will gradually help them win back their confidence and self-esteem by crafting assignments and coursework around things they are passionate about, such as their pastimes, hobbies and interests such as playing snooker, basketball, football, painting, swimming, gardening and fishing, among others. The motto in our schools and universities should be, 'no student left behind in an inclusive and diversity-based environment'.

### *2.4 Empirical and Philosophical Underpinnings of Learning Approaches*

Paul Freire, the famous Brazilian educationist, observed in his book, *Pedagogy of the Oppressed* (1996) that learning is mostly done through reflective activity (Aubrey & Riley 2019: 166-176). He observed that if a teacher fails to enter the world of his or her students to know what they go through, then that teacher has failed to teach effectively as he or she may be teaching Egyptian mummies or stone monuments.

The famed educationist narrated how when he was young he used to walk long distances to

school on an empty stomach, and when in school, he failed most of the time to get what was taught because of hunger pangs. Freire's theory of learning echoes David Kolb's Experiential cycle of learning theory which states that learning comes from having encounters, reflecting on them, theorizing and putting the knowledge gained into practice, when another encounter is experienced, hence the name experiential learning (Aubrey & Riley 2019: 196-209).

We observe from long ago that in Africa, our professors take delight in showing the world how many students fail their courses because they are looked upon as geniuses. Einstein once said that if you fail to explain a complex concept to a six-year old, then you do not understand the concept yourself. Many learning disabilities of students are partially caused by sadistic teachers and professors who are aloof, callous and indifferent to the plight of their students. We were told many years ago that the university is a vast and universal place where you either swim, keep afloat, or you cave in and drown.

This should not be the case in the 21<sup>st</sup> century with many technological gadgets to support blended or multi-faceted and multi-prong learning approaches. Blended learning provides many modes of learning choices and pathways to our students such as full-time on-campus learning mode, part-time and sandwiched off-campus learning mode, distance or online learning which is totally off-campus learning, and also self-directed learning mode by purchasing simulated classroom learning packages, interactive online learning mode using Zoom, Google Classroom, Moodle, and other platforms.

The Italian, Montessori, observed long ago that learning should be made fun by using the play-way and role play methods to teach concepts and make learning easy, enjoyable and less stressful. In learning, instructors and learners both learn and explore the unknown terrain together as it is an adventure to the land of discovery or *terra incognita* (uncharted or undiscovered land). According to Aubrey & Riley (2019: 24-36) Montessori advocated for child-centred learning where children take control of the learning process by developing their sense of responsibility. Montessori was not alone in her view on learning.

Vygotsky (Aubrey & Riley, 2019:56-68) stated that learning should be socially interactive for children so that they learn from one another and acquire valuable social, interpersonal and communication skills. This view of Vygotsky also coheres partially with the view of Eysenck & Wilson (1975) cited in Hayes (2005) that attitudes are inherited while Albert Bandura (1972) cited in Hayes (2005; Aubrey & Riley, 2019: 132-145) was of the view that attitudes are observed and copied through social learning. We think that attitudes towards learning are strongly correlated with learning disabilities, and are influenced genetically by parents' genes, and also partially by what students and learners see others do in their environments. We, as educators, need also to study Neuroscience so that we can know how to stimulate the part of the brains of our students which will trigger their best cognitive faculties into action.

Another Italian educator, Pestalozzi, came up with his concept of the trilogy of Head, Heart, and Hands. He proposed that education should have the objective of training the mind to think and solve problems; the heart to have passion to translate thoughts into action by being hard working, and also to have compassion on the less fortunate people. Thus, education in short, should be holistic in its objectives. From this trilogy, we cannot exclude any student

because we all have heads, hearts, and hands.

Those who coordinate all three parts very well become great athletes like Jesse Owen, Joe Louis, Michael Jordan, LeBron James, Shakeel O’Neal, Lionel Messi, Christian Ronaldo, Pele, Maradona, Muhammed Ali, Serena Williams, and Billie Jean King, among many others. Those who used their brains and hearts mostly became the likes of Steven Hawking, Albert Einstein, Nikolas Tesla, Bill Gates, Elon Musk, Jeff Bezos, Jack Ma, Sir Winston Churchill, and Thomas Edison, among many others.

Weak students in our universities should be encouraged to participate in group learning which brings about synergy and also allows students to use all their faculties of the head, heart and hands in group activities as they share ideas and exchange notes. Students tend to learn many more things among themselves through self-directed learning and Directed Unsupervised Learning (DUL) than when they are taught as individuals.

Weak Students should also be encouraged to look for role models to emulate and mentors within their specialised fields to guide and direct them. We should also look to building a learning community whereby students should be made to undertake community services to bond them with their local communities and also expose them to real problems out there. Weak students with learning disabilities could find their market niche while doing community work or they could discover their forte or strength while on community service.

J.J. Rousseau wrote his ideas on education in a book bearing the name, *Emile*. He came from the Enlightenment era in France and proposed many revolutionary ideas to reform education. Rousseau believed in categorization of education based on classes, as he did not believe in education for all. He proposed that education should be given according to the social class and needs of the learner. Piaget did a lot of work on cognitive stages of education for the child through scaffolding or early guidance; while later allowing children freedom to experiment and discover things on their own, with guidance from their teachers (Aubrey & Riley 2019:196-209)

John Locke in England proposed the idea that learners came to school with blank white sheet in their heads, and that it was for teachers and educators to make imprints on that white sheet or *Tabula Rosa*. This idea has been challenged and criticised a lot, especially following Crick & Watson’s decoding the human genome in 1953, which showed that a human at birth is a complete package from God (the manufacturer) and that it took time, nature and society to nurture the child to adulthood and maturity.

That debate led to the growth of the schools of thought of the environmental determinists on one hand and evolutionists on the other hand. However, it is now settled that we are all a product of both nature and nurture. Alfred N. Whitehead, the great English educationist, declared that education is the purgation of the crudities of the mind or a process of refinement and enlightenment. He was not far from the truth as his statement has stood the test of time and space. It can be seen now that education is a way of life in how we eke a living and move with technological trends, based upon the general education which was handed on to us from our primary and secondary education minders.



Thus education is how you adapt and survive in a fast-paced world without so much of book knowledge but rather with the ability to read market signs and come up with an innovative and saleable product to be launched online for you to become an instant technopreneur or nettopreneur or born-global multinational virtual company with presence online in all countries. Many millions of Millennials in the world today care less about traditional bookworms and swotting at university, because many research and knowledge-based activities can now be done more efficiently by Robots through Artificial Intelligence and Machine Learning (Sakyi, 2017b).

Thus the focus of education is shifting from deep human learning back to the rudimentary 3Rs, Reading, Writing and Arithmetic/Logic (2Rs and L). Students are now focusing on non-traditional leisure courses and programmes at universities such as art forms, Origami, Beauty Care, Sports Science, Wellbeing, Happiness, Sleeplessness, and Food Sciences. Traditional academic work can be found in the old and conservative faith-based schools and institutions such as the old universities which cater to the needs of foreign students who prefer to study in classic and iconic universities like Oxford, Cambridge, Harvard, Yale and Columbia University, among others (Sakyi, 2021).

### *2.5 Some Modern Concepts in Educational Pedagogy*

In modern approaches to learning, educators want learning to be practical, realistic and fun. This requires that an integrated and holistic method be adopted with the end in sight in what is known as Backward Design, whereby Learning outcomes or learning expectations are announced at the beginning of a learning programme. Also learners are given an overview or a bird's eye view of the whole programme and how they fit together like a jigsaw puzzle. This is done by having an overarching view and all the things learnt from kindergarten to the 13<sup>th</sup> grade are interconnected through thematic studies.

More importantly, students with learning disabilities can be assisted by giving them graded or graduated exercises, starting with simple tasks and going on to more complex tasks as they gain confidence. We learn through our five senses of hearing (audio), touching (tactile), feeling (affective or emotional), seeing (visual), smelling, and tasting, as well as perhaps through a sixth sense which is intuition or gut feeling or hunch or educated guesses. We also learn through motion or drama or role play, action, language or communication, social interaction, and through oral presentations. B.F. Skinner gave us the theory of Reinforcement which is an extremely useful tool in the learning process, as our past successes tend to reinforce and influence our current actions.

Reflective learners always wind back to what worked successfully for them before in the past and that becomes a reference point to take off in a new learning experience. Reinforcement theory can be linked to Kolb's cycle of Experiential Learning and also to Pavlov's dog experiment in what is popularly known as operant conditioning (Rollinson, 2008:175-180). Weak students can be trained to do better through conditioning, by giving them lots of practice sessions to make certain tasks become second nature to them. It is only through repeated efforts that they become perfect in carrying out certain learning tasks. Also we can here mention V.H. Vroom's Expectancy Theory which talks about incentives, and probability

of success where the Force of motivation,  $F$ , is equal to valence ( $V$ ) multiplied by the probability of success or Expectancy ( $E$ ), thus  $F = V \times E$ .

Stuff which students learnt about in say History can be dramatized; again used in a Fine Art class as drawings and paintings; as well as in Geography lessons where students can be asked to find locations of places mentioned in the History lesson. Such a series of connecting the dots through a multidisciplinary or interdisciplinary approach leads to an Enduring Understanding, as a bigger picture is drawn for the learners. This is the approach used widely in Social Studies.

This approach is adopted in the International Baccalaureate Diploma programme (IB) which is run in all international schools around the world. The IB has headquarters in Switzerland and an Examination Centre in Cardiff, Wales, in the UK. Students undertake projects and presentations throughout their thirteen years by pursuing studies involving thematic studies. A pattern called Backward Design is used to enable their course content be linked up end to end from the end towards the beginning, by having the bigger picture first through field trips, site visits, adventures, community service, internships, and extra-curricular activities, among others. The IB philosophy is action-centred learning, which follows an ancient Chinese philosophy that what I do, I do not forget.

The principle behind this holistic and rich programme is no child left behind. Another great principle is to embed in students an Enduring Understanding of what they study which is attained through constant practice through role play, videos, oral presentations, quizzes, site visits, group projects, and other action-packed activities. The IB programme is an activity-based learning system which embraces all stakeholders in the community of learning, in order to deliver content by making learning live, realistic, practical and problem solving-centred. Students are steeped so deep in the learning processes such that the educational pipeline is well integrated in the supply chain whereby the IB goes through the students as the students do not just go through the IB programme without being heavily impacted upon. However, the IB diploma programme is highly expensive and labour-intensive. We, as authors, had chance to teach for nine years in an IB- rated international school in Lusaka.

### *2.6 What it Takes to be an Excellent Law Student*

Lawyers are often addressed as learned fellows as they are expected to have a broad swathe of knowledge apart from their field of specialisation. This being the case, law students are called upon to extend their field of enquiry into other fields by reading and researching widely. This calls for law students to extend their research into other extramural fields. For example, lawyers are expected to be contemporaneous with developments in the global arena by keeping abreast with issues such as Green Computing, Global warming and the UN Sustainable Development Goals (SDGs) (Mbewe, 2020), Artificial Intelligence and Future possibilities (Sakyi, 2017b), Early Childhood Education and Impenetrable Issues (Sakyi, 2017a), The Global Pandemic COVID-19 and Issues Arising (Sakyi et al., 2020d), Human Resource Management (HRM) and Labour Market Issues (Tayali et al., 2020a), Smart and Intelligent Cities of the Future (Sakyi, 2020 b), New Numerals and Alphabets in African Studies (Sakyi, 2020 e), Migration Trends in Sub-Saharan Africa (Sakyi, 2020 c),

Geopolitical Issues (Sakyi, 2019), Synoptic Review of Theory and Practice of Diversity Management (Sakyi et al., 2021) among many other topical issues.

By definition, excellence means that one is outstanding in the particular field of study; or indeed that one has attained continuous eminence in that particular field of study. These categories are measured differently according to whether the subject is a natural science or a social science. Law, which has been classified as a social science, has its own measurements which are used to rate student achievement. These are often different from the other social sciences. Law can further be divided up into Substantive (or the theory of law) and Adjectival law (or the practice of law). Each requires that the student is well-acquainted with the theories associated with the various areas of law and their presentation before an adjudicator. Both require a student to be able to flawlessly articulate these areas well, orally, in writing and in reading. Substantive law provides a foundation upon which the Adjectival law rests. As such, one needs to be proficient in both subject areas. Suffice to say that in some jurisdictions like the United Kingdom, one needs not attend university to enter the law profession. In the UK, Barristers and Solicitors can attend the Inns Court to obtain their legal licence. This system is peculiar to the United Kingdom only, and it is not used in Zambia as a means of training Advocates. Historically, however, many of the legal practitioners that practised law just after Zambia's independence in 1964, obtained their credentials from the Inns Court in the United Kingdom, as Zambia had not established a University yet where it could train its own advocates.

### *2.7 Justification for Student Evaluation*

The debate surrounding evaluation of education has not been settled from the dawn of the inception of education. Indeed, there are a plethora of writers who have tried to provide parameters and reasons for educational evaluation from Lindquist (1951) all the way to Furst, and all the way to modern contemporary thinkers in educational evaluation in the legal profession.

Regulators and administrators are at pains to ensure that students that are enrolled in learning programmes can be adequately measured and assessed, so that they can replicate their achievements in their work or academic environments as and when they are called upon to do so.

Kuppuswamy in his book *Advanced Educational Psychology* (2013) argues that only when we know the capability of the student can we train him to achieve specific goals. Kuppuswamy (2013:266) further goes on to state that evaluation is a basic part of the whole integral process and it is important in ensuring positive outcomes in both teaching and learning, as well as measuring students' achievement (Kuppuswamy, 2013:266)

While student evaluation covers varied subjects and fields, it appears to use standard parameters in its evaluation; at the same time being careful to be dynamic in its analysis to accommodate new and evolving areas. This means that while some concepts have stood the test of time, other concepts have waned and novel ways of measurement have been adopted to accommodate these changes. The use of IT in learning is a particular case in point. Indeed,

the use of IT has since made learning much easier and more universal than ever before, even for people with severe impairment in sight, hearing, and speech, to name but a few. These advancements and innovations are mainly occurring in the developed countries. However, developing countries such as Zambia are still lagging behind in terms of these advancements, particularly for students of law who are not only supposed to be up-to-date with their subject matter but be well schooled in the art of law, using modern technology for effective and efficient delivery.

Evaluation, it may be argued, brings out the impairment a student suffers from, not only from physical attributes such as dyslexia but from ineffective forms of teaching and curricular methodologies as well, on the part of the trainer or lecturer. The argument is made that some students suffer impairments without knowing or believing it to be such and these impairments are fetters on a student's ability to assimilate and excel in the course.

### *2.8 Academic Challenges of ZCAS University Law Students*

Some of the academic challenges that the students face can be found in various areas of concentration. The first one deals with the mental state of the student; whether the students themselves are clear of any learning disabilities such as dyslexia, dyspraxia, or dysgraphia. Currently, there appears to be no form of testing carried out on the students before they begin their undergraduate law studies at ZCAS or indeed in any other university in Zambia. This means that students who have to spend several hours on independent study may begin to manifest these disabilities unknowingly. These undiagnosed problems may eventually lead to the failure of the student, more especially that these disabilities are not widely recognised in third world countries, including Zambia.

The next challenge in evaluating law students' ability to do well is their high school background. Students who enter our university come from varied backgrounds: some weak; some average, and some strong. In Zambia, there is a dichotomy between the government schools and the private schools in terms of funding and output of the student. The latter tends not only to be more expensive but also in terms of output, they tend to be better at producing high quality and well-rounded students because most students are prepared for international universities with exacting standards. On the other hand, developing countries that are undergoing economic malaise generally provide less funding to schools and universities as a percentage of the Gross Domestic Product (GDP). This position is clearly illustrated by statistics which show that in the case of Zambia, public spending on education for 2018 was only 4.6 % of the country's GDP. Education spending as percentage of GDP has fluctuated considerably over the period from 1984 to date (knoema.com).

Reduced resources allocation to the education sector has had a direct impact on levels of attainment of students attending these government institutions, in terms of teaching resources. Overall, this lack of funding on educational resources is reflected in students' levels of attainment at the tertiary level of education, including those students that are enrolled at ZCAS University. Some of the impact of low funding for education manifests in lack of resources like books and IT resources. This may result in weak literacy and computer skills, that may disadvantage students when it comes to keeping themselves up-to-date with the

heavy reading schedules that are supposed to be done as part of the normal demands of the course. Additionally, some of the schools where students come from may be in outlying rural areas or provinces where the students use local language rather than English to communicate. This may put pressure on the students when they are enrolled as students in universities, and they are expected to articulate themselves in English flawlessly at a relatively advanced level.

Natural interest in law plays an important role in the ability of a student to do well on the law programme. Many students face challenges where the parents feel that they know best by often picking the students' courses for them. Where this occurs, it has been observed that students are less likely to do well because they are not interested in the subject matter of the course and therefore they have no interest in mastering the course but rather just do enough to get by for their parents' sake. While these students may be in the minority, their performance still has an impact on the overall evaluation of all students.

Maturity as a measure for success plays a pivotal role in a student's attainment as a law student. Below is a direct quote on the term, maturity:

*Generally, the term refers to the changes and development in the brain structure as well as in the rest of the human body. Maturity is a measure of using good judgment, understanding cause and effect, being able to associate what you are doing now with the results of your actions later, and other thought processes that go along with reasonable and acceptable behavior. Maturity plays a role in a person's ability to accept responsibility for his or her own thoughts, feelings, and behaviors. It affects their ability to keep track of his or her thinking and in this case, to control the various emotions they may experience in a learning situation. Maturity governs personal responsibility, shared communication, openness to new ideas, and ability to find solutions to problems (How Students' Maturity Levels Impact Learning, 2016)*

It would appear that a student's maturity is influenced by the home environment and learning styles from the student's high school. The result appears to be a mixed one. On the whole, the majority of students show themselves to be sufficiently responsible.

In Zambia, as in most Commonwealth countries, law is taken at undergraduate level. In most instances, the student has had very little contact with the real world and as such lacks practical experience in the specific areas of law. This often results in the student failing to appreciate the various concepts in their local jurisdiction and how they relate to it in practice. Added to this lack of experience or exposure, students are forced to read case law that has strong British cultural values attached to it, including unfamiliar names and customs that the student has to get their head around. This more often than not results in students misunderstanding important concepts or rules that may impact on their success.

Over the years, in other jurisdictions across the world, there has been a lukewarm debate on where the law degree should fit into the academic system. This discussion has come about because, by its nature, a law practitioner should be *au fait* on matters that are often of a complex, hands-on, and practical in nature. The standard law degree does not teach this as they are normally acquired by experience. So, more often than not, newly-inducted advocates

may not understand the complex nature of certain transactions especially, where they are of a multifaceted nature, resulting in poor or sometimes erroneous and costly mistakes, to their detriment. This is why it is advisable for prospective students to have done some internship at some law firm before enrolling.

This position thus strengthens the argument for making law a second degree in an attempt to ensure that the student is able to understand the complexities they are dealing with and to handle them with the respect they deserve. The Americans are currently leaders in this area. However, it appears that some countries are following suit. Educational research shows that even in developed countries with much higher standards of education, it has been shown that students that take on a first degree where the core subjects are in the field of humanities or sciences tend to have excellent skills sets in terms of analytical ability, inquisitiveness and a broad perspective.

### *2.9 General Legal Comments*

The situation of our law students, with regard to their learning disabilities and the need for interventions, has many legal case study parallels and applications which we will briefly summarize here. In ancient Mesopotamia, it was recorded that King Hammurabi made a law that if a builder did a bad job of putting up a building and it collapsed and killed the client's son, then the bad builder should be put to death for professional negligence and perhaps, for putting up false pretence of being competent while he was not (History. online, 2020). This case precedence is about professionalism and the professional code of ethics in business transactions.

We view our students as having signed both a social contract and a legal contract with us at ZCAS University to offer them a service with the proviso that they will do their part to work hard to pass coursework and examinations, while we will diligently tutor them to acquire the knowledge and skills in order for them to succeed (Key, 2015; Teacher Law, 2013). This contract can further be looked at as also a psychological contract (Rollinson, 2008:149-151; cf. Edgar Schein). However, we cannot guarantee that the students will put up the correct attitude and behaviour for them to succeed, as the onus lies on them to have internal locus of control to be responsible for all their actions and not to externalize their failures by blaming lecturers or the systems in place. There is a saying that you can take the horse to the river side but you cannot force it to drink.

Another case law which applies here to the tenuous relationship between our students and us as lecturers is the case of *Carbolic Smoke Ball versus Mrs Carlill* (lawteacher.net, 2020). In that famed and oft-quoted case, Mrs Carlill used the Carbolic Smoke Ball product as instructed by the manufacturers for her skin ailment but to no success. The upshot was that she was misled by false claims of the Company and when she sought legal remedy in court, she won the case. It is important for students to do due diligence before they step forward to embark on the law degree programme. They should seek counselling to prepare them well and also they should evaluate themselves to know if they have the aptitude and flair for the law vocation. Furthermore, they should undertake some bridging courses or pre-university courses to bridge the yawning gap between secondary school education and university

education.

There is a case study where a patient went to see a medical doctor for examination and she did only ask for an opinion and not an operation (Patrick et al. 2008). When the doctor examined her and saw a malignant tumour, he thought it best to operate on her. When the lady recovered, she sued the doctor for not seeking her consent for the operation done on her. A close analogy to our law students with this case law is that those students who have severe learning problems, and who cannot cope with the law programme can be redirected to other programmes where they might succeed. In this analogy, it would be prudent to conduct pre-law admission tests for the prospective law students in order to sieve and filter them before they embark on the law programme. In law, there is a saying regarding sale of goods which advises sellers and buyers to beware before they engage in any transaction namely, *Caveat emptor* (buyer beware) and *Caveat vendor* (seller beware)

Lecturers can act as counsellors and *amicus curiae* (friends of the court) in offering counselling advice to students as *ex-gratis* or *pro bono* advice (free advice). Lecturers, like all teachers, are to assume the position of *locus parentis* or *locus tenens* to act on behalf of parents in managing and guiding students to achieve their academic goals. Experience teaches us that diligence, lots of practice, networking, lots of self-discipline and commitment, having a supportive environment from the community of learning, and having adequate learning and instructional materials, among other factors, can assure success to a student who is just average.

Law students should be proactive in diving into the archives to unearth lots of knowledge for themselves by embarking on a joint journey of discovery with their lecturers. Sophomores and freshmen can gain a lot by finding role models to emulate from those on the bench and bar as well as among the final year students who can give them learning tips. Students should be voracious seekers of knowledge, and avid readers who should read all the Law Reviews and keep tabs on on-going legal cases in the press and media. They should visit and hear court sessions, and attend parliament to observe parliamentary procedures and debates. They should make time to watch excellent YouTube videos on legal cases. They should make notes while watching those videos by taking note of methods of interrogation, the legal procedures and the technicalities involved in those cases by reviewing them against the theory which they had learnt in class. In days long gone by, you would not be allowed to read law if you had not passed in any four of the subjects at Advanced Level namely, Literature in English, History, Latin, Geography, Economics, Economic History, Government, British Constitution, Greek, Religious Studies, and the Special General Paper.

In a famous case study precedent, a client who ordered tomatoes to be delivered on a certain date did not receive his order due to a strike action by railway workers. When the tomatoes arrived, they were rotten. When he sued for redress, he lost the case because the supplier was not at fault against the act of Nature or God or *Force Majeure* as he could not have predicted that railway workers' strike action would delay the delivery (Cornell Law School, Online, n.d.). *Force Majeure* is a provision in contracts that frees both parties from obligation when an extraordinary or unforeseen or unavoidable event occurs to one or both of the parties such

that they are unable to discharge or perform their obligation or to deliver on their remit. Similarly, we cannot guarantee as a university that when parents or patrons and sponsors bring their wards, sponsorees, and patronees (protégés) they will definitely succeed academically, as everything depends on the responsiveness of the sponsorees or patronees to adapt to academic rigour and instruction.

In some bizarre cases, some students or sponsorees and patronees had, upon failing the law course in the first year, diverted to other courses without informing their parents or sponsors. This brings to mind the legal case of the principal-agent dilemma which was first ruled on in 1919 in the Michigan Supreme Court case of *Dodge v. Ford* (CaseBriefs, online) in which the automaker, Henry Ford, went ahead and distributed Christmas bonuses to loyal customers without permission from his principal, financier and sponsor, Dodge. The Supreme Court of Michigan ruled in favour of Dodge to the effect that it is the Principal who should call the shots and not the appointed agent, Henry Ford. In this scenario, parents and sponsors (as principals) ought to be consulted by students (as agents) before they change their academic programmes or else the sponsors can withdraw their sponsorship.

A pre-admission test would serve, as it were, as a *prima facie* case to determine the suitability or otherwise of a prospective student for the law programme (Sheridan, 1984; Wren et al., 1985; Van Reusen et al., 1987). Those found unsuitable can be redirected to other courses. When a student steps forward to enrol on the law programme, all the requirements of a legal contract come into play such as capacity to enter into legal relationships, offer to treat, offer and acceptance, contract terms understood in a language familiar to the obligor, location where contract was effected should be legal, mood of the obligors should be sober, contract should not be done under duress, and the mode of delivery of the contract deed should be acceptable and justiciable, among other conditions (Key, 2015; Teacher Law, 2013).

Law students will succeed in their career if they pay attention to detail, master verbal and written skills in applying logic to understand, process and interpret information and draw conclusions, using deductive and inductive logic or inferences and logical assumptions (Smith, 2020). They will also do well if they have self-drive, locus of control, initiative, are team-workers and sometimes independent-minded to make their own quick judgements and also show perseverance, diligence and ability to deliver high quality work under pressure (Smith, 2020).

### **3. Methodology**

We adopted an exploratory and interpretivist approach by using descriptive quantitative methods as well as qualitative method of content and thematic analysis to triangulate the results. We settled on a small sample size of 60, using purposive sampling method because the population of law students is small, and not every student in the university was meant to be part of the population of interest or universe of discourse.

### **4. Findings**

The title of this article is: *Learning Disabilities of Legal Trainees- Pre-Admission Tests and Students' Performance- Case Study of ZCAS University*



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n = 46

This research involved administering 60 questionnaires to a purposive sample of 60 Law students at ZCAS University. Of the 60 questionnaires, 46 were returned, representing a response rate of 77 per cent. The sample consisted of 28 females (61%) and 18 males (39%). By age distribution, 29 students (63%) were below 24 years old, 11 (24%) students were between 25 years and 34 years, while 6 students (13%) were 35 years and above. On marital status, 12 (26%) were married while 34 (74%) were not married. The sample consisted of 2 (4%) students from Year 1, 10 (22%) students in Year 2, 21 (46%) and 13 (28%) students respectively in Years 3 and 4. Of these students, 25 (54%) had worked before while 17 (37%) were still in employment, while the remaining 4 (9%) students had no work experience.

With regard to mode of course delivery, there were 30 (65%) full time students and 16 (35%) Distance Education students. Seventeen (17) of the students (37%) said they sponsored themselves while the remainder of 29 students (63%) were sponsored. Concerning those students who sought counselling before embarking on the Law programme, 27 students (59%) said they sought counselling while 19 (41%) said they did not seek counselling prior to embarking on the programme. With regard to those who undertook further studies after Grade 12, 25 (54%) students said they did do further studies before joining the university while 21 (46%) said they did not do so.

When asked whether pre-university preparation was adequate before they joined the university, 27 students (59%) said yes while 19 students (41%) thought they did not have adequate pre-university preparation. When asked if they knew any of their cohort members with learning disabilities, 12 students (26%) said they did while 34 students (74%) said that they had not come across anyone with such difficulties. To the question whether they had had low grades before on the Law programme, 24 students (52%) said yes while 22 students (48%) answered that they had not experienced low grades before. The students answered that the causes of low grades are due to lack of concentration (72%), laziness (19%), and having learning disability (9%).

When asked if they received enough learning support from the university and their sponsors, 34 students (74%) answered in the affirmative while 12 students said no (26%). Of the various ways of managing stress, students' answers showed the distribution as: Talking to friends (23%), Watching TV (22%), Surfing internet (19%), Doing sports (17%), Taking alcohol (7%), Playing Video Games (7%), and Reading novels (5%). Of the answer to the question whether at any point they had contemplated quitting the law programme, 21 students (46%) said yes while 25 students (54%) said they had not thought of doing so. On motivation, 43 students (93%) said they were intrinsically self-motivated while 3 students (7%) said they depended on external motivators.

On who influenced them to settle for the law programme the results were as follows: My passion had 29 students (63%), To make a lot of money had 7 students (15%), My parents and sponsors had 3 students (7%), My role model had 3 students (7%), To be famous had 2 students (4%) and My teachers had 1 student (3%). On recommending the Law programme

to their friends, 41 students (89%) said they would recommend the programme to their friends while 5 students (11%) said they would not. Of their learning areas of difficulties, the distribution of the responses was as follows: Oral presentation (46%), Academic Writing (24%), Interpersonal Social Skills (13%), Listening and Comprehension (11%) Processing information and logical reasoning (6%).

All 46 students answered in the affirmative that they had failed some courses in Law at a point in time. Nine (9) students (20%) affirmed that they were given pre-admission test while 37 students (80%) said no pre-admission test was given to them. Also 6 students (13%) affirmed that they were asked to conduct medical examination prior to their admission to the university while 40 students (87%) said they were not asked to do medical examination prior to admission. Asked whether students had used the counselling services at the university, only 4 students (9%) affirmed that they had done so while the remaining 42 students (91%) said they had not accessed the services before. The students' learning styles are as follows: Realist 23 (50%), Activist 6 (13%), Reflector 6 (13%), Pragmatist 0 (0%) and Idealist 11 (24%). On learning skills, students stated that they will like to improve in the following areas: Oral presentation (39%), Academic Writing & Business Communication Skills (37%), Numerical Skills (0%) and Reading and Comprehension Skills (4%).

Asked what type of learner they were, the distribution of the responses was as follows: Audio & Video Learner (33%) Tactile Learner (26%), Social Group Interactive Learner (31%) and Audio Learner (10%). On lecture delivery by lecturers, 13 students (28%) said they had challenges on the way some lecturers delivered lectures while 33 students (72%) said they did not have any problems with lecture delivery by lecturers. When students were asked what problems they encountered with the way lectures are delivered, they gave many challenges such as some lecturers being too fast with lecture delivery and others not involving students in lessons by not inviting them to participate. Others said that the overhead projector should be banned as a teaching aid because lecturers did not teach properly when they resorted to showing slides. Others also said some lecturers did not know how to teach or how to properly interact with students. Some students were worried that some lecturers evaded questions from students in class. Students seem not to comprehend the intricacies of teaching with regard to different teaching methodologies and approaches such as Socratic question and answer method, Montessori's play-way method, action-centred method, directed unsupervised learning method, thematic method of integrated learning, problem-solving method, and epistemological method, among many others.

On how many hours a day students had private studies, 23 of them (50%) said they did an average of up to 2 hours a day while 19 students (41%) said that they studied between 3 to 5 hours a day. Those who did more than 6 hours of study a day were 4 students (9%). Asked how long on average were they online a day, 13 students (28%) said they spent between 5 to 7 hours a day online while 18 students (39%) said on average they spent 2 to 4 hours a day online. The remaining 15 students (33%) said they spent less than 2 hours a day online.

When students were asked about their performance during the COVID-19 lockdown, and how they fared, 7 of them (15%) said that their performance was very good while 26 of the

students (57%) said their performance was average. Eight (8) students (18%) said that their performance was poor. Five of them (11%) said their performance was just satisfactory. When asked whether their current performance was influenced by their primary and secondary school background, 21 students (46%) agreed to the assertion while 25 students (54%) did not agree with the assertion. Finally, when asked whether their previous school did prepare them enough for the university, 26 students (57%) did agree with the assertion while 20 students (43%) disagreed with the assertion.

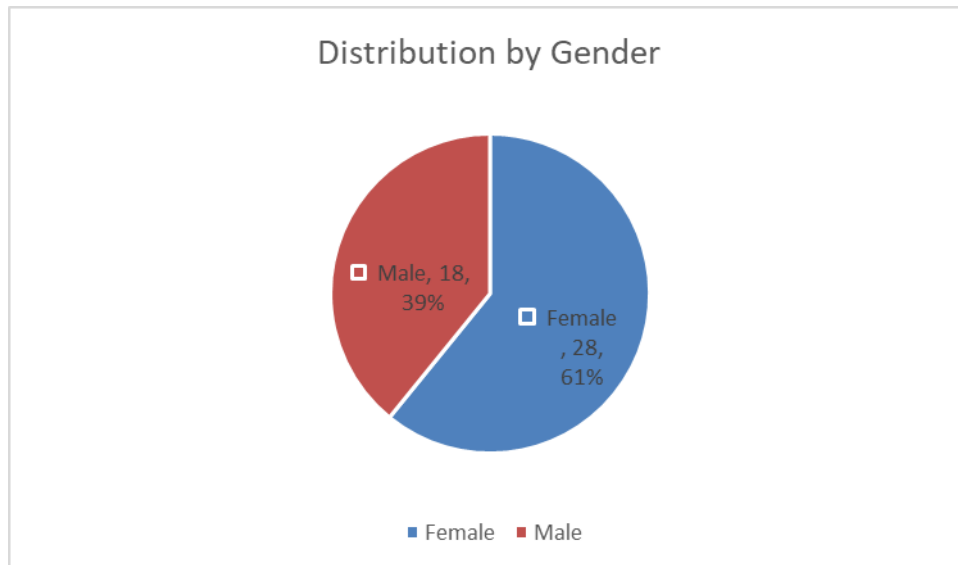


Figure 6. Gender Distribution

The research involved a qualitative research of the learning disabilities and performance of ZCAS University Law students.

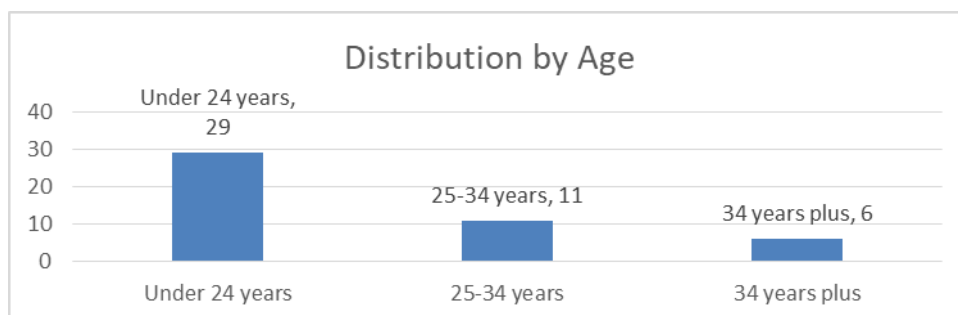


Figure 7. Age Distribution

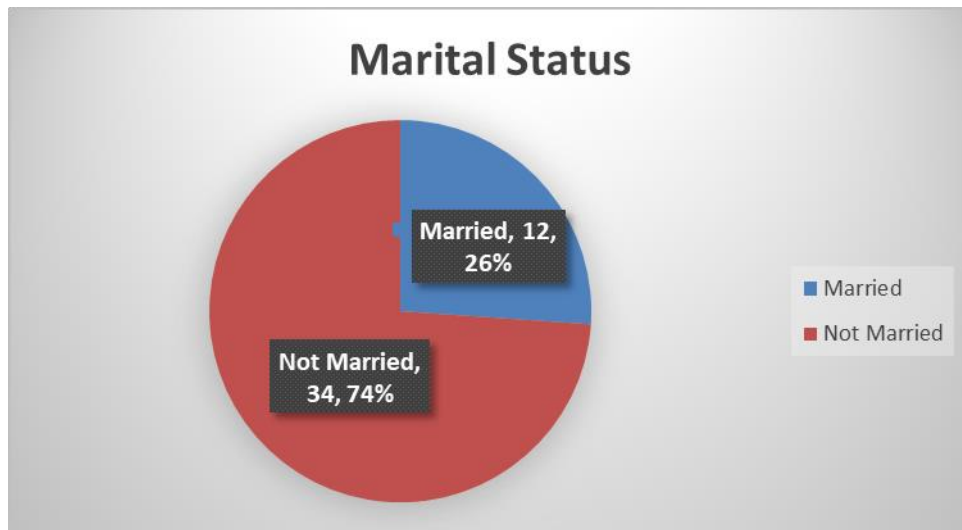


Figure 8. Marital Status

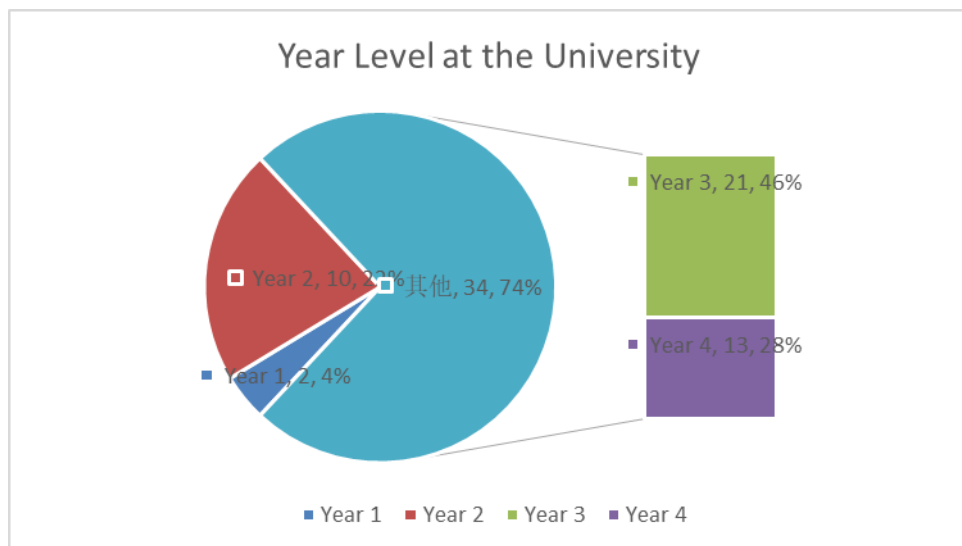


Figure 9. Year Levels

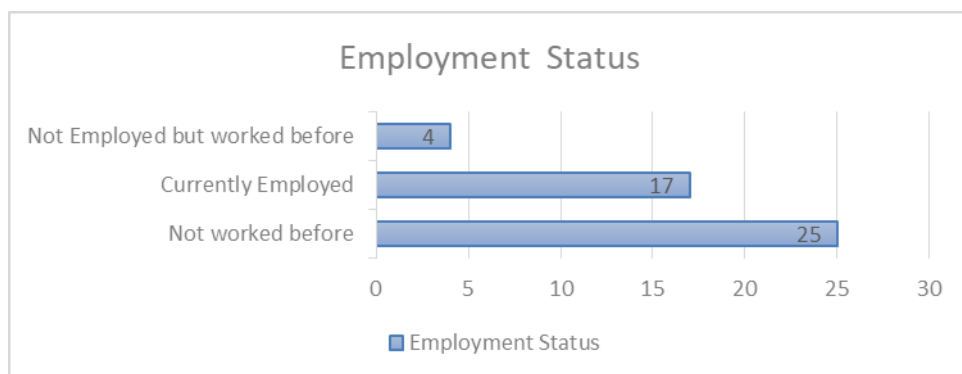


Figure10. Employment Status

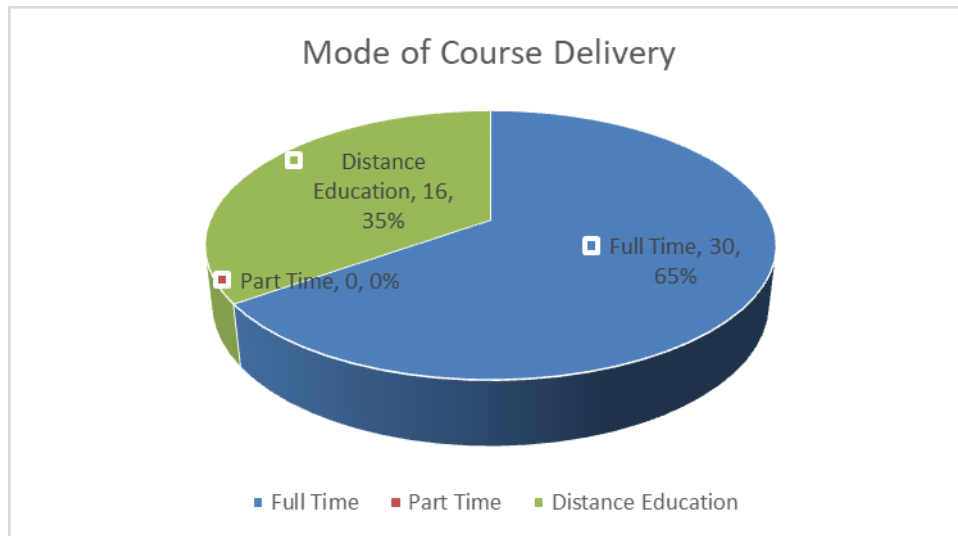


Figure 11. Mode of Course Delivery

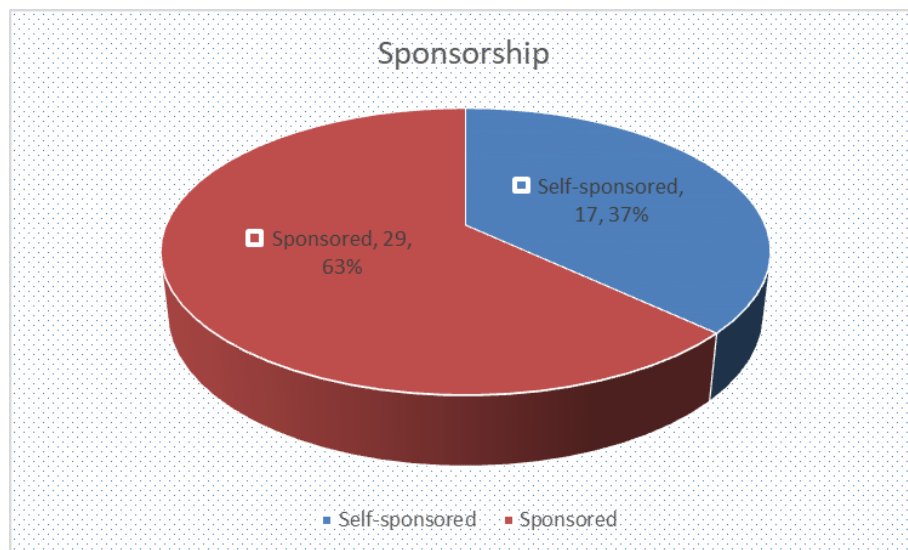


Figure 12. Sponsorship

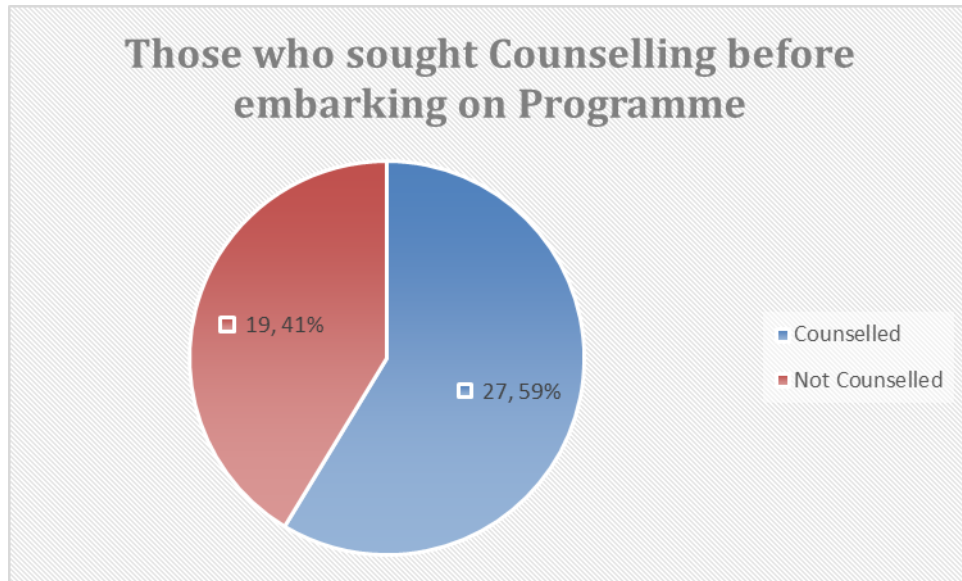


Figure 13. Counselling

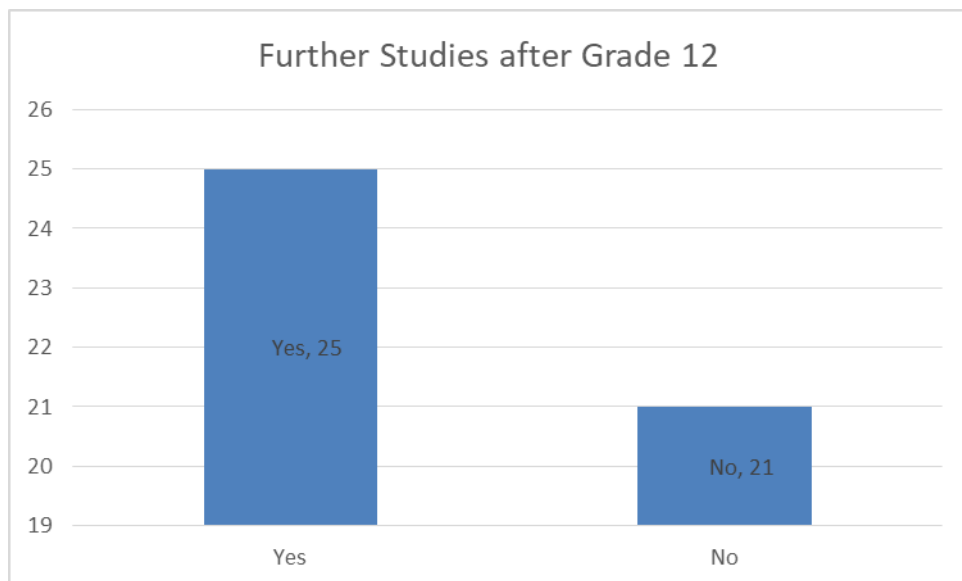


Figure 14. Further Studies before entering university

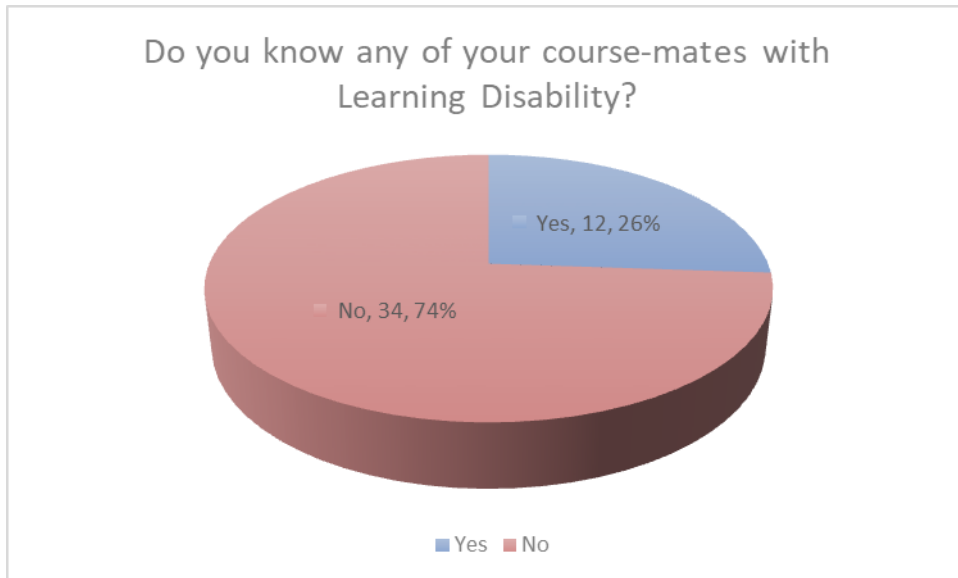


Figure 15. Do you know any peer with learning disability?

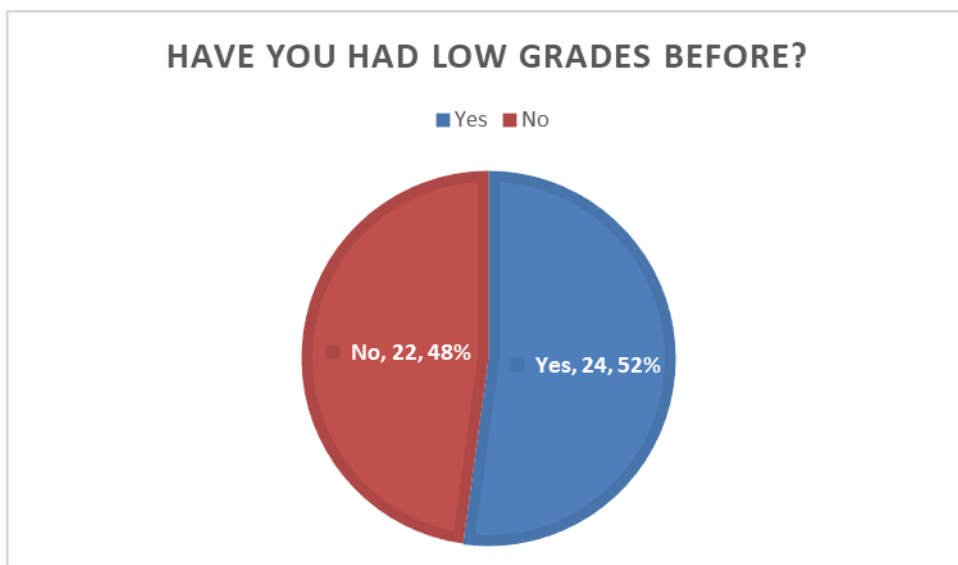


Figure 16. Had low grades before?

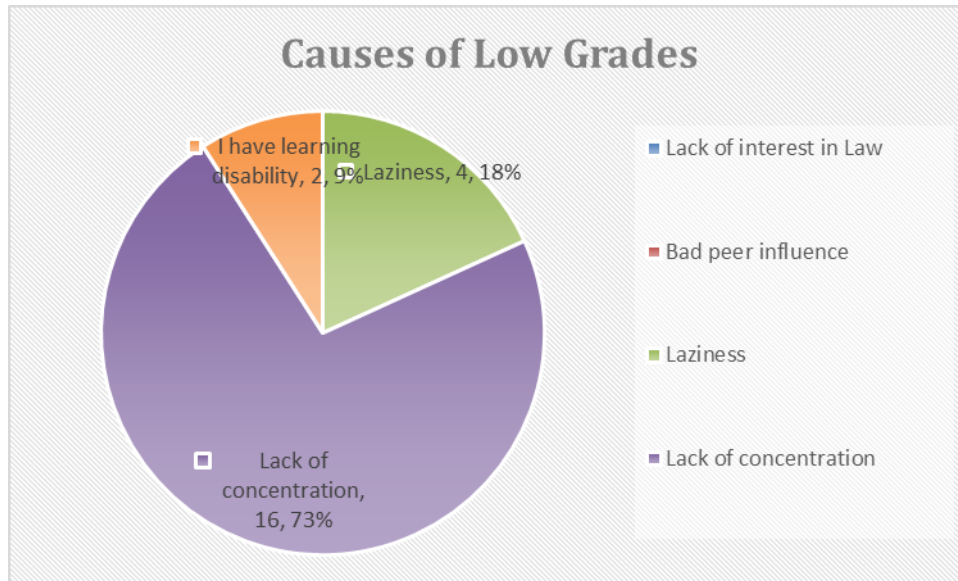


Figure 17. Causes of low grade

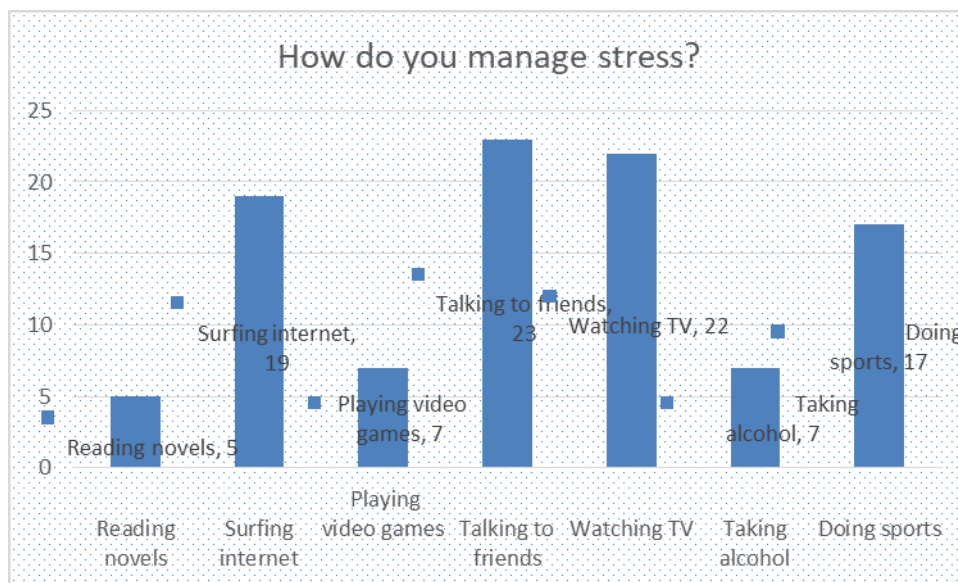


Figure 18. Management of Stress



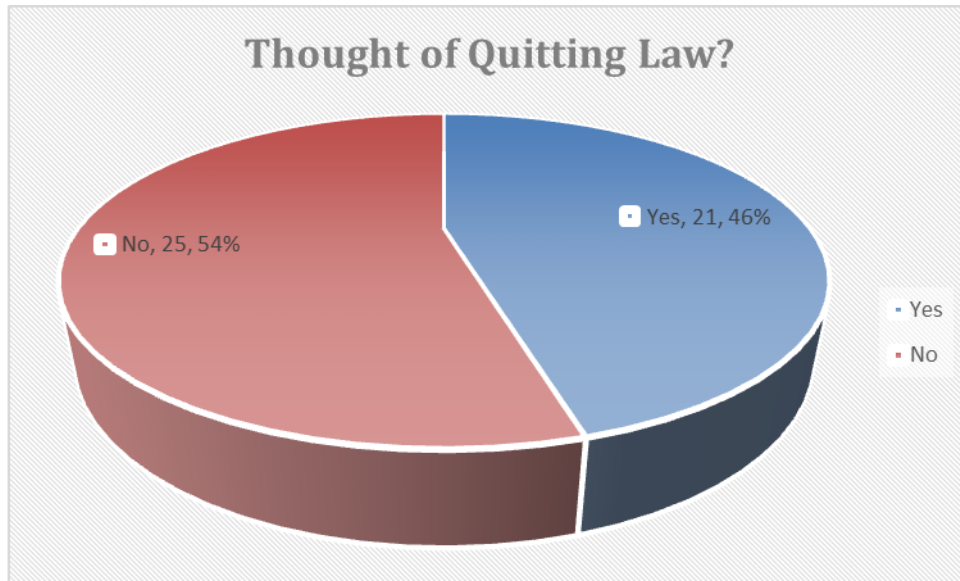


Figure 19. Thought of Quitting Law?

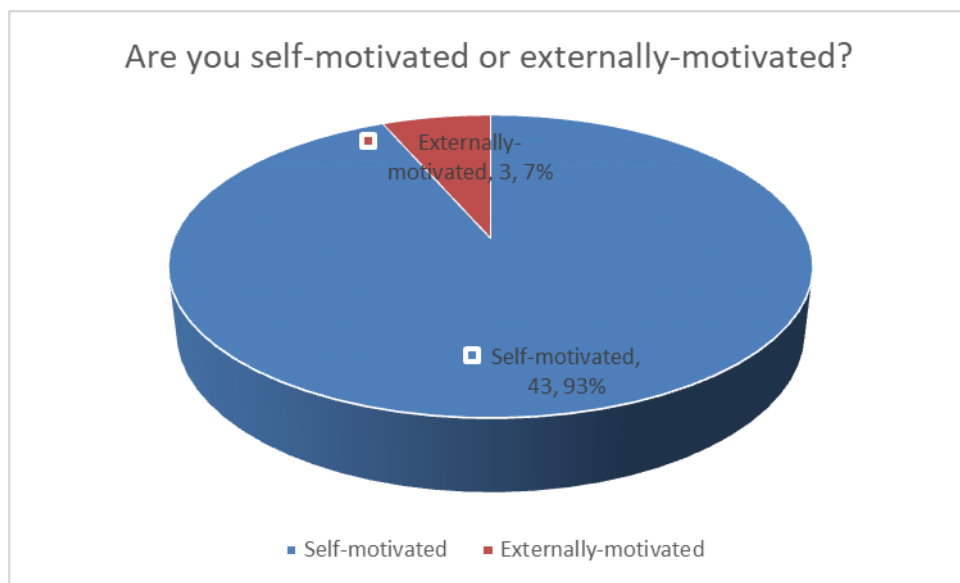


Figure 20. Motivation

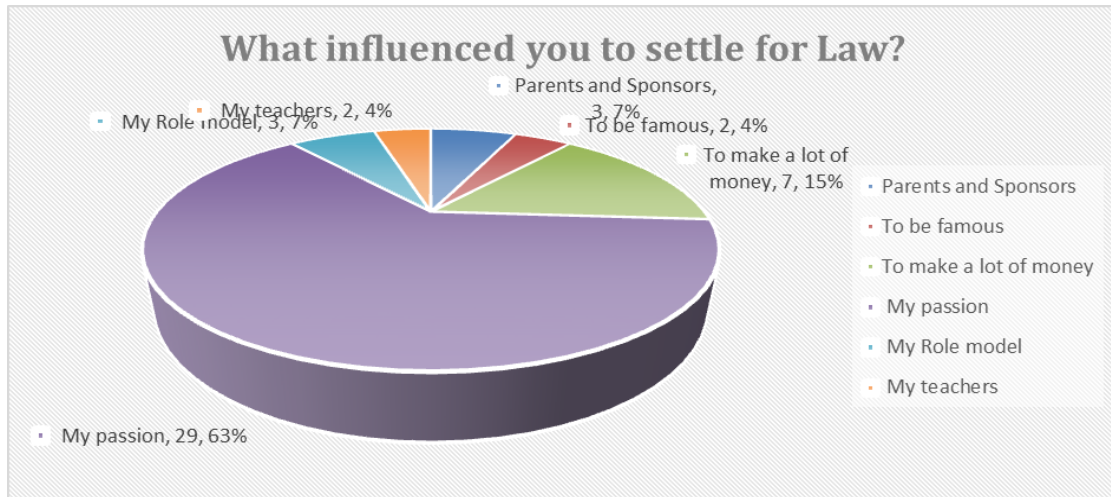


Figure 21. Factors that Influenced Choosing Law

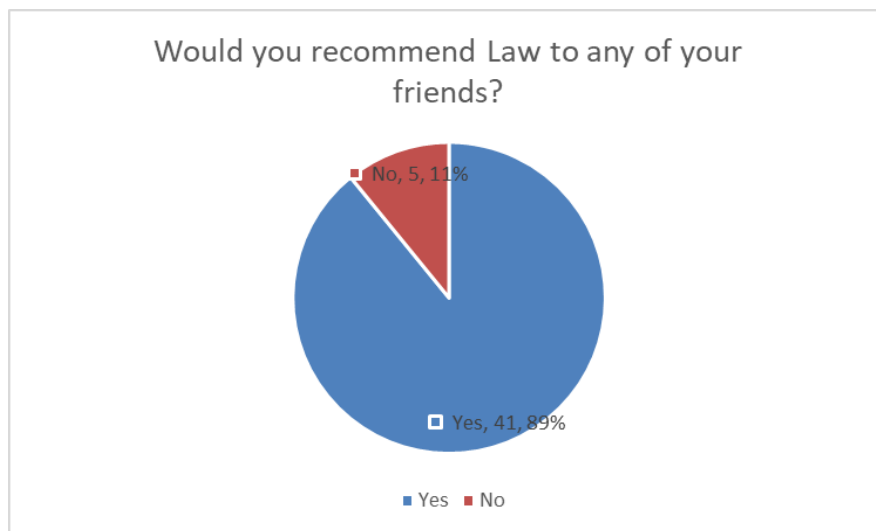


Figure 22. Recommending Law to others

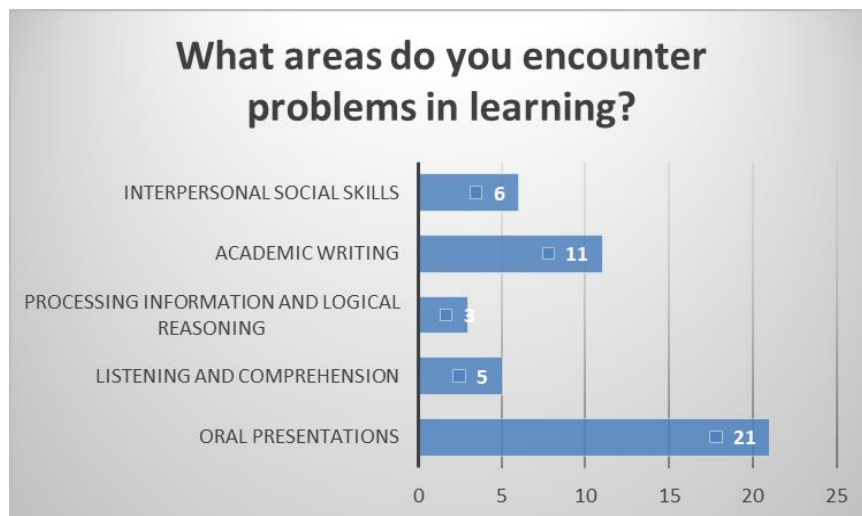


Figure 23. Problem areas in Learning

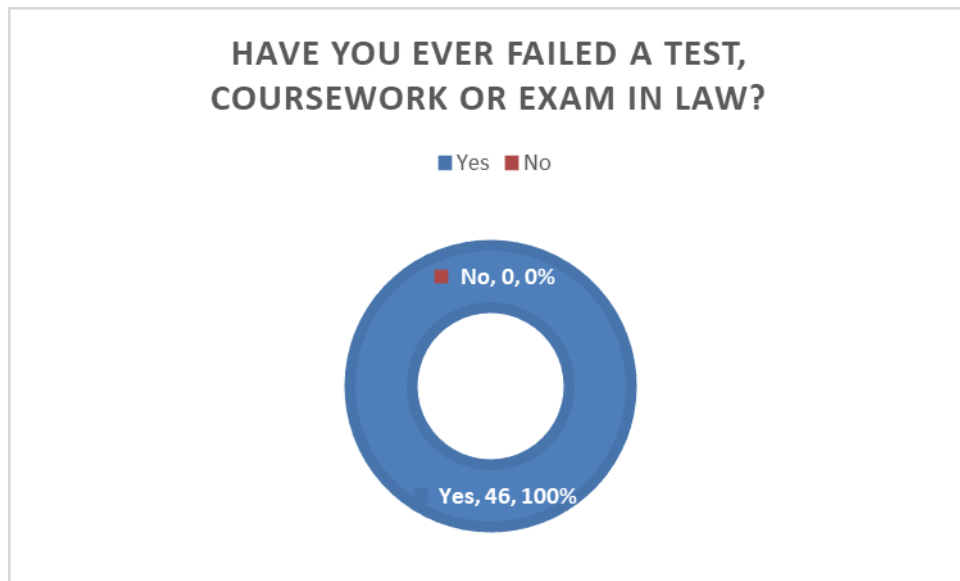


Figure 24. Failed a test before?

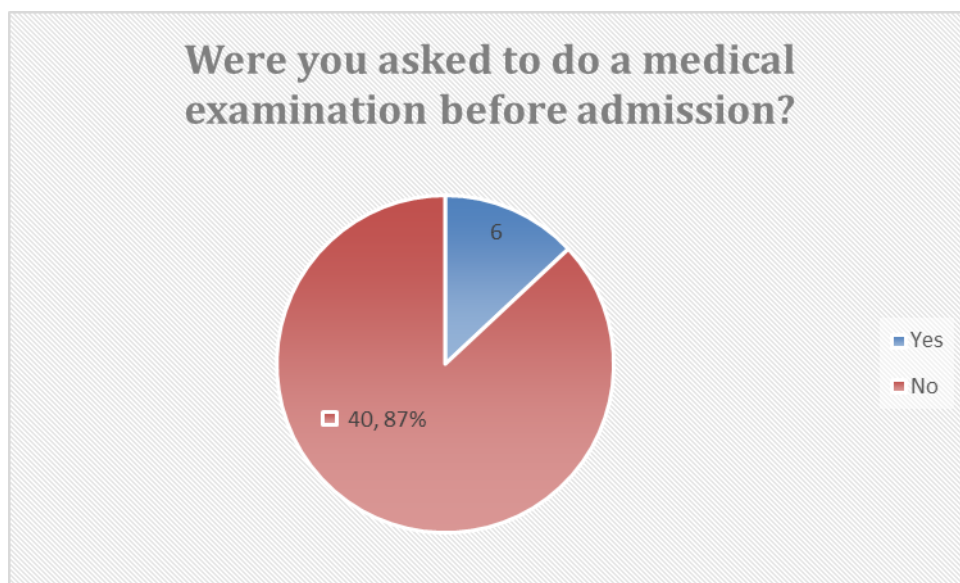


Figure 25. Did you do medical exam?

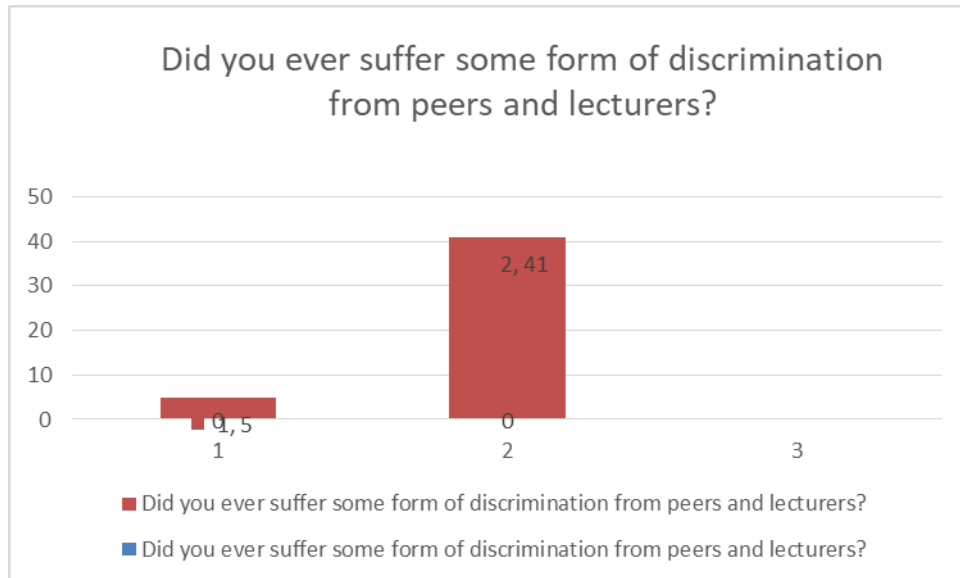


Figure 26. Suffered Discrimination?

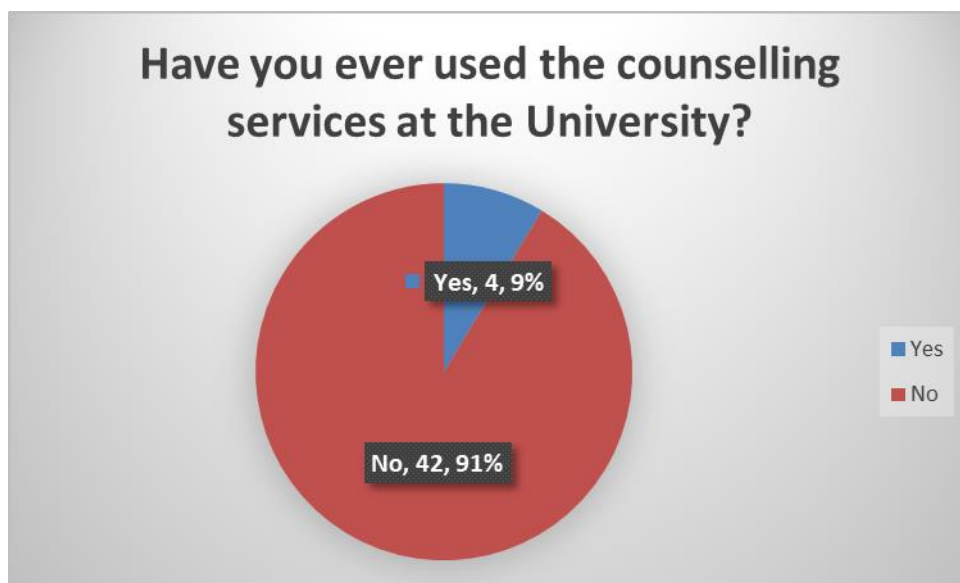


Figure 27

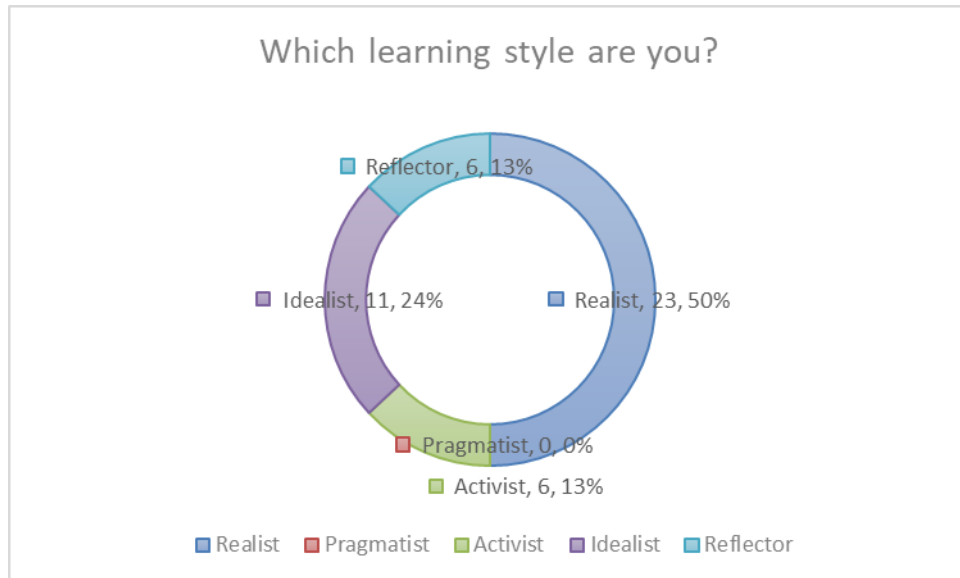


Figure 28. Learning Style

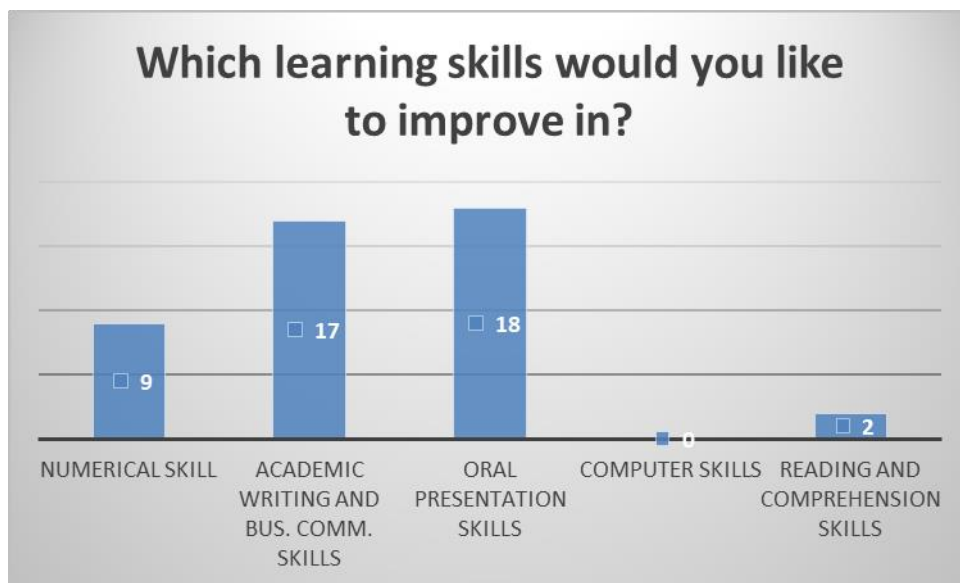


Figure 29. Area of Learning Skill Improvement

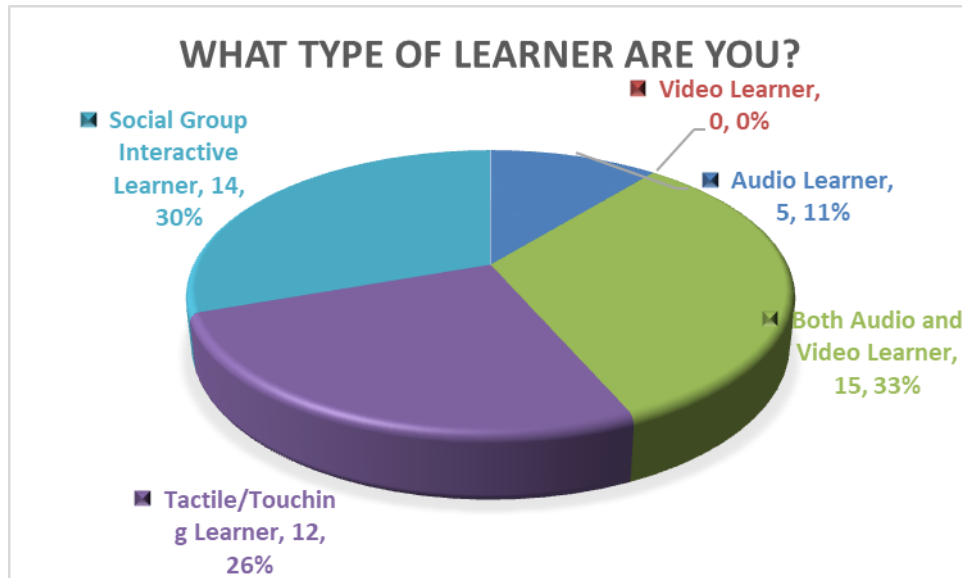


Figure 30. Type of Learner

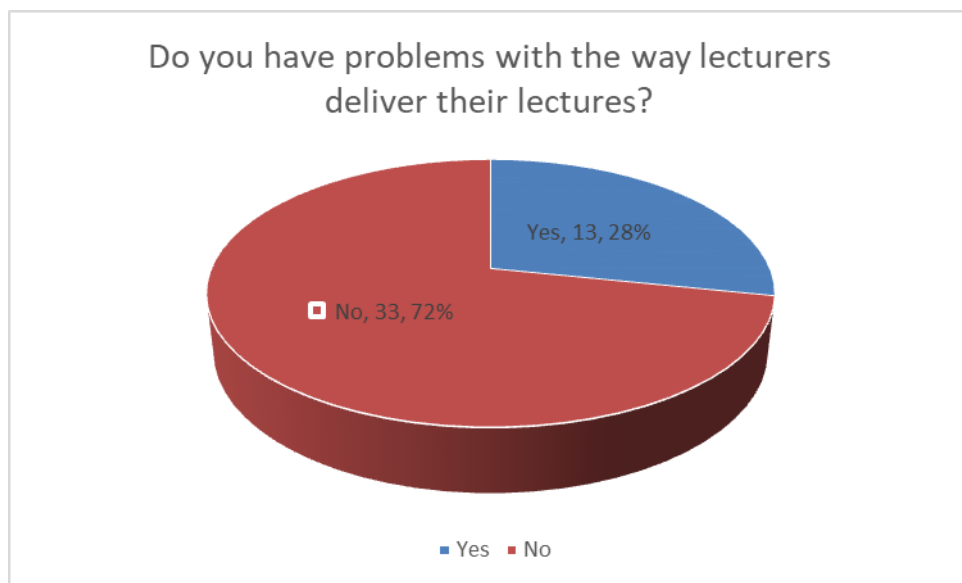


Figure 31. Problems with way lectures are delivered?

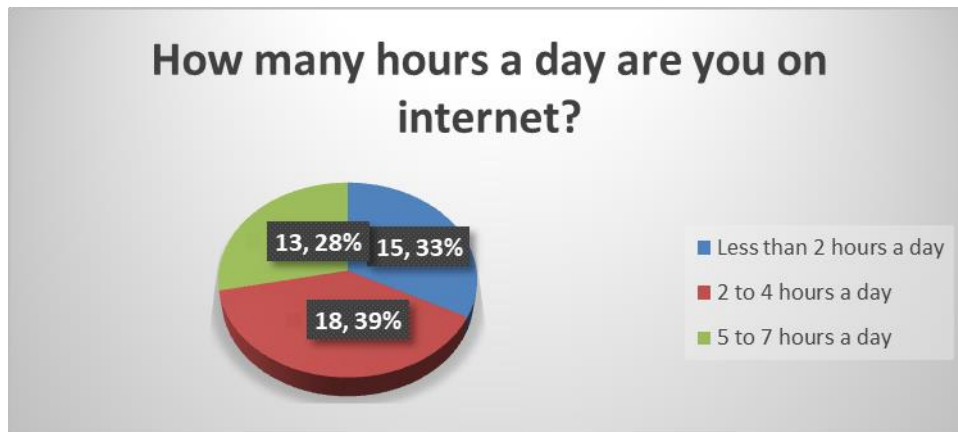


Figure 32. Hours a day on internet

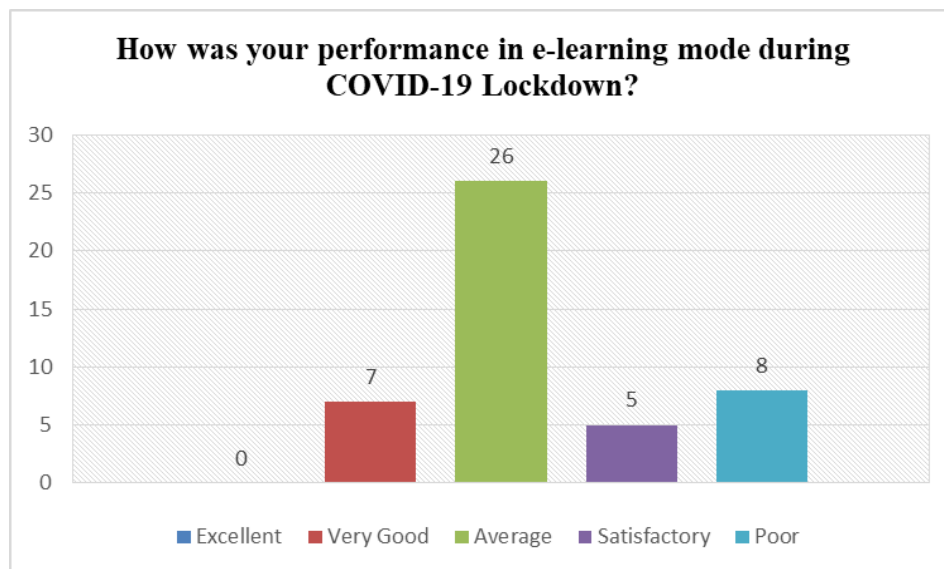


Figure 33. COVID-19 Performance in online work

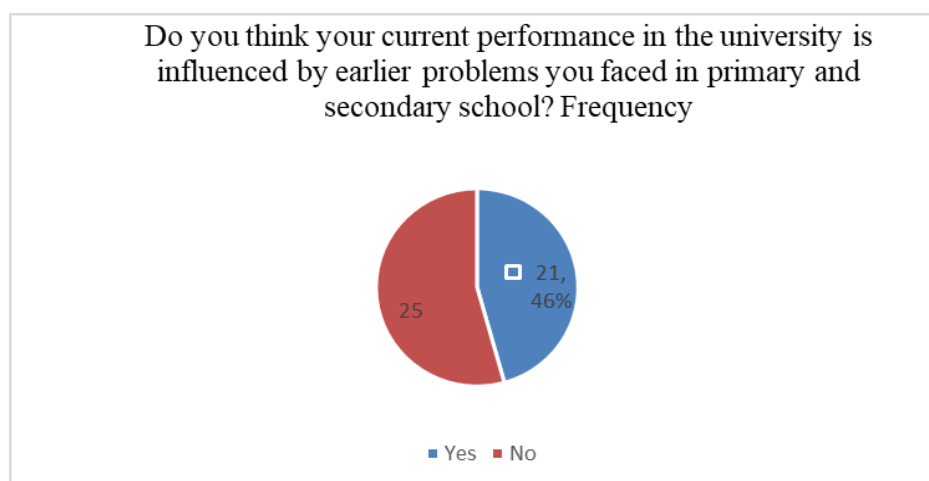


Figure 34. Is current performance influenced by past?

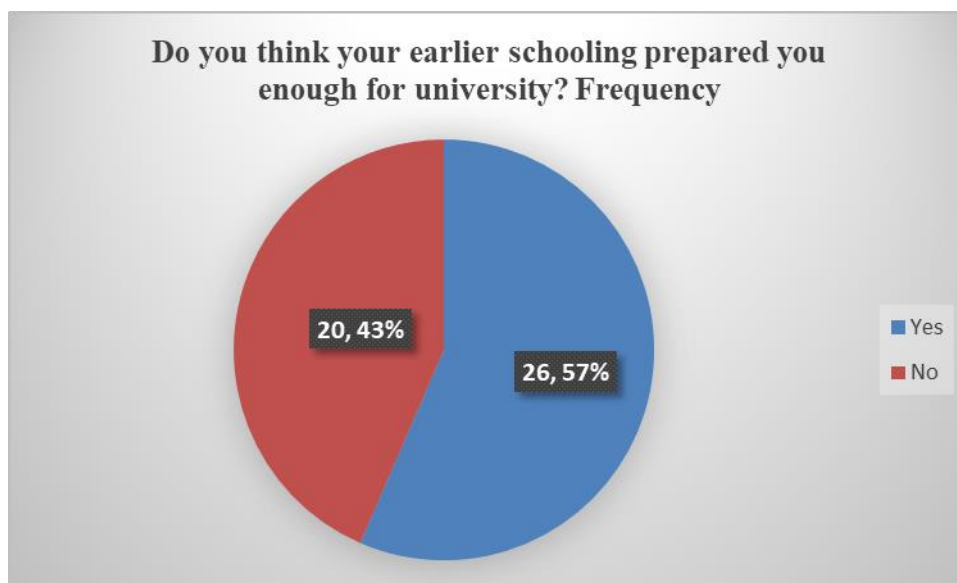


Figure 35. Were you prepared enough for university?

## 5. Discussion

The statistical background of the 46 law students' respondents in this qualitative research sample showed that 74% of them were not married, 63% were below 24 years, and 73% of them were 3<sup>rd</sup> and 4<sup>th</sup> year students. Besides, 54% of them had not worked before while 63% were sponsored. These facts indicate that contrary to known expectations, the respondents showed that they had locus of control to bear responsibility for their learning outcomes in the sense that all the students in the sample factually and openly expressed their learning styles, their expectations from their lecturers, and also they showed their reflective ideas on what they thought served as barriers to their academic progress, caused by their learning disabilities and difficulties.

Nineteen (41%) of them said that they had not sought counselling before embarking on the Law degree programme at ZCAS University, which is contrary to the norm in say the USA or the UK where pre-university students receive a lot of career guidance and counselling as well as pre-university preparation (Gregg & Hoy, 1989; AHSSPPE, 1987; Hughes & Smith, 1990; Blosser, 1981; Bernstein, 1965; Aune & Ness, 1988). In this vein, we expect that if this research is carried out in a developed country, perhaps, we would obtain slightly different results than if it was carried out in a developing country like Zambia or Ghana.

Some of the students objected to the use of technology in teaching as they expressed apprehension about the use of overhead projectors for teaching, stating that the lecturers who used the technology did not carry out proper teaching. It is strange that Millennials should kick against the use of technology as they are looked upon as technophiles and not technophobes.

It has to be noted that teaching in pre-tertiary institutions in the primary and secondary schools in Zambia is teacher-centred instead of being student-pupil centred because of lack of



teaching resources and lack of students' access to technology and the internet. This is because of abject poverty which causes students not to have access to the internet for research. In this scenario, there is a student-capture syndrome (SCS) and teacher-dependency syndrome (TDS). This leads to students sometimes being fed wrong stuff by half-baked and inexperienced teachers. However, the Zambian government is vigorously tackling teacher education by asking teachers to be registered with the Teaching Council and for all teachers to upgrade their qualifications by acquiring degrees and professional certification (MOE, Zambia, 2013).

This research also revealed that some students did not do further studies after Grade 12, before embarking on university education, leading to a knowledge gap. This is because there is a yawning gap between Grade 12 education and university education which is often covered by taking Advanced Level studies for two years or the International Baccalaureate Diploma for two years. In 1966, the Education Act which was passed by the Zambian Government to accelerate education in the country did state that Grade 12 certificate was the criteria for entering the University of Zambia. Since then this Act has remained in place despite many years of tremendous changes globally. It is therefore frustrating for both students and lecturers to be confronted by this knowledge gap which requires some form of bridging, and adopting some interventions to close it (Sakyi, 2001).

This issue of going straight from Grade 12 to the university is also explained by high levels of poverty in Zambia where many parents cannot afford the luxury of paying for Sixth Form or A Level education in the thirteenth and fourteenth grades as A Level Studies or IB Diploma studies. A few parents who can afford to do so take their children to special private schools to do A Levels before they go to university. Mostly, well-to-do families who send their children to do either A Levels or IB are targeting universities abroad in the UK, Australia, USA and Canada.

We can therefore link many of the learning disabilities of our law students to this lacuna or hiatus in the educational system in Zambia. When the government tried to introduce the A Level system in the late 1990s, it failed because there were not many experienced teachers to teach the subjects and also the pass rates were too low so the programme was abandoned and shelved.

Thus, generally in Zambia, students from the public secondary schools have poor pre-university preparation due to lack of the A Level and IB programmes in these schools. Only a few high fee-paying private schools offer A Levels and IB. In our sample research, 54% of the students stated having done some further studies after Grade 12. For countries such as Nigeria, Ghana, Zimbabwe, Sierra Leone, and Kenya, this question would have yielded a 100% answer, showing how competitive education is in these countries compared to Zambia.

The research revealed that 50% of those surveyed said that their learning style was Realist while 24% said that they were Idealist. This reveals that perhaps the lecturers are not adapting to the learning styles of the students, hence their having learning disabilities. In-fact, 33% of the respondents stated that they were Audio-Video learners while 31% said that they were

social-interactive and group-context learners. Furthermore, 26% of the student respondents revealed that they were tactile learners.

This means that lecturers have to vary their styles of delivery to suit all the category of learners by using teaching methods such as role play, action-research projects, group assignments, watching YouTube videos in class, having mock court/moot court competitions, class presentations, taking on group tours of courts to see law in action, inviting legal luminaries as guest lecturers and role models, among a variety of methods. Lecturers should adopt a hands-on approach to learning by making learning real, practical, interesting, challenging, and above all, to create enduring understanding in order to achieve backward design, integrative and holistic learning, and being aware of the multiple intelligences of students with different ability endowments.

## **6. Conclusion and Recommendations**

This article set out to explore the learning disabilities and difficulties of Law students at ZCAS University by adopting a qualitative and interpretivist approach to the research. The findings revealed that students pursuing Law at ZCAS University, unlike their counterparts in the developed countries, lack adequate pre-university preparation and counselling and as such, they entered university with a learning handicap and deficit which aggravated their situation by presenting them with many learning difficulties. Theoretically, some of the law students suffer from learning disabilities such as dyslexia, dyscalculia, dysphasia, dyspraxia, attention hypersensitive deficit disorder, among others. From the findings of this research, we recommend the following measures to ZCAS University as learning interventions to help improve service delivery:

- All lecturers who do not have teaching qualifications should be assisted to acquire post-graduate teaching diplomas
- The student career and guidance counselling department should be strengthened and made more visible to students
- ZCAS University should start a bridging programme for students to help the weak students overcome their learning disabilities
- Pre-admission tests should be enforced in some instances to ensure that the right calibre of students are admitted for various programmes
- ZCAS University should make it mandatory for all potential candidates to undergo medical screening before admission, in addition to administering admission tests
- Lecturers should be encouraged to improve their skills by using different learning approaches which are tailored to the learning styles of students
- Students should be assisted to get value for their money by offering them extra-curricular activities such as empowering them with free computer skills, foreign language skills, computer coding skills, and extramural lessons, among others
- ZCAS University should endeavour to form a strong community bond with alumni and other stakeholders to provide a platform for the students to meet their role models and mentors
- Lecturers should endeavour to give students a lot of professional exposure such as holding career fairs, holding legal drafting and academic writing workshops and clinics

- Provide tutorial groups system to enable students obtain maximum assistance from lecturers for them to overcome their learning difficulties by giving them one-on-one interaction with lecturers
- Lecturers should provide students with assessments such as formative and summative assessments for the early identification of their weaknesses in order to provide early interventions for their learning disabilities
- Lecturers should establish psychosomatic tests to assess the psychological status of students by giving them IQ tests, Myers-Briggs Personality tests, among others
- Lecturers should explore how extramural classes can be given to students to widen their scope of knowledge
- Lecturers should use blended learning as well as flexible lecturing styles in order to tailor their lecturing and teaching styles to the learning styles of students

### **Acknowledgement**

We will like to thank our University, ZCAS University, for encouraging us to publish and also for providing us with a platform to research and publish articles. We will also like to thank our colleagues for giving us moral support. We dedicate this article to all our former law students who have graduated from the Zambia Institute of Advanced Legal Studies (ZIALE). Fly high the ZCAS University flag wherever you are. We are proud of your achievements.

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2. /articles/autism/autism-spectrum-disorders.htm
3. /articles/learning-disabilities/helping-children-with-learning-disabilities.htm
4. /articles/add-adhd/attention-deficit-disorder-adhd-and-school.htm

### Notes

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