



Analyzing The Regulation Of Legal Education: A Comparative Studies Between India And The United States Of America

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ABSTRACT

Globally, legal education has developed over several centuries, and the efficacy of this education is a key concern for society as well as legal professionals. The legal education systems in India and the United States are regulated by their respective Bar Councils - the Bar Council of India (BCI) and the American Bar Association (ABA). This paper provides a comparative analysis of the roles and functions of these two regulatory bodies, exploring the similarities and differences in their approaches to legal education. The paper first provides an overview of the legal education systems in India and the United States, highlighting the key features of each system. It then examines the roles and functions of the BCI and the ABA, discussing the similarities and differences in their regulatory frameworks, accreditation standards, and approaches to promoting excellence in legal education. The comparative analysis highlights the challenges faced by each regulatory body in ensuring that legal education meets the needs of the legal profession and society. The paper also examines the impact of globalization on legal education and the implications of this for the regulation of legal education in both India and the United States. The paper concludes by suggesting areas for further research and collaboration between the BCI and the ABA, including the exchange of best practices and the development of joint initiatives to promote excellence in legal education. By examining the similarities and differences between the regulatory frameworks in India and the United States, this paper provides valuable insights into the challenges and opportunities facing the legal education systems in both countries, and the role of the regulatory bodies in shaping the future of legal education.

Keywords – Legal education; American Bar Association; Bar council of India; comparative analysis.

INTRODUCTION

Legal education is essential for the development of social lawyers who are responsive and responsible. Modern democratic societies are constantly expanding the number and variety of legal positions, giving students a unique opportunity to play a role in the community. In a contemporary democratic welfare state, the legal profession is a comprehensive and all-encompassing profession. It encompasses more than just the profession that is practiced in courts; it also includes law research, administration in various fields where the law is relevant, commercial, and industrial employment, and all other activities that assume and call for the application of specialized knowledge and skill and that adopt laws and procedures. Therefore, it is always imperative to have a proper regulatory mechanism in order to make a change.

The conversation about law teaching and research in India has always been driven by the need to make legal education more modern and current. Moreover, the conversation needs to be socially relevant and humanistic for the teacher. Numerous conferences, seminars, workshops, meetings, publications, and reports have discussed this issue. Therefore, it would not be an overstatement to argue that there have been significant attempts to rearticulate legal education and research in India. The Bar Council of India is the statutory body that carries out its regulatory duty by establishing codes of behavior and protocol for the legal profession. It

also exerts disciplinary authority over the bar. Additionally, it establishes requirements for legal education and recognizes universities whose degrees in law will be accepted as prerequisites for enrollment as an advocate. Talking about the United States, the legal system there is governed by the American Bar Association. The American Bar Association has been a pioneer in legal ethics and professional responsibility for more than ninety years and has developed the professional standards that serve as a template for legislation regulating the legal industry.¹ The American Bar Association (ABA) understood early on the significance of international law in creating the framework for what would eventually grow to be "one of the largest voluntary professional organizations" in the world.² The International Law Committee of the American Bar Association eventually evolved into the International and Comparative Law Section in 1933, and one of the finest American legal academics, Professor John Henry Wigmore, served as the section's first chair³. The ABA Section of International Law (SIL) has gone by several names throughout the years⁴, but it has never wavered from its objective of furthering the rule of law globally and improving the caliber and reach of the profession and of international attorneys everywhere. SIL now has more than 22,000 individual members spread throughout more than 90 nations⁵. Through publications, dozens of substantive committees, continuing Legal Education, the International Legal Resource Center (a collaboration with the United Nations Development Programme), outreach to the international legal community, engagement with the US government, and policy development and advocacy, it serves ABA members, the profession, and the general public.⁶

The paper here demonstrates a profound knowledge of both the history and legal systems of India and the United States. It provides a detailed description of the two regulating bodies: the Bar Council of India and the American Bar Association. The paper is divided into three sections:

- I. The paper begins with a description of the Bar Council of India and its operational mechanisms.
- II. The second section of the article discusses how the American Bar Association regulates the practice of law in the United States.
- III. Thirdly, the paper provides a comparative evaluation of the work, rules, regulations, and other related factors of the Bar Council of India and the American Bar Association.
- IV. The paper concludes by analysing and recommending possible changes that can be made in each of the associations in order to provide both countries with an effective legal system.

THE BAR COUNCIL OF INDIA

Following a debate concerning Indian school concerns among the directors of the English East India Company in 1792, the English model of education initially came into existence. In 1856, a law creating three universities was adopted by the British administration in India. The first university was founded in Calcutta in 1857, later followed by Bombay and Madras. Therefore this resulted in the establishment of British courts very early in India. Prior to the 1857 revolt, the East India Company had special licenses that allowed it to govern over Indians. By the end of the 18th century⁷, courts had been established under three presidents. Although the for the major decision-making, court used to abide by the English laws. In 1861, the whole judiciary of each of these presidencies was merged into a single high court, and therefore, to work in the legal profession, there was no standard qualification required. The legal profession is made up of a varied group of people. Mukhtars, vakils, lawyers, pleaders, and revenue agents⁸ were among them. They all have varied levels of legal education. The lawyers with London legal training were considered to have a more increased level of knowledge and referred to as "Barristers" and, therefore, were given preferential treatment in the court. Typically, those whose parents could afford it were sent to London and those who were successful on both a social and economic level could become barristers, and as a result, only those same individuals received preferential treatment in courts. Most

¹ Victor C. Folsom, *History of the Section of International Law and Practice 1913-1993: The Second Thirty-Five Years (1913-1948)*, 28 INT'L LAW. 587, 595 (1994).

² See, About the American Bar Association, A.B.A., http://www.americanbar.org/about_the_aba.html (last visited Sept. 18, 2014).

³ See David S. Clark, *The Modern Development of American Comparative Law:1904-1945*, 55 Am. J. COMP. L. 587, 607, 610 (2007).

⁴ See David S. Clark, *American Law Schools in the Age of Globalization: A Comparative Perspective*, 61 RUTGERS L. REV. 1037, 1043 (2009); Victor C. Folsom, *History of the Section of International Law and Practice 1913-1993: The Second Thirty-Five Years (1913-1948)*, 28 INT'L LAW. 587, 595 (1994).

⁵ See About Us / Section of International Law, A.B.A., http://www.americanbar.org/groups/internationallaw/about_us.htm (last visited Sept. 19, 2014).

⁶ See American Bar Association Section of International Law, A.B.A., http://www.americanbar.org/content/dam/abaluncategorized/international_law/section-profile_2012.doc (last visited Sept. 19, 2014).

⁷ J. K. Bhavnani, "Legal Education in India", *Journal of the Indian Law Institute*, vol. 4, 1962, pp. 167-90.

⁸ Lovely Dasgupta, "Reforming Indian Legal Education: Linking Research and Teaching", *Association of American Law Schools*, vol. 59, 2010, pp. 432.

of the students at Indian Law School were from less privileged families.⁹ Hence, it was very difficult for people to afford such an education in a country like India.

HISTORICAL OVERVIEW OF THE BAR COUNCIL OF INDIA

The Bar Council Of India was established as a statutory organization under Section 4 of the Advocates Act, 1961 as a result of a report that the All India Bar Committee, headed by S.R. Das, presented in March 1953¹⁰. In India, the bar council oversees the legal practice and also acts as the body regulating Legal Education. The Indian attorneys make up the bar council, which has disciplinary jurisdiction over the bar and regulates professional code of conduct and etiquette. They also recognize colleges where students can pursue a legal education and a career as an advocate, as well as setting national criteria for legal education. The bar council also took the audacious and creative choice to sponsor the National Law School in Bangalore and convert its three-year curriculum into a five-year integrated program. The Chairman and Vice-Chairman are chosen by the Council and serve two-year terms.¹¹

THE NEED FOR AN ALL INDIA BAR ASSOCIATION

The need for an all-Indian bar and the necessity of having uniform standards for legal examinations at India's diverse universities both increased when the constitution of India was established on January 26, 1950. The Madras Provincial Lawyers Committee, led by Shri S. Varadachariar, determined in May 1950 that the Indian government should form a committee to create a strategy for an all-India bar and amend the Indian Bar Councils Act to be in line with the new constitution.¹² In August 1951, Shri Syed Mohammed Ahmad Kazmi, a member of parliament, proposed a bill to alter the India Bar Councils Act. A committee of inquiry was established in August 1951 with the purpose of examining the feasibility of a single bar in India, the continuation or abolition of the two-tier system of advisors for each state, the potential for an independent Bar Council for the Apex Court, and ultimately the revision of laws governing the legal profession.¹³

A high-quality legal education was not widely available in India until the early 1920s. Legal education in India went to the next level after the Indian Bar Council established the National Law School University. The first national law school in Bangalore opened its doors in August 1987, ushering in a paradigm shift in the manner that law is studied and taught. The bar council of India has surely contributed significantly to the growth of legal education in India. India's present legal education system is attributed to being established with assistance from the Bar Council.¹⁴

THE BAR COUNCIL AND THE ADVOCATES ACT, 1961

The Bar Council of India is a statutory organization established by the Parliament to oversee and represent the Indian bar. The Council carries out its regulatory duty by establishing codes of behavior and protocol for the legal profession and by having disciplinary authority over the bar.¹⁵ It establishes the requirements for legal education and recognizes colleges whose law degrees will be accepted as prerequisites for enrollment as an advocate. The council also fulfills certain representational duties by defending the privileges, rights, and interests of advocates and by setting up money to support the organization of welfare programs for them.¹⁶ The Bar Council's regulatory and representational responsibilities for the legal profession and legal education in India are covered by the legislative duties under Section 7 of the Advocates Act, 1961¹⁷. The procedures to be followed by its disciplinary committee and the disciplinary committees of each State Bar Council are among them, as are establishing standards of professional conduct and etiquette for advocates, protecting the rights, privileges, and interests of advocates, promoting law reform, supporting it, handling any matter that may be referred to it by a State Bar Council, and promoting legal education and establishing standards of legal education. The State Bar Council and the universities in India that offer legal education have input on this.

⁹ R, Siva Sanchana, "Evolution of Legal Education in India", (January 4, 2023), <https://ssrn.com/abstract=4317807>.

¹⁰ Arthur Taylor Von Mehren. "Law and Legal Education in India: Some Observations." Harvard Law Review, vol. 78, 1965, pp. 1180.

¹¹ Chandra Jena, Krushna. "Role of Bar Councils and Universities in Promoting Legal Education in India" Indian Law Institute, vol. 44, 2002, pp. 555–68.

¹² P. Aggarwal, Arjun, "Legal Education in India", Association of American Law Schools, vol. 12, 1959, pp. 231–48.

¹³ Gurjeet Singh, "Revamping Professional Legal Education: Some Observations on Revised LLB Curriculum of Bar Council of India.", Journal of the Indian Law Institute, vol. 41, 1999, pp. 237–55.

¹⁴ *Supra*, note 8.

¹⁵ Legal Education, bar Council of India, available at <http://www.barcouncilofindia.org/about/legal-education/>.

¹⁶ Bar Council of India Website, available at <http://www.barcouncilofindia.org/about/about-the-bar-council-of-india/>.

¹⁷ Bar Council of India Website, available at <http://www.barcouncilofindia.org/about/about-the-bar-council-of-india/>.

The Advocates Act of 1961 provides the Bar Council of India with its regulating authority. The statute derives its constitutional legitimacy from List 1 items 77 and 78, which also address "persons entitled to practice before the Supreme Court" and "Persons entitled to practice before the High Courts," in the seventh schedule of the Indian Constitution.¹⁸

Under Sections 7(1)(h) and 7(1)(i) of the Advocates Act, 1961, the BCI has the responsibility to promote legal education. According to the Advocate Act, the BCI must, "promote legal education and put forth standards of such education in cooperation with the Universities in India offering such education and the State Bar Councils".¹⁹

The State Bar Council authorizes the BCI to recognize Universities whose degree in law shall be a requirement for enrollment as an advocate and for that purpose to visit and inspect universities or to direct the State Bar Councils to visit and inspect universities in accordance with any directions it may give in this regard. Any Indian person who has graduated from an institution in their country that is accredited by the BCI is eligible to be admitted as an advocate. The BCI has the authority to establish regulations governing the minimal requirements for enrollment in a law program at an accredited university. It conducts inspections in universities to see whether the quality of legal education is being upheld.

ROLE OF BCI IN PROMOTING LEGAL EDUCATION IN UNIVERSITIES

India has a long history of legal systems. It has a complex legal system that is run by a watchful legal profession and an independent court. Legal education of the highest caliber offered by various legal institutions is essential to the growth of a cohesive legal system. An entire nation's social structure, including its legal system, reflects the country's social, political, economic, and cultural traits of its society. Therefore, it is challenging to comprehend the legal system outside of the socio-cultural context in which it functions. In most nations, but especially in India, legal education has not gotten the same level of emphasis as other social disciplines or the natural sciences. As a result, compared to other subjects, legal education has not been able to reach comparable levels of expertise.

The Bar Council of India and universities both have a responsibility to establish and raise the bar for legal education. Both organizations have distinct roles to perform with regard to affiliation, scrutiny, instruction, and assessment. The Bar Council of India is the supreme organization for the whole legal profession in India²⁰. It was established under section 4 of the Advocates Act, 1961. Universities used to set their own requirements for the legal examination before the Advocates Act, 1961, but today they are constrained by the Bar Council of India's policy, which may not accept a law degree if it does not follow its guidelines²¹.

If the Bar Council of India and state bar councils are serious about reforming legal education, they must carry out their duties and responsibilities with greater rigor and set standards for classroom instruction. These must also include various practical training and skills, court visits, moot courts, legal aid work, and other practical training programs required for law students. This will not only improve their knowledge in the field of law but also enhance their practical experience. For example, a child who wants to pursue litigation, must have the knowledge of how to present the case in front of a judge. The moot courts and the questionnaire round during that will make him prepare for any such problems. This will help them to be aware of the questions and fill the void of the questions which should have been prepared on a pre-trial basis.

Due to pressure from part-time instructors, the federal government, and state governments, suggested some necessary changes which were unable to enter the arena of legal education.. A single committee was established, with Justice A.M. Ahmadi, a member of the Indian Supreme Court, serving as its head constituted in order to cover these subjects in depth. The panel suggested that:

- (i) The Bar Council of India's legal education committee has to be reorganized so that members of the judiciary, the Bar Council of India, and the University Grants Commission may participate.
- (ii) Provisional admission before affiliation must no longer be a practice.
- (iii) To assess affiliations previously granted, a high-level committee has to be formed.
- (iv) The university, associated law institutions, and law colleges themselves all need entrance exams for admittance.
- (v) The committee suggested starting a 5-year legal program right after finishing 10+2.
- (vi) In order to make problem method, moot courts, mock trials, and other aspects of legal education mandatory, Rule 21 of the Bar Council Rules, directs that every university shall attempt to supplement the lecture method with case method, tutorial, and other modern techniques of imparting legal education, must be changed.
- (vii) It is necessary to make participation in debates, mock trials, and moot courts mandatory and to assign grades. The final year of study can be used to create practical training in drafting, pleadings, contracts, etc. Students must be required to visit courts at all levels in order to get exposure.

¹⁸ Bar Council of India Website, available at <https://legislative.gov.in/sites/default/files/A1961-25.pdf>.

¹⁹ Advocates Act, 1961, S.7.

²⁰ Advocates Act, 1961, S.4.

²¹ Krushna Chandra Jena, *Role Of Bar Councils And Universities For Promoting Legal Education In India*, 44 [4], Journal of the Indian Law Institute, (Oct-Dec 2002), pp. 555-568, <https://www.jstor.org/stable/43951843>.

(viii) A college of the National School pattern should be created in every state.²²

The then-Chairman of the Bar Council of India, Mr. O.P. Sharma, had stated that despite the Bar Council of India's sincere efforts to raise the bar for legal education, little has changed as a result of a number of factors, including a lack of coordination between the relevant authorities and the absence of concerted efforts. Amazingly, the BCI made no mention of the availability of funds for legal education despite the apex court's clear ruling in the case of *State of Maharashtra v. Manubhai P. Vashi & Others*²³, regarding the extension of grant-in-aid to law colleges on the same terms as are currently applicable, despite the fact that the law ministers met twice in 1955 and focused heavily on this and also made a number of recommendations for improvements in legal education.

LEGAL EDUCATION AFTER THE NEW EDUCATION POLICY , 2020 (NEP)

The Bar Council of India, which is also the regulator of legal education in India, is a body that is extremely important to legal education. However, there is still much of a desire in order to , to raise the standards in local colleges, where the caliber and pool of teaching faculty are occasionally influenced by the low pay for law professors, as bright candidates leave to pursue higher-paying universities or other opportunities for legal careers. NEP, i.e., the New Education Policy has the ability to expand the constantly expanding field of legal education. Law schools and universities may lose government funding and grants if they do not integrate into the "fourth vertical" or if the General Education Council suggested in the NEP does not operate under the auspices of the Higher Education Commission of India (HECI), set academic standards, and take the place of organizations like the UGC. A similar accreditation body like the one created under the NEP must be formed by law schools. The establishment of Professional Standard-Setting Bodies (PCBs) by NEP is a wise move.

The NEP states that by 2040, all higher education institutions, including centres for legal education, should work to become multidisciplinary organizations that make the best use of available infrastructure, develop thriving higher education institutions, and lead to equal growth of public and private universities. NEP is of the opinion that stand-alone legal universities should strive to be multidisciplinary in their approach and curriculum. The NLUs across the nation should delve into areas like economics, politics, philosophy, criminology, and other fields to bring diversity to the campus and offer holistic education for their students.

In paragraph 20.4 of the NEP, legal education is particularly included²⁴. It is suggested that short-term courses for Diploma credit must be offered by NLUs. To make legal education more inclusive and to enable students to study law in their communities rather than relocating to larger cities, it is urgent that law texts be written or translated into local languages. This will discourage the migration of people from rural and semi-urban areas to urban areas. In order to support the research of higher education institutions, NEP intends to create a National Research Fund. On the other hand, NEP and many other national research initiatives frequently immediately apply to "law." These research projects have their roots in science and draw on it. All Law University publications were first required to register with the Registrar of Newspapers, then with UGC CARE Journals, and ultimately with Scopus-indexed journals by the MHRD-UGC team. To fulfill these commitments, legal education limits and processes are routinely disregarded, leaving a number of issues unresolved. This has made things more confusing and disadvantages legal journals.

THE AMERICAN BAR ASSOCIATION

The American Bar Association (ABA) is a professional organization for lawyers in the United States. Founded in 1878, it is one of the oldest and largest such organizations in the world. The ABA sets ethical standards for the legal profession, provides continuing legal education and professional development opportunities, and advocates for the legal profession and the rule of law. The organization has over 400,000 members, including lawyers, judges, law students, and legal scholars. The ABA also publishes several legal journals and books, and operates various programs and initiatives, such as the ABA Legal Opportunity Scholarship Fund, which provides financial assistance to minority law students. The ABA's headquarters is in Chicago, Illinois.

HISTORY OF THE AMERICAN BAR ASSOCIATION

The American Bar Association (ABA) is a professional organization of lawyers and law students in the United States. It was founded in 1878 and has since played a significant role in shaping the legal profession and the justice system in the United States.

The ABA was initially created to promote the legal profession and improve the administration of justice. In its early years, the organization focused on standardizing legal education, promoting ethical conduct among lawyers, and improving the quality of legal services. The ABA also played a role in advocating for the rights of marginalized groups, including women and African Americans.

²² *Supra*, note 19.

²³ AIR 1996 SC 1.

²⁴ New Education Policy, 2020,

https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf.

In the early 20th century, the ABA became more involved in the policy-making process, particularly in areas such as criminal justice reform, consumer protection, and civil rights. The ABA played an important role in advocating for the right to counsel for criminal defendants and in advancing the civil rights movement.

In the mid-20th century, the ABA continued to expand its scope and influence, taking on issues such as the regulation of the legal profession, access to justice, and the promotion of diversity and inclusion in the legal profession. The ABA also played a key role in developing legal aid programs to provide legal services to low-income individuals.

In the latter half of the 20th century and into the 21st century, the ABA has continued to be involved in policy debates on a wide range of issues, including criminal justice reform, immigration, and the rights of LGBTQ individuals. The ABA has also taken on new challenges, such as addressing the impact of technology on the legal profession and promoting the use of alternative dispute-resolution methods.

Throughout its history, the ABA has faced criticism and controversy. Some have accused the organization of being too conservative or too liberal, depending on the issue at hand. Others have criticized the ABA for being too focused on the interests of large law firms and not doing enough to serve the needs of solo practitioners and small firms. Despite these criticisms, the ABA remains a prominent and influential organization in the legal profession and continues to play an important role in shaping the justice system in the United States.

STRUCTURE OF THE ABA

The ABA is divided into various sections, divisions, and committees, each with a specific focus on a particular area of the law. The ABA's sections include, among others, the Section of Legal Education and Admissions to the Bar, the Section of Litigation, and the Section of Business Law. The ABA also has several standing committees that address issues such as legal ethics, diversity, and pro bono work. The ABA is governed by a Board of Governors, which is composed of representatives from each state and territory.

LEGAL EDUCATION IN THE UNITED STATES

Legal education in the United States typically involves a combination of classroom lectures, case-based discussions, and practical skills training. Law schools are increasingly incorporating experiential learning opportunities, such as clinical programs and internships, into their curriculum. The use of technology, including online courses and digital resources, is also becoming more prevalent.

Classroom Lectures:

Classroom lectures are a common teaching method used in law schools. Professors present information on legal concepts, theories, and doctrines through lectures, with students taking notes and engaging in discussion. Classroom lectures can be supplemented with visual aids, such as PowerPoint slides, to help convey complex ideas and illustrate key concepts.

Case-Based Discussions:

Case-based discussions are another common teaching method used in law schools. Professors use real-world legal cases to teach legal principles and concepts. Students are typically assigned to read cases and come to class prepared to discuss and analyze them. Case-based discussions help students develop critical thinking and analytical skills, as well as the ability to apply legal principles to specific factual scenarios.

Practical Skills Training:

Practical skills training is becoming an increasingly important aspect of legal education in the United States. Law schools are incorporating clinical programs and internships into their curriculum to provide students with hands-on experience working on real cases under the supervision of experienced attorneys. These programs help students develop practical legal skills, such as legal research, writing, client counselling, and advocacy.

Experiential Learning:

Experiential learning opportunities, such as clinical programs and internships, are becoming more prevalent in law schools. These programs allow students to apply legal concepts and skills in real-world settings, working with real clients and cases under the supervision of experienced attorneys. Experiential learning opportunities help students develop practical skills and gain a better understanding of the legal profession.

Technology:

The use of technology is also becoming more prevalent in legal education. Law schools are incorporating online courses, digital resources, and educational technology tools into their curriculum. Online courses can provide students with greater flexibility and access to educational resources. Digital resources, such as online legal databases, can provide students with access to a wealth of legal information and resources.

IMPACT OF THE AMERICAN BAR ASSOCIATION IN THE UNITED STATES

The American Bar Association (ABA) sets standards for legal education in the United States. The ABA's Standards and Rules of Procedure for Approval of Law Schools provides guidelines for law schools seeking accreditation from the ABA. The ABA requires law schools to provide a rigorous program of legal education

that includes instruction in legal theory and analysis, as well as practical skills training. The ABA also requires law schools to provide opportunities for students to engage in experiential learning and to develop professional values and ethics. While the ABA does not directly regulate teaching methods used in law schools, its standards and guidelines can influence the methods and approaches used by law schools in their educational programs. The ABA has had a significant impact on the legal profession in the United States. One of the ABA's most important contributions has been its work in promoting legal education. The ABA has developed guidelines for law school accreditation, and it has been instrumental in promoting diversity and inclusion in legal education. The ABA has also been a leading voice in promoting professional ethics and standards of conduct. The ABA's Model Rules of Professional Conduct have been adopted by many states as the basis for their own rules of professional conduct.

The ABA has also been involved in promoting access to justice for all Americans. The ABA's Standing Committee on Pro Bono and Public Service has worked to increase the availability of legal services for low-income individuals and families. The ABA has also been a vocal advocate for the protection of civil rights and liberties, and it has played a key role in shaping many of the laws and policies that protect individual rights. The ABA's work has been influential in promoting legal education, professional ethics, and access to justice, as well as advocating for diversity and inclusion, civil rights and liberties, and emerging legal issues in the digital age. They are –

Promoting Legal Education:

One of the ABA's most important contributions has been its work in promoting legal education. The ABA has developed guidelines for law school accreditation, and it has been instrumental in promoting diversity and inclusion in legal education. The ABA has also been a leading voice in promoting clinical legal education, which provides law students with hands-on experience working on real cases under the supervision of experienced attorneys.

Promoting Professional Ethics:

The ABA has also been a strong advocate for professional ethics and standards of conduct. The ABA's Model Rules of Professional Conduct have been adopted by many states as the basis for their own rules of professional conduct. The ABA's work on professional ethics helps to ensure that the legal profession is held to the highest standards of ethical behavior, which in turn enhances public trust in the legal system.

Access to Justice:

The ABA has been involved in promoting access to justice for all Americans. The ABA's Standing Committee on Pro Bono and Public Service has worked to increase the availability of legal services for low-income individuals and families. The ABA has also been a vocal advocate for the protection of civil rights and liberties, and it has played a key role in shaping many of the laws and policies that protect individual rights. The ABA's work on access to justice helps to ensure that all individuals, regardless of their income or background, have equal access to the legal system.

Advocating for Diversity and Inclusion:

The ABA has been a strong advocate for diversity and inclusion in the legal profession. The ABA's Commission on Racial and Ethnic Diversity in the Profession works to promote diversity and inclusion in all aspects of the legal profession. The ABA's work on diversity and inclusion helps to ensure that the legal profession reflects the diverse communities it serves, and that all individuals have equal opportunities to succeed in the legal profession.

Addressing Emerging Legal Issues in the Digital Age:

In recent years, the ABA has been active in addressing emerging legal issues in the digital age. The ABA's Section of Science & Technology Law works to address legal issues related to technology, including cybersecurity, privacy, and e-discovery. The ABA's work on emerging legal issues helps to ensure that the legal system can keep pace with the rapid changes in technology and to provide effective legal solutions for emerging legal issues.

THE ACCREDITATION PROCESS OF THE AMERICAN BAR ASSOCIATION

In a way, the Section of Legal Education and Admissions to the Bar, the ABA's first section, and its founding in 1893 serve as the foundation for the accreditation process²⁵. However, we simply need to start with the approval of the current Standards by the ABA House of Delegates in February 1973 in order to fully comprehend the background and goals of the current ABA Standards as well as the modern accreditation procedure²⁶.

The American Bar Association (ABA) is responsible for accrediting law schools in the United States. The ABA's Council of the Section of Legal Education and Admissions to the Bar is the body that accredits law schools, and it sets standards for legal education that law schools must meet in order to be accredited. These standards cover

²⁵ SUSAN K. BOYD, *THE ABA'S FIRST SECTION: ASSURING A QUALIFIED BAR* (1993) , pp 11.

²⁶ *Id.* at 70.

areas such as curriculum, faculty, facilities, and library resources. To be accredited by the ABA, a law school must first be approved by the state in which it is located. The law school then applies for ABA accreditation, and the Council conducts an on-site evaluation to determine whether the school meets the standards. The Council also conducts regular reviews of each accredited law school to ensure that it continues to meet the standards.

ABA accreditation is important because it allows graduates of the law school to sit for the bar exam in any state and allows them to practice law in any state. Additionally, many employers, particularly law firms, only consider hiring graduates from ABA-accredited law schools. The ABA also publishes the Official Guide to ABA-Approved Law Schools, which provides information about all ABA-accredited law schools and their admissions requirements, tuition and fees, and employment outcomes for graduates. It is also worth noting that ABA has also been criticized by some legal scholars, and some people have argued that ABA's accreditation process is too focused on maintaining the status quo and not focused enough on promoting innovation and access to legal education.

THE MONOCENTRIC SYSTEM OF LEGAL EDUCATION IN THE UNITED STATES

The US Department of Education²⁷ has given the American Bar Association the authority to accredit, approve, and oversee law schools. A student who earns a Juris Doctor (JD) degree²⁸ as a result of this accreditation is eligible to take the bar test in any state in the US. In the US, there are about 200 law schools that have ABA accreditation. The state may allow law schools that are not accredited to grant students eligibility to sit for the state bar exam. Uncertainty surrounds the number of US law schools that lack accreditation²⁹. California, for instance, recognizes three types of law schools: ABA certified, state-accredited, and unaccredited.

The state may allow law schools that are not accredited to grant students eligibility to sit for the state bar exam. Uncertainty surrounds the number of US law schools that lack accreditation. California, for instance, recognizes three types of law schools: ABA certified, state-accredited, and unaccredited. The latter two are regulated to varied degrees; being unaccredited does not imply that they are unregulated. Just the California Bar Examination and others, if the other state will accept it, are available to graduates of the latter two types.

Together with business, journalism, and medical schools, law schools are referred to as "professional schools" in the US. These differ from graduate institutions that provide PhDs to research students as advanced degrees³⁰. Normally, obtaining an undergraduate degree—which, in the case of law, can be in any field—is a prerequisite for admission to graduate school. According to the ABA criteria, a first degree must be completed to at least three-fourths before applying to law school. Yet, the unaccredited law schools are more subject to this partial requirement. For instance, California's entry requirements for state-accredited and unaccredited law schools are 60 hours of undergraduate credit. Entry requirements include a first degree, the Law Schools Admissions Test (LSAT)³¹, and, in many circumstances, the completion of a personal statement.

The legal education that is provided by law schools that are US-ABA recognized is held to very high standards. A 130-day academic year entails 58,000 minutes of instruction toward a law degree. 700 minutes of tuition equals one credit. Although some programs shorten the duration to two years, most full-time JD programs last three years. After successfully completing law school, graduates are eligible to appear for their state's bar exam³², however, this is often preceded by a two-month bar review course that helps students get ready for the test. The adoption of the Multistate Bar Examination (MBE), created by the National Conference of Bar Examiners, has practically made bar examinations a national practice (NCBE)³³.

A passing score on the MBE, which includes contracts, torts³⁴, constitutional law, criminal law, evidence, and civil process, is required for admission to the state bar in various states. As a matter of fact, the NCBE created the Uniform Bar Examination, which is intended to assess all admissions standards but may be augmented by extra exams at the discretion of individual states. Five states have so far adopted the standard strategy. Every

²⁷ The National Advisory Committee on Institutional Quality and Integrity advise the Secretary for Education on accreditation issues. At a recent review the ABA was found to be out of compliance with 17 regulations and although its accreditation was renewed, it was given one year to remedy the problems (http://taxprof.typepad.com/taxprof_blog/2011/06/aba-is.html).

²⁸ Mudd, Beyond Rationalism: Performance-Referenced Legal Education, 36 J. LEGAL EDUC. 189, 192 (1986). "Those law students who, upon graduation, obtain jobs where they can learn from other lawyers are probably decently served by legal education. Those who do not apparently muddle through-somehow." (quoting AMERICAN BAR ASSOCIATION, THE SPECIAL COMMITTEE FOR A STUDY OF LEGAL EDUCATION, LAW SCHOOLS AND PROFESSIONAL EDUCATION: REPORT AND RECOMMENDATIONS 93 (1980)).

²⁹ Cramton, Preparation of Lawyers in England and the United States: A Comparative Glimpse, 10 NOVA L.J. 445, 446 (1986).

³⁰ Gabriel, Graduate Legal Education: An Appraisal, 30 S. TEX. L. REV. 129 (1988).

³¹ LAW SCHOOL ADMISSIONS COUNCIL/LAW SCHOOL ADMISSION SERVICES, LAW SERVICES INFORMATION BOOK 2 (1990-91).

³² Kissam, ESSAY.: Law School Examinations, 42 VAND. L. REV. 433 (1989).

³³ Legal Education in England, 9 CORNELL LAW F. 50, 52 (1982).

³⁴ Byse, Fifty Years of Legal Education, 71 IOWA L. REV. 1063, 1063-64 (1986). Each school can of course make changes to this basic model.

applicant must pass the MPRE, which is the professional responsibility test, which is also administered by the NCBE.³⁵ Without articles or training contracts, a lawyer can start practicing right once after being admitted to the state bar.³⁶

The ABA may appear to have a lot of influence over law schools, but the academy, like in the UK, is generally free to arrange the course material however it sees fit. Yet, the ABA's plan to change the criteria for accrediting law schools puts the freedom of the academy at jeopardy. In order to liberalize legal education, the Standards Review Committee has proposed a few modifications, including allowing for more online instruction, less security for staff, and other adjustments³⁷. The American Association of Law Schools (AALS), which views the ideas as harmful to legal education overall, has objected to them and asked the ABA to reopen its investigation. This has been rejected by the ABA (Hansen 2011).

COMPARATIVE ANALYSIS OF THE BAR COUNCIL OF INDIA AND AMERICAN BAR ASSOCIATION

The Bar Council of India (BCI) and the American Bar Association (ABA) are both professional organizations for attorneys, although their activities and roles differ significantly.

To begin with, the BCI is a statutory organisation formed in India under the Advocates Act of 1961. It oversees the regulation and registration of attorneys in India, as well as the accreditation of law schools. The BCI has the authority to acknowledge and de-recognize law schools, as well as to control legal education and law school enrolments³⁸. It can also initiate disciplinary actions against attorneys who break ethical norms and standards. Furthermore, the BCI establishes the curriculum for legal education in India and administers bar exams to individuals seeking to become attorneys.

ABA, on the other hand, lacks direct regulatory jurisdiction in the United States. It is a non-profit organization with a primary focus on professional development and advocacy for the legal profession in the United States. The ABA provides its members with services and assistance, such as continuing legal education, networking opportunities, and publications. Although the ABA establishes principles and standards for legal education and accreditation, it lacks direct regulatory authority.³⁹

Another significant distinction is that the ABA engages in public policy and legislative lobbying. It engages in lobbying at the federal and state levels, but the BCI does not. The ABA has a broader membership base, encompassing not only attorneys but also law students and legal professionals. The BCI, on the other hand, is exclusively accessible to attorneys who are members of the organization.

Both the Bar Council of India (BCI) and the American Bar Association (ABA) are professional legal organizations. Yet, they differ significantly in terms of organization, functions, and authority.

The ABA, on the other hand, is a voluntary professional group for US attorneys. It lacks direct regulatory authority, yet it is critical in the certification of law schools. The American Bar Association's Division of Legal Education and Admissions to the Bar accredits law schools in the United States and has the authority to approve or disapprove new law schools, as well as to remove accreditation from existing institutions. The ABA is also in charge of establishing ethical principles and standards for the legal profession, as well as providing resources and assistance to attorneys in the United States to assist them in adhering to these norms.

These organizations are also concerned with professional development and legal advocacy. The ABA provides tools and assistance to attorneys in order to help them enhance their abilities and keep current on legal changes. The BCI also aims to improve the quality of legal education in India, as well as to undertake different legal awareness activities and to promote professional growth.

In conclusion, while both the Bar Council of India and the American Bar Association are professional organizations for attorneys, the BCI has more regulatory power and is responsible for attorney registration and regulation in India, whereas the ABA is primarily focused on professional development and advocacy for the legal profession in the United States. While both the BCI and the ABA are professional organizations for lawyers, their duties and functions are very different. The BCI regulates and registers lawyers in India, whereas the ABA focuses on professional development and advocacy for the legal profession in the United States.

³⁵ The state of Wisconsin still applies diploma privilege which means that graduates of the state's law school are automatically admitted to the Bar without sitting an examination. (Wisconsin Supreme Court Rules, Chapter 40)

³⁶ A very small number of US states require some kind of clerkship as a condition of admission, eg, Delaware requires a clerkship of five months, <http://courts.delaware.gov/bbe/docs/ClerkshipRequirements2011memo.pdf>.

³⁷ The First-Year Courses: What's There and What's Not, in LOOKING AT LAW SCHOOL: A STUDENT GUIDE FROM THE SOCIETY OF AMERICAN LAW TEACHERS 39, 41 (S. Gillers ed. 1977)).

³⁸ Bar Council of India Website, available at <http://www.barcouncilofindia.org/about/about-the-bar-council-of-india/>.

³⁹ https://www.americanbar.org/about_the_aba/.

CONCLUSION

In conclusion, the comparative analysis of the regulatory bodies of legal education in India and the United States highlights the importance of regulatory frameworks in ensuring high standards of legal education. The Bar Council of India and the American Bar Association play critical roles in ensuring that legal education programs meet the needs of the legal profession and society. Despite the differences in the legal education systems and regulatory frameworks in each country, there are also many similarities in their approach to promoting excellence in legal education.

The analysis highlights the challenges faced by each regulatory body in ensuring that legal education is relevant to the needs of society and the legal profession. In India, for example, the Bar Council of India faces the challenge of providing access to legal education to a diverse and growing population. In the United States, the American Bar Association faces the challenge of ensuring that legal education keeps pace with rapid changes in the legal profession and society.

There is an opportunity for collaboration between the Bar Council of India and the American Bar Association to exchange best practices and develop joint initiatives to promote excellence in legal education. This could include sharing information about accreditation standards, supporting initiatives to improve legal education in India, and collaborating on research projects to address common challenges facing legal education in both countries.

Overall, the comparative analysis of the regulatory bodies of legal education in India and the United States highlights the importance of regulatory frameworks in ensuring high standards of legal education, and the potential for collaboration between regulatory bodies to promote excellence in legal education.