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Article:	Advancing Legal Education in Pakistan through Online Dispute Resolution: Opportunities and Challenges in Clinical Legal Education
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ABSTRACT

The legal profession in Pakistan has traditionally been hesitant to embrace new technologies, including online dispute resolution (ODR) mechanisms. Despite the potential benefits of ODR in terms of enhancing access to justice through university legal aid clinics, the adoption of these mechanisms has been slow. To address this issue, a qualitative case study has been conducted to explore the opportunities and challenges associated with using ODR in clinical legal education in Pakistan. This study employs an interpretivist research philosophy and a qualitative approach, utilizing in-depth interviews with various stakeholders, including law faculty, lawyers, ADR practitioners, judges, students, and litigants. The data collected from the interviews and survey has been analyzed using thematic analysis. Ethical principles and guidelines have been strictly followed throughout the study, and the time horizon is cross-sectional. To provide a theoretical framework for the study, the Technology Acceptance Model (TAM) and the Diffusion of Innovations Theory have been used. These theories helped to identify the factors that influence the acceptance and diffusion of ODR in Legal Aid Clinics run by universities. By examining these factors, the study aims to contribute to the development of a more technologically advanced University Legal aid system in Pakistan and to inform the integration of ODR mechanisms into the legal education curriculum.

The study's findings will have important implications for legal education and the practice of law in Pakistan. Furthermore, the research will contribute to the growing body of knowledge on ODR mechanisms in the legal clinics, informing the development of policies and practices aimed at improving access to justice in Pakistan. This study has significant potential to enhance the global discourse on the potential of ODR mechanisms to improve access to justice and to contribute to the development of more technologically advanced legal systems around the world.

Keywords: Online dispute resolution (ODR), Clinical legal education, Technology Acceptance Model (TAM) and the Diffusion of Innovations Theory

Introduction:

Access to justice is a fundamental human right which has been guaranteed by the International and National legal frameworks. Clinical Legal Education is one of the model which adopted by the law schools to provide legal aid to the indigent clients on one hand and to create opportunities of learning the advocacy skills for senior law students on other hand. Online Dispute Model has not yet been used by any law school in Pakistan in their legal clinics. Generally the legal profession in Pakistan has been slow to adopt new technologies, including online dispute resolution (ODR) mechanisms. . ODR refers to the use of technology to resolve disputes between parties, often without the need for face-to-face interaction.(Mania 2015) ODR mechanisms can include videoconferencing, online mediation, and other forms of alternative dispute resolution (ADR). Despite the potential benefits of ODR in legal profession in terms of improving access to justice and legal education, the adoption of these mechanisms has been limited.(Kaufmann-Kohler and Schultz 2004), which is definitely a concern for Pakistan because it is struggling to provide access to justice to its whole population. This study has been conducted to explore the opportunities and challenges related with using ODR in University based legal aid clinics in Pakistan. The study is based on comprehensive literature review perspectives of stakeholders and litigants, including law faculty, lawyers, ADR practitioners, judges and students to identify the factors, which influence the acceptance and diffusion of ODR in clinical legal education in Pakistan, this research study is also aimed to inform the integration of ODR mechanisms into the legal education curriculum of LL.B program. The researchers have attempted to theorize this this project through the Technology Acceptance Model (TAM) and the Diffusion of Innovations Theory. These theories will help to identify the factors that influence the acceptance and diffusion of ODR in the clinical legal education in Pakistan. By examining these factors this study aims to contribute to the development of University legal clinics providing access to justice to the marginalized communities through ODR.

The findings of this study have important implications for access to justice and clinical legal education in Pakistan. Additionally this research will contribute to the growing body of knowledge on ODR mechanisms in the legal education informing the development of policies and practices aimed at improving access to justice in Pakistan. The proposed model is equally beneficial for other legal systems of developing countries.

Research Problem and Research Question

Research Problem: The legal profession in Pakistan has been slow to adopt online dispute resolution (ODR) mechanisms in clinical legal education, despite the potential benefits of ODR in terms of improving access to justice and legal education. Since Pakistan faces numerous challenges in providing timely and affordable justice to its citizens. Therefore there is dire need to explore the opportunities and challenges associated with using ODR in clinical legal education in Pakistan.

Research Question:

What are the opportunities and challenges associated with using online dispute resolution (ODR) in clinical legal education in Pakistan, and what factors influence the acceptance and diffusion of ODR in the university legal aid clinics in Pakistan?

Significance of the study

This study has significant implications for access to justice and legal education in Pakistan. By exploring the opportunities and challenges associated with using online dispute resolution (ODR) mechanisms in clinical legal education this study attempts to contribute to the development of a more technologically advanced legal aid education system in Pakistan which can enhance the effectiveness of the administration of justice. The findings of this study provide a model for the Online University Legal Aid Clinics based on ODR. The study identifies the insights into the factors which influence the acceptance and diffusion of ODR in the legal clinics of the legal aid clinics of the universities in Pakistan. This information can be used to inform the development of policies and practices aimed to improve the access to justice through clinical legal education in Pakistan and other developing countries. The study informs the integration of ODR mechanisms into the legal education curriculum.

Research methodology and Theoretical Framework

Research Methodology: This study uses a qualitative research approach to explore the opportunities and challenges associated with using online dispute resolution (ODR) mechanisms in clinical legal education in Pakistan. The study employs a case study design, using in-depth interviews with various stakeholders, including law faculty, lawyers, ADR practitioners, judges, students, and litigants. An online survey of law students has been conducted to gather additional data. The data collected from the interviews and survey has been analyzed using thematic analysis of themes identified during quantitative analysis. Ethical principles and guidelines have been adhered throughout the study, and the time horizon has been cross-sectional.

Theoretical Framework: The study draws on two theoretical frameworks to guide the research i.e. the Technology Acceptance Model (TAM) and the Diffusion of Innovations Theory. The TAM determines the acceptance and adoption of an innovation by a user. It proposes that perceived usefulness and perceived ease of use are the primary factors of user's intention to use a technology, in this paper this theory has been used to explore the factors that influence the acceptance and adoption of ODR mechanisms in clinical legal education in Pakistan. Second theoretical model is based on the Diffusion of Innovations Theory, which provides a framework for understanding the manner by which new innovations are accepted and diffused in a given society. The theory identifies many factors that influence the rate of adoption like the features of the innovation, the features of the adopters and the social context. The theory is being used to explore the factors that affect the diffusion of ODR mechanisms in the clinical legal education in Pakistan.

Literature Review

Goodman explains the concept of ODR and further says that, Online Dispute Resolution (ODR) refers to the use of technology to facilitate the resolution of disputes between parties. (Goodman 2003) Online Dispute Resolution can be adopted through various including video conferencing, chat rooms and other digital modes. ODR has the potential to improve access to justice to the marginalized communities by providing a more affordable and efficient mode of dispute resolution. The purpose of University Legal Clinics is to provide free legal aid the underprivileged class which can achieved through ODR model. Previous studies have explored the use of ODR mechanisms in legal education of other countries. For example a study conducted in India found that law students who participated in an ODR simulation

reported higher levels of satisfaction with the dispute resolution process than those who participated in a traditional mock trial. (Kaya and Khan 2022) Another study conducted in Canada found that law students who participated in an ODR simulation reported higher levels of confidence in their ability to use technology to resolve disputes than those who did not participate in the simulation. However, few studies have explored the opportunities and challenges associated with using ODR mechanisms in clinical legal education in Pakistan. In this regard current study itself is an innovative attempt to introduce a new direction to the legal aid university clinics in Pakistan.

The research has used two theoretical frameworks to theorize the concept of ODR in context of Clinical Legal Education. The Technology Acceptance Model (TAM) is a widely used model for explaining users' acceptance and adoption of new technologies is explained in the context of public behaviour by Ching Lee in his paper on "Understanding Intention to Use Alternative Dispute Resolution in Construction Projects: Framework Based on Technology Acceptance Model" (Lee, Yiu et al. 2018). The model proposes that perceived usefulness and perceived ease of use are the primary determinants of users' intention to use a technology. Several studies have used the TAM to investigate the factors that influence the acceptance and adoption of ODR mechanisms in various contexts.

Second theoretical framework is based on the Diffusion of Innovations Theory. Jessica Katz Jamson takes the Dispute Resolution as integrated under the Clinical Legal Education in her paper on "Diffusion of a campus innovation: Integration of a new student dispute resolution center into the University culture". (Jameson 1998) The Diffusion of Innovations Theory delivers a framework for understanding the process and procedure by which new innovations are accepted and diffused by the community in a given society. There are many factors which influence the rate of adoption such as characteristics of the innovation, the characteristics of the adopters, and the social context in which the innovation is introduced. Several studies have used the theory to investigate the factors that affect the adoption and diffusion of ODR mechanisms.

Themes and Findings from the Interviews and Survey

Thematic analysis of the interview and survey data revealed several themes related to the opportunities and challenges associated with using ODR in clinical legal education in Pakistan. In the potential benefits, the stakeholders agreed that clinical legal education is itself a great initiative by the law schools in access to justice and ODR can further expand the scope and jurisdiction of legal clinics. The litigants agreed that the ODR model of CLE can help the resolution of civil and family disputes saving the time, money and energies of the parties. Law faculty and law students agreed that ODR can enhance the standard of legal education and can create skill-building opportunities for law students and law teachers, however law faculty showed their concerns on the policy of Pakistan Bar Council to suspend their professional licenses at the time of joining the law schools as permanent employees, which creates hindrance in providing legal aid through CLE. The lawyers and ADR practitioners observed that since legal aid and ODR are technical and professional skills, therefore the universities should hire lawyers expert in ADR to provide professional and technical support in ODR Clinics. The judicial officers observed that the university legal aid clinics can lessen the burden of litigation on the judiciary, however they emphasized to have proper national and provincial legal framework in the support of ODR model of Clinical Legal Education. The stakeholders and litigants agreed

that initially the scope of ODR through CLE should be limited to mediation only because of its simple and informal nature. The stakeholders emphasized that the universities should dedicate infrastructure with all essential facilities in the law departments.

After conducting an in-depth analysis of literature and interviews with stakeholders and litigants several challenges emerged regarding the advancement of legal education in Pakistan through online dispute resolution (ODR). One of the primary challenges is the lack of infrastructure in universities and the absence of a legal framework to support ODR. Many universities in Pakistan lack the necessary infrastructure to effectively teach ODR to students. Additionally, the absence of a legal framework in Pakistan for ODR can limit its use and adoption. Stake holders Identified another challenge in the shape of limited Awareness and Understanding of ODR Among Legal Professionals and the Public. Many legal professionals, law faculty and members of the public may not be familiar with the advantages and benefits of ODR. This lack of understanding can lead to resistance and reluctance to adopt ODR in clinical legal education. Stake holders considered confidentiality and security as major concerns in ODR. Legal professionals and members of the public may have reservations about the privacy and security of their information in an online setting. This concern can undermine the confidence of the public in ODR, which can limit its use. Finally, resistance to change and traditionalist attitudes towards dispute resolution methods can also pose a challenge to the implementation of ODR in Pakistani legal system. Many lawyers and members of the public may prefer traditional dispute resolution methods based on litigation. This resistance to change can slow the adoption and implementation of ODR through clinical legal education in Pakistan.

Theorizing and Discussion

The study draws on two theoretical frameworks to guide the research. The Technology Acceptance Model (TAM) suggests that perceived usefulness and perceived ease of use are the primary factors of user's intention to use a technology. In present research, TAM has been used to explore the factors that influence the acceptance and adoption of ODR mechanisms in clinical legal education in Pakistan. Second theoretical model is based on the Diffusion of Innovations Theory that identifies a framework for understanding the process by which new innovations are adopted and diffused throughout a society. The theory suggests different factors which influence the rate of adoption such as the characteristics of the innovation, the characteristics of the adopters, and the social context of the society in which the innovation is introduced.

According to the TAM, the acceptance and adoption of technology depend on perceived usefulness and perceived ease of use. In the context of ODR through legal clinics, stakeholders such as law professors, law students and litigants awareness and understanding of the benefits of ODR through CLE can increase its perceived usefulness, while the, training of legal aid providers, availability of infrastructure and ease of access can increase its perceived benefits for the marginalized class of the society. Therefore there is need of training of the law professors, awareness sessions for stakeholders and litigants and providing necessary infrastructure and technical support can help in the successful adoption of ODR through Clinical Legal Education in Pakistan.

The Diffusion of Innovations Theory provides insights into the challenges and opportunities related to the adoption of ODR in legal clinics. The theory highlights the role of various factors, including the characteristics of the innovation, the communication channels

used to promote the innovation, the adopter's characteristics, and the social system. The characteristics of ODR through CLE like its simplicity, flexibility, and cost-effectiveness makes it as an attractive innovation for the legal education system in Pakistan. However the lack of awareness and understanding of ODR among stakeholders and the public can slow down its adoption. In these circumstances proper communication channels, awareness sessions and educational programs can play a critical role in disseminating knowledge about ODR and its adoption in Clinical Legal Education Programs in Pakistan. Additionally the legal system in Pakistan is heavily influenced by traditional attitudes towards dispute resolution i.e. litigation which can also pose challenges to ODR adoption in Pakistani legal system and more specifically in legal clinics of the universities. To overcome this challenge, education and training programs can help in creating a positive perception of ODR among the stakeholders and litigants. Additionally the involvement of legal experts and ADR practitioners in legal clinics can help build confidence in its effectiveness and enhance its adoption.

In nutshell, the TAM and the Diffusion of Innovations Theory can provide useful theoretical frameworks to understand the challenges and opportunities related to ODR adoption in Pakistan's legal education system. The successful adoption of ODR in clinical legal education requires addressing the challenges related to infrastructure, legal framework, awareness and understanding, confidentiality and security, and resistance to change. Additionally it requires utilizing the opportunities related to increased access to justice, cost-effectiveness, and skill-building opportunities for law students and legal professionals.

Conclusion and Recommendations

The comprehensive literature review and qualitative analysis of the of the data suggest that the implementation of ODR in clinical legal education in Pakistan can provide numerous benefits such as access to justice, learning opportunity for students, cost and time savings, skill-building opportunities for law faculty and reduced burden of litigation on judiciary. However, the challenges of absence of legal framework, suspension of professional licenses, limited infrastructure of law schools, limited awareness among litigants, concerns around confidentiality and security, and resistance to change need to be addressed before the successful implementation of ODR through Clinical Legal Education Centre in Pakistan.

To address the challenge absence of absence of legal framework, the Pakistan Bar Council with the consultation of the Higher Education Commission and legal academia need to devise legal framework for establishing legal clinics in Pakistani universities, allowing law professors to provide legal aid services by activating their legal practitioner licenses and providing support for implementation of ODR through University Legal Clinics.

To address the limited infrastructure, universities need to dedicate resources and facilities to establish ODR clinics within their law schools. Additionally universities should consider hiring lawyers with expertise in ADR to provide professional and technical support to the ODR clinics.

To address the challenge of limited awareness and understanding of ODR among legal professionals and the public, the universities should incorporate the ODR as a part of curriculum. The law schools should organize workshops and training sessions to educate the legal community and public about the benefits and advantages of ODR.

To address the concerns around confidentiality and privacy, the bar council along with law schools shall have to devise a legal framework that ensures the confidentiality and privacy

of the parties. The law schools should arrange training sessions for law faculty and law students.

Finally, to address the challenge of resistance to change and traditionalist attitudes towards dispute resolution methods, the bar council and law schools and NGOs should take a proactive approach to promote ODR through legal clinic and its advantages. Law faculties and legal professionals should educate the public about the advantages of ODR and the effectiveness of the process in resolving disputes.

In nutshell, the successful implementation of ODR in clinical legal education in Pakistan can provide numerous benefits to the marginalized class in access to justice to law students in enhancing their professional skills. However, the challenges of lack of legal framework, suspension of professional licenses of law faculty, limited infrastructure, limited awareness, concerns around confidentiality and privacy, and resistance to change need to be addressed through collaborative efforts by the Pakistan Bar Council, universities and law faculty.

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