

Assessment and Relevance of English Communication Skills Syllabus to Diploma in Law Programme In Tanzania: Does it Bring Competency Based Education and Training as Expected?

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ABSTRACT

Appropriate and well-designed Curriculum is one of the variables that may contribute to sustainable development in any given society. The syllabus can reflect the type of end product of graduates that any education system ought to produce. This paper assesses the Communication skills curriculum in the institutions offering diploma in law programme in Tanzania. Looking on English communication skills curriculum, one may raise a concern whether that the current syllabus will create diploma graduates who are well equipped with competence based education and training, instead of knowledge based, thus contributing to sustainable development. The content of English communication skills for these institutions not only not harmonized but also does not reflect on English communication skills for lawyers, instead one finds loaded with English grammar as if the programme is intended to humanities programme, thus reflecting knowledge based education. The paper suggest the need for harmonizing the English communication skills for diploma in law programme and conducting several workshop organised by the appropriate organs such as National council for technical education on the methodology of implementing the competency based teaching. The paper concludes that unless the knowledge based education and training contents are changed, the expectations of producing graduates with competence based education and training is far from reality.

Keywords: Competency based, knowledge based, education, communication skills, syllabus

INTRODUCTION

This study is intended to assess the relevance of English communication skills syllabus to Diploma in Law programme in Tanzania. Specifically, the study is intended to analyse the English communication skills syllabus to Diploma in Law programme in Tanzania and evaluate the reflection of the curriculum in attaining the required competencies to a diploma in law graduates. The findings of this study will therefore be used to revisit and reshape English communication skills for diploma in law programme in order to come with competence based curriculum, thus to facilitate competencies in the job market, be it formal or informal employment.

Before proceeding with the details of the study, it is important briefly explain what constitutes curriculum and competency based education. Curriculum is an essential requirement in any education or training system as it guides planning, conducting and assessing learning processes (Deißinger & Hellwig, 2011). In the context of a school or college, it is the formal and informal contents and processes by which learners acquire knowledge and understanding, develop skills, and alter attitudes, appreciations, and values with the help and support of a given school or any other educational institution (Doll, 1978). A curriculum can either be content or competent based;

a content based curriculum focuses on the rote memorization of factual knowledge while competence based curriculum is centred on competence based learning which focuses on understanding the concepts, skills and competencies which requires teaching, learning and assessment approaches (Posner, 1995).

On the other hand, Competence based education emerged for the first time in the United States of America in the early 1970s (Richard & Rogers, 2001). This kind of educational defined educational goals in terms of precise measurable descriptions of knowledge, skills, and attitudes which had to be acquired by students at the end of the course of study, Adeshina (2016). Thereafter, it spread into European countries such as the United Kingdom and Germany in the 1980s (Wolf, 2001). In Sub-Saharan Africa, the adoption of Competency Based Curriculum (CBC) stressed two major purposes namely: the need of changing curriculum contents to make them more relevant both in local and global contexts in terms of desirable competences for the work situation and for everyday life; and changing the teaching-learning process into more learner-centred approaches, Nikolov et al.(2014).

Studies on Assessment and relevance of English communication Skills syllabus in a given programme requires the general understanding the characteristics of the curriculum that is based on competency based and knowledge based framework.

A curriculum, course or program of training to become a competency-based requires studying various teaching and learning theories that focus on learning outcomes with specific, measurable definitions of knowledge, skill and learner behavior (Tambwe, (2017). Competency based curriculum (CBC) measures what participants have learned as opposed to what instructors think they have taught, Nzima, (2016).

Learning outcomes in a CBC are written for the students and they state what are expected to have learned the targeted students; the outcomes are specific, observable, and measurable and they should be linked with occupational or professional requirements. CBC planners are required to analyze job profiles using incumbent workers of a given industry or an experienced Human Resources Manager of a relevant professional organization rather than the disciplinary 'body of knowledge' (NACTE, 2015). In an effective CBC, contents are organized in a logical order from simple to complex should be organized in a logical order from simple to complex (Kirschner et al., 1997). Another characteristic of a CBC is modularizing the curriculum contents through which the learning outcomes that form a coherent compatibility for specific competence are clustered to form modules to be assessed independently. The modules have to be organized in a logical sequence for the realization of the intended competencies and allocating them into semesters because some modules need to be covered before others (NACTE, 2015; Kouwenhoven, 2003).

Other characteristics of CBC include: it is based on the future occupational practice of the graduate (Boyatzis et al., 1996); it is learner-centered and the learning process is central, it uses individualized materials, flexible learning time and a continuous feedback to the learner (Field & Drysdale, 1991). CBE is based on the constructivist approach the main goal of constructivism is competence, not knowledge as in cognitivism, or achievement as in behaviorism (Kouwenhoven,

2003).

In terms of assessment, a CBC focuses on the ability of a learner to know, to learn as well as learning how to learn, to do things, and working with other people (Mosha, 2012). It requires a pedagogical shift from assessing a set of learning contents to assessing each learning outcome (Rutayuga, 2010). Another aspect that need to be attended in this review is the issue of competency based training and the expectation of the graduands in law programme in Tanzania. Diploma in Law students in Tanzania after graduation are expected to be admitted to degree programme, to engage in self-employment and other to be employed in the judiciary as a court clerk and other related law firm, Decorte (1994). Also they can perform other clerical work in several government ministries and district council. Our review the will focus on this category that the judiciary of Tanzania make use of them as a clerical officers. Therefore, they are expected to competent oriented graduands. Now let us push our discussion by reviewing the literatures that relate to law graduates with job market.

Jobs of Law Graduates and Duties of Law Clerks. The legal system affects nearly every aspect of our society and lawyers links between the legal system and the community (Vidyasagar, 2008). Due to that fact, graduates of a Diploma of Law can be employed in a number of occupations, in most cases they are hired as clerks; according to the Black's Law Dictionary, the word clerk means a public official whose duties include keeping records or accounts, in this case, the duties to be provided under this section focuses on law clerks.

The current duties of law clerks are diverse and dependent on the judges to whom they are appointed (Holvast, 2016; Sobel, 2007). Law clerks prepare clear, concise and professionally written communication such as briefs, affidavits, statements of claim using correct spelling, grammar, punctuation, and syntax (MTCU, 2012; Holvast, 2016). They are responsible for conducting legal research, editing and proofreading the judge's orders and opinions, and verify-ing citation (Sobel, 2007).

Moreover, the duties of the clerk do not only begin and end in the courtroom. Apart from preparing documents, the clerks in any court may well see defendants, prosecutors, local solicitors, witnesses outside the courtroom when such people come looking for help and guidance (Astor, 1984). Furthermore, judges discuss pending cases with their law clerks and confer with them about decisions; and district court law clerks often attend conferences in chambers with attorneys as well as send their law clerks to the chambers of other judges to speak with their law clerks to discuss less significant issues that would occur between the judges directly (Sobel, 2007; Holvast, 2016).

Communication Skills and the Outcomes Required for the Diploma in Law Graduates to Attain their Duties. Learning outcomes are about acquiring skills and knowledge, but a CBC requires students to process learning in a way that enables them to apply that skill and knowledge in a variety of situations and to a variety of tasks. Competencies require law schools to develop curricula and assessments where students can demonstrate learning and mastery of practical legal skills and abilities progressively (Mottershead & Magliozzi, 2016).

Legal issues usually consist of a series of communications, both oral and written. One of the language requirements for law clerks is to demonstrate the ability to support the needs of clients and legal professionals through professional communication strategies, in reading, writing, speaking, listening, and presenting (MTCU, 2012; The Judiciary of Ghana, 2011). This is determined by the use of appropriate verbal and non-verbal communication skills within the context of the legal environment, displaying active listening skills in all interactions, and adapting communication strategies according to the needs of the client and/or the legal professional (MTCU, 2012).

Therefore, individuals who wish to prepare adequately for career in law, or for any professional service that involve the use of legal skills, should seek/provided with educational, extracurricular and life experiences that will assist them in developing analytical and problem solving skills, critical reading abilities, oral communication and listening abilities, task organization and management skills, as well as writing skills (Vidyasagar, 2008). The curriculum for Diploma in Law should also enable students to demonstrate the ability to interview, negotiating, counselling, and planning (Pye, 1987).

The experiences in African countries show that it is possible to develop and implement competency-based curricula in a higher education context (Kouwenhoven, 2003). However, more researchers are required to evaluate the effectiveness of CBC and particularly whether such innovations are sustainable when external project funding comes to an end (ibid). In fact, most of the graduates of Diploma in Law in many colleges in Tanzania cannot write effectively, communicate orally, gather facts, manage interviews, counsel, negotiate, and plan innovative solutions to clients' problems. This necessitated the need to conduct an analytical study to assess the relevance of English communication skills syllabus to Diploma in Law programme in Tanzania to evaluate if it reflects competency-based education and training as expected.

In Tanzania, different reforms have been made since 1995 when the Education and Training Policy was issued (Ryan, 2011). The reviews were basically intended to make a shift from the traditional knowledge based curriculum to competence based curriculum as the old ones were ineffective as the graduates failed to demonstrate the skills and competences that fully addressed local, national and global market demands (Komba and Kira, 2013). In other words, curriculum developers attempt to improve the quality of education by enabling learners to develop the required competences which are relevant in different spheres of life (Ryan, 2011).

As stated by NACTE (2015), the shift from knowledge-based education and training to competency based education system is influenced by the Development Vision 2025, which advocates Tanzania to be a nation with high level of education at all levels and which produces the quantity and quality of people sufficiently equipped with the required knowledge and skills to underpin sustainable development (NACTE, 2015). Due to this need, Tanzanian government has been emphasizing the achievements of the objectives in tertiary education to have an impact on the employability of graduates of various professions and on their competency to enter the private and other sectors of the economy (NACTE, 2015). English communication skills are among of the core skills expected to every graduate in every profession.

The curriculum issued by Ministry of constitutional in Tanzania under umbrella of Legal sector reform programme developed the national legal training curriculum (2010) which presupposes to offer knowledge and skills of legal professionals. In response to developments and challenges that have taken place in the country and elsewhere for the past few years the Government, through the legal Sector Reform Program, resolved to design this national curriculum to provide minimum standards to guide the provision of legal education at all levels in Tanzania. The standards were agreed by stakeholders as best practices in the provision of legal education and are informed by developments taking place at the East African Community level with regard to education generally and legal education in particular. This is a training programme at an intermediary-pre degree level intended for primary court magistrates, paralegals and other person needing such intermediary legal education. The diploma programme was also meant to provide a bridge between those who have gone through the certificate in law programme and wish to pursue further studies in law. At the end of the programme candidates were expected to have an intermediary knowledge of the law and its application in various settings and circumstances. They must have Knowledge and understanding of the general legal principles and to be able to apply them to work situations; Ability to develop an appreciation of the development of the law through legislation, judicial decisions and practice.

However, many higher education institutions experience a growing gap between their curricula and the demands from society, business and industry for a more flexible workforce with competencies in problem solving, team work and project management (Kouwenhoven, 2003). Particularly institutions offering diploma in Law Program produce lawyers who only master English grammar rather than other communication skills which are essential to their profession; most of them cannot write effectively, communicate orally, gather facts, manage interview, counsel, negotiate, and plan innovative solutions to clients' problems. It is due to this challenge, the study wanted to assess relevance of English communication skills syllabus to Diploma in Law programme in Tanzania if it brings competency based education and training as expected. In terms of focus, the study is limited to one public institution: the Institute of Judicial Administration Lushoto, the choice is based to the fact that this institute is only that offers and expected to offer diploma in law programme and expected that the graduands must have the necessary skills for performing judicial clerical duties and other related function in Tanzania. Thus the other thought this institution can be a best for investigation.

METHODOLOGY

The study used documentary review to collect data and the data were analyzed using descriptive design. Various documents including English Communication Skills syllabus for a Diploma in Law, others include research thesis, articles and books related to the study. The data obtained were presented, interpreted and analyzed regarding the objectives of the study.

Documentary review: The author reviewed the English communication skills for diploma in law which has the following course contents:

Contents for diploma syllabus

Describe elements of communication process
Apply different techniques of communication
Describe communication channels
Describe barriers of communication and the ways to overcome them
Identify Statutory Sentences in Statutes
Demonstrate skills in analyzing Structural Statutory Clauses in Statutes
Demonstrate Paraphrasing Techniques in Statutory Sentences
Describe steps used in writing bibliographical information
Apply footnotes skills in writing texts
Apply Latin abbreviations used in writing footnotes
Explain the major parts of report

RESULTS AND DISCUSSION

The study assessed the relevance of English communication skills syllabus to a diploma in law programme in Tanzania if it brings competency-based education and training as expected. The study was based on two objectives, namely, to analyze the English communication skills syllabus to Diploma in Law programme in Tanzania, and to evaluate its reflection in attaining the required competencies to a diploma in law graduates. The study covered one English communication skills syllabus for Diploma in Law Programme, and the following are the findings obtained.

An Analysis of the English Communication Skills Syllabus to a Diploma in Law Programme

The syllabus contains thirteen outcomes. The first outcome is to describe elements of a communication process. The outcome comprises three related tasks such as to explain communication process, to explain elements of the communication process, and to outline the importance of communication process.

The second outcome is to apply different techniques of communication. The outcome has three related tasks such as explaining techniques of communication, using communication techniques (sign, body language, oral, and written); and outlining the techniques of communication.

The third outcome is to describe communication channels. It has three related tasks: explaining the general concept of the communication channel, explaining aspects of communication channel, and outlining the communication channels.

The fourth outcome is to describe barriers of communication and ways to overcome them; the outcome contains three related tasks such as explaining the meaning of communication barriers, describing communication barriers and outlining the barriers of a communication process.

The fifth outcome is to identify statutory sentences in statutes; it comprises three related tasks: defining statutory sentences, identifying core, statement, qualifications, and conditions in statutory sentences, and outlining the techniques used in analyzing statutory sentences.

The sixth outcome is to demonstrate skills in analyzing structural statutory clauses in statutes; identifying binominal expressions in statutory sentences; analyzing structural statutory clauses, and explaining the importance of analyzing statutory clauses.

The seventh outcome is to demonstrate paraphrasing techniques in statutory sentences; it involves three related tasks: explaining paraphrasing the techniques, identifying major terms shorten the statutory sentences, and outlining the techniques used in paraphrasing statutory sentences.

The eighth outcome is to describe steps used in writing bibliographical information. It involves four related tasks: explaining steps for writing bibliographical information for textbooks, journals, manuals, newspapers; outlining the steps for writing proper textbooks and journal bibliographical list, outlining the steps for writing manual and newspaper bibliographical list, and describing the advantages and disadvantages of acknowledgment in academic writing.

The ninth outcome is to apply footnotes skills in writing texts. It comprises three related tasks such as describing footnotes writing procedures, differentiates between American Method style from footnotes style, and explaining the importance of using footnotes style to a law student footnotes skills are correctly described and explained.

The tenth outcome is to apply Latin abbreviations used in writing footnotes. It involves four related tasks, namely, describing Latin abbreviations used in writing footnotes, differentiating the term Ibid from Op.cit., as frequently used in footnotes writing, outlining the major Latin abbreviations frequently used in footnotes, and explaining the importance of Latin abbreviations in footnotes.

The eleventh outcome is to explain the major parts of a report. It comprises four related tasks: describing major parts of the report, describe the front matter, explain the main body, and differentiating between the front matter and main body.

The twelfth outcome is to describe the elements of the report. It has four related tasks: explaining the elements of reports (front matter, main body, and back matter); describing the elements of the front matter, describing the elements of the main body, as well as comparing and contrasting between front matter and the main body.

The thirteenth and last outcome is to describe the back matter of the reports. It includes four related tasks: explaining the components of the back matter, comparing between the front matter and the back matter, outlining the main elements of the back matter, explaining the importance of the back matter in reports, and components of the back matter are correctly explained.

All of the thirteen learning outcomes and their related tasks will be assessed using written test, assignments, and oral questing methods.

Discussions and Evaluation of the Reflection of the English Communication Skills Syllabus in attaining the required Competencies to a Diploma in Law Graduates

From the Analysis of the English Communication Skills Syllabus to Diploma in Law Programme, the study evaluated if the syllabus is based on competencies enough attain the required competencies to a Diploma in Law Graduates observed strengths and weaknesses as follows.

Strengths of the English Communication skills syllabus in attaining the required competencies to a diploma in law graduates

The syllabus focuses on enabling the diploma in law students to acquire writing communication skills. On one hand, the syllabus intends to equip learners with writing skills related to legal profession such as footnotes skills in writing texts, steps used in writing bibliographical information, Latin abbreviations used in writing footnotes, paraphrasing techniques in statutory sentences, and knowledge on the major parts, elements and the back matter of the reports. This concurs with the claim by Holvast (2016) that Law clerks prepare clear, concise and professionally written communication such as briefs, affidavits, statements of claim using correct spelling, grammar, punctuation, and syntax.

The syllabus intends to equip the learners with knowledge on different issues related to oral communications skills such as the elements and importance of communication process, techniques of communication, using communication techniques and channels, and barriers of communication and ways to overcome them. This is relevant to the claim that a CBC should assist them in developing analytical and problem-solving skills, critical reading abilities, oral communication and listening abilities, task organization, and management skills, as well as writing skills (Vidyasagar, 2008).

Moreover, the contents of the syllabus are logically arranged from simple to complex. It begins with elements of communication process, techniques of communication, communication channels, barriers of communication and ways to overcome them, statutory sentences in statutes, skills in analyzing structural statutory clauses in statutes, paraphrasing techniques in statutory sentences, steps used in writing bibliographical information, footnotes skills in writing texts, Latin abbreviations used in writing footnotes, major parts of report, elements of the report, back matter of the reports. This is relevant to Kirschner et al (1997) that contents in an effective CBC are organized in a logical order from simple to complex should be organized in a logical order from simple to complex.

Weaknesses of the English Communication Skills Syllabus in Attaining the Required Competencies to Diploma in Law Graduates

Despite the strengths, the reviewed syllabus has some weaknesses that make it irrelevant to a Competency-Based Curriculum.

It not explicitly aligned with expected competencies; it does not provide detailed information about the intended interpretations and how the suggested assessments will be used. This does not concur with McClarty & Gaertner (2015) that competencies must be clearly defined, measurable, and related to the knowledge or skills needed for future endeavors, specific to a particular course or program.

The contents of the syllabus are not well modularized; the contents are not clustered in modules to form a coherent compatibility for specific competencies to be learned independently. This is contrary to NACTE (2015) that the curriculum contents through which the learning outcomes that

form a coherent compatibility for specific competence should be organized in a logical sequence for the realization of the intended competencies and allocating them into semesters because some modules need to be covered before others.

The syllabus does not suggest appropriate instructional materials; a CBC is supposed to suggest instructional materials to make course instructors aware of the appropriate materials to competency-based learning. The syllabus is contrary to Tambwe (2017) that to ensure that curriculum and assessment are implemented properly, educators must consider developing appropriate instructional materials to support learning activities. In addition, teachers will need to be trained on how to use the new materials since the methodology of CBET system requires shifting from teacher to student-centered approach.

It does indicate professional communication strategies to enable graduates to meet the needs of their profession. The syllabus contains general communication skills like communication channels and barriers to communication without specifying the legal communication skills. This is contrary to the Judiciary of Ghana (2011) which stresses that one of the language requirements for law clerks is to demonstrate the ability to support the needs of clients and legal professionals through professional communication strategies, in reading, writing, speaking, listening, and presenting.

The syllabus does not suggest different tasks on different occasions to enable graduates to apply the acquired knowledge in different circumstances. It is clear that CBC requires students to process learning in a way that enables them to apply the acquired skills and knowledge in a variety of situations and to a variety of tasks. Karameta (n.d) suggests that neglecting situations and actions of the person in the situation, to notify promptly, generalized competence lists (out of context) is nonsense because any competency by nature is a function of the action of a person in the situation. Action and situation are essential to a competency-based approach; however, new programs lack both these elements.

The syllabus does not suggest appropriate assessment methods; uses the same methods, which is, written test, assignment, and oral questing methods in each outcome. In this sense, the assessment methods suggested can imply that the curriculum will be implemented without learning practices. This does not concur with the claim by Kouwenhoven (2003) that knowledge in CBE supports the development of competencies and that the acquisition of knowledge takes place in the context of (professional) application which includes learning assignments and learning practices.

The syllabus only recognizes skills rather than competencies; it starts with the outline of the so-called “sub-outcome” but no any competencies that are mentioned. This is a challenge because course instructors will focus on contents to meet the outcomes without focusing to enable learners to apply the acquired skills and knowledge. According to Kouwenhoven (2003), a CBC is based on the elaboration of profiles and identification of competencies. Domain-specific knowledge and skills are determined by the competencies that are needed by a competent professional and not by the disciplinary ‘body of knowledge’.

The syllabus does not suggest field assessment; In Non-formal education program not only writing,

reading and accounting is taught, but also the learners achieve the ability to solve personal and social problems. Assessment of achievement concerning these areas will never be possible in classrooms. It is only possible if we can assess our learners in their real situation. Concerned persons or co-learners may properly assess each other's progress. So nowadays in assessing the progress of the learners, much importance is given to the participatory assessment system. EDIT

The syllabus is too inappropriate to enable learners to be confident to attain their expected duties; since the whole syllabus focuses on knowledge and skills acquisition only within the classroom, some learners will not be able to be confident enough to fulfill their duties like guidance and counseling skills. Astor (1984) asserts that apart from preparing documents, the clerks in any court may well see defendants, prosecutors, local solicitors, witnesses outside the courtroom when such people come looking for help and guidance. Also, Pye (1987) adds that the curriculum for Diploma in Law should also enable students to demonstrate the ability to interview, negotiating, counseling, and planning.

CONCLUSIONS

The paper dealt with the assessment of the relevance of English communication skills syllabus to Diploma in Law programme in Tanzania if it brings competency-based education and training as expected. The findings reveal that the syllabus that was evaluated is not relevant to a Competency-Based Curriculum as it lacks essential characteristics of the CBC, hence it does not reflect the ability to attain the required competencies to a diploma in law graduates. An effective competency-based English communication skills curriculum for a Diploma in Law program should comprise relevant contents, in this case, legal communication strategies such as strategies, in reading, writing, speaking, listening, and presenting skills in legal context, it should be clearly stated, the contents should be clustered in modules to form a coherent compatibility for specific competencies to be learned independently, should consider functions of competencies in different legal situations. It should be suggesting appropriate assessment methods like collaborative tasks which will enable learners to perform in a participatory way, and appropriate instructional materials should be suggested to support learning activities.

Also the paper has presented an assessment of the relevance of English communication skills syllabus to Diploma in Law program in Tanzania. The paper concludes that the Diploma in Law curriculum is designed to focus knowledge and skills rather than demonstrating the ability to apply them. In fact, the curriculum is unrealistic and it is contrary to the expectations of producing graduates with competency-based education and training, and it will continue to be far from reality unless the contents, instructional methods, assessment methods, and training focus is changed and linked to the professional profiles.

RECOMMENDATIONS

For effectiveness, the paper recommends that the responsible organs such as the National Council for Technical Education (NACTE) should organize improvement and harmonize the English communication skills for a diploma in law programme by conducting several workshops on the

methodology of implementing the competency-based teaching, appropriate instructional materials, assessment methods as well as qualities of a good competency-based curriculum.

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