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Editorial

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Welcome to the winter edition of the International Journal of Clinical Legal Education. The clinical legal education community recently gathered at Monash University Faculty of Law for the IJCLE Conference (19-21 November 2025). Coinciding with the 50th anniversary of Monash Law Clinics, this milestone event brought together leading clinicians from Australia and beyond to share expertise on innovation and best practice in clinical legal education. Convened by Dr Jacqueline Weinberg and Professor Jeff Giddings, with support from Northumbria University, the conference provided workshops, panel discussions, and networking opportunities for practitioners and scholars across the discipline. Special thanks are due to Jacqueline and Jeff for their excellent work in convening and organising such a successful and inspiring event.

This edition of the journal reflects the energy and innovation evident at Monash.

First we have Rebecca E. Badejogbin's "Protection of Linguistic Diversity & Access to Justice for All through Pro Bono: Case Study of Nigeria" which examines a fundamental but often overlooked barrier to access to justice: language. Drawing on empirical research across Nigeria's six geopolitical regions, Badejogbin investigates how linguistic diversity affects the delivery of pro bono legal services by the International Federation of Women Lawyers and Nigerian Law School law clinics. In a country with over 400 indigenous languages, the article reveals how communication barriers between service providers and clients undermine efforts to improve access to justice for indigent populations. Badejogbin analyses the constitutional framework governing indigenous language use and documents the practical strategies these organisations have developed to address linguistic challenges. The article makes a compelling case that effectively harnessing indigenous languages in legal service delivery is not merely a matter of accessibility but essential to national development and meaningful justice provision.

The edition also features an article that explores innovative approaches to teaching human rights law through experiential learning. In "From Participation to Practice: Embedding Experiential Human Rights Education Through the Model UN and the UPR Project at BCU," Amna Nazir examines two interlinked initiatives at Birmingham City University that position students as active participants in international legal processes rather than passive observers. The article describes how Model UN simulations are embedded within undergraduate and postgraduate law modules, using a fictional crisis scenario to engage students with the complexities of UN Security Council and Human Rights Council decision-making. Running parallel to this curriculum-based work is BCU's Universal Periodic Review Project, an extracurricular initiative through which students contribute to stakeholder reports submitted to the UN Office of the High Commissioner for Human Rights. Drawing on over a decade of reflective teaching practice, the article makes a compelling case for experiential learning as central to human rights legal education, enabling students to develop not only technical legal skills but also diplomacy, ethical judgment, and professional identity. The author addresses the practical challenges

of sustaining such initiatives within resource-constrained institutions and offers recommendations for embedding simulation and student-led research more systematically into legal curricula.

This edition features three "From the Field" contributions that showcase clinical legal education's capacity for innovation across different scales, from targeted community programmes to operational solutions and systemic reform.

Dema Lham, Thuji Wangmo, David W. Tushaus, and Yeshey Dema present "Street Law for Specific Communities: A Project for Persons with Disabilities," documenting an innovative community legal education initiative at Jigme Singye Wangchuck School of Law in Bhutan. The authors detail how the Human Dignity Clinic developed a multi-faceted Street Law programme tailored specifically for Persons with Disabilities, moving beyond a written advocacy toolkit to create interactive workshops that addressed the real-world challenges of navigating Bhutan's legal system. The article provides rich practical guidance on curriculum development for diverse audiences, highlighting the importance of Disability Equality Training in preparing law students to design truly inclusive legal education. The authors candidly discuss the challenges encountered, from variations in disability types and degrees to communication barriers and time constraints and the creative solutions developed to ensure both physical and informational accessibility. Survey data from both student facilitators and participants demonstrates the programme's dual impact: law students gained empathy, professional skills, and substantive legal knowledge through experiential learning, while participants reported increased confidence in understanding and engaging with the legal system. The piece offers a replicable model for legal educators seeking to serve vulnerable populations, emphasising the crucial role of community collaboration throughout project design and delivery.

Kim McDonald's "Sustaining Legal Clinics Through Summer: A Strategic Response to Rural Legal Advice Deserts in the Southwest of England" presents a solution to a challenge faced by many university law clinics: maintaining service provision during academic breaks when student availability dramatically declines. McDonald describes how the University of Exeter Community Law Clinic adapted the University of Newcastle, Australia's award-winning "Law on the Beach" initiative to the Devon context, running drop-in legal advice sessions in coastal and urban locations at the start of the summer period. What began as a community outreach initiative evolved into an effective strategy for managing the clinic's waiting list. The piece reflects on both the successes and vulnerabilities exposed by the initiative. While the drop-in sessions demonstrably reduced backlogs and provided timely support to underserved rural and coastal communities in a recognised legal advice desert, they also highlighted the fragility of volunteer-dependent clinic models. McDonald's assessment offers valuable insights for other clinics considering similar approaches.

Eduardo R.C. Capulong and Edgardo Carlo L. Vistan II provide a comprehensive examination of clinical legal education development in the Philippines in "Clinical Legal Education in the Philippines: Towards Institutionalization, Pedagogy, and a Professoriat." The authors trace the evolution of Philippine clinical legal education from its early roots at the University of the Philippines College of Law in 1918 through to the transformative 2019 revision of Rule 138-A, which now mandates clinical training for all law graduates. The article documents how this reform has catalysed the establishment of diverse clinical programmes across the country, from migrant workers' desks to virtual law clinics serving rural communities. Capulong and Vistan argue that mandating clinical education is only the first step. They call for increased credit requirements, bolstered administrative infrastructure, ongoing pedagogical development, and the creation of a dedicated clinical professoriat. Their analysis offers valuable lessons for jurisdictions undertaking similar reforms, emphasising that sustainable clinical legal education requires not just regulatory mandate but institutional commitment, adequate resources, and a community of specialist clinical educators.

Looking ahead, planning is now underway for the next IJCLE Conference, to be held 15-16 June 2026 in Edinburgh, United Kingdom in collaboration with ENCLE and the University of Edinburgh. Under the theme "Invading the Curriculum: Clinical & Experiential Legal Education in an Era of Sustainability and Impact," the conference will explore how clinical methods can move beyond dedicated clinic spaces to transform mainstream legal education. As universities face resource constraints and increasing demands for relevance, the conference will examine how experiential pedagogy can scale sustainably, demonstrate meaningful impact, and embed practice-based learning across the curriculum.

We look forward to welcoming the community to Scotland.

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Article

Protection of Linguistic Diversity & Access to Justice for All through Pro Bono: Case Study of Nigeria (International Federation of Women Lawyers & Nigerian Law School Law Clinics)

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Abstract

Access to justice for the indigent in Nigeria has been a growing concern over the years and has drawn governmental and private efforts towards achieving this feat. Civil societies and law clinics have also taken advantage of this opportunity to centre their activities towards meeting these needs. Indeed, a lot has been done through the instrumentality of these groups amidst growing challenges one of which is the hindrance caused by the inability to adequately communicate in a language common to these service providers and the recipients of their services especially in a country with over 400 indigenous languages. This article therefore through empirical and doctrinal research, probes what these challenges are, in the six geopolitical regions in Nigeria, for the International Federation of Women Lawyers (FIDA) – a civil society - and the Law Clinics run by the Nigerian Law School. It explores the constitutional framework with respect to the recognition of the use of indigenous languages. It also identifies the pragmatic approach utilised by FIDA and the law clinics in addressing these challenges, and makes recommendations on how these language challenges can be surmounted to an extent to enhance access to justice. It affirms that harnessing the use of indigenous languages for enhanced life and livelihood is crucial to national development.

Keywords: Indigenous language, pro bono, civil society, law clinics, Nigeria.

1. Introduction

Harnessing the use of indigenous languages for enhanced life and livelihood is crucial to national development.[1] Since language is generally used as a means of communication with government agencies for socio–cultural, economic, and political impact[2], it is directly and indirectly linked, to how people access justice. Indigenous languages spoken by a greater number of the population therefore

[1]A Olaoye, 'The Role of Indigenous Language in National Development: A Case Study of Nigerian linguistic situation' (2013) International journal of applied linguistics and English literature 29. https://www.researchgate.net/publication/271027512_The_Role_of_Indigenous_Languages_in_National_Development_A_Case_Study_of_Nigerian_Linguistic_Situation (accessed on 27/04/2022).
[2] Ibid.

play a crucial role in this regard. This is despite being plagued by a number of challenges that have hindered its development and threatened its survival.[3] Invariably, this threat is also a threat to access to justice. According to Olaoye, in Nigeria, many factors hinder the development of indigenous languages which directly or indirectly affect access to justice; some of which are lack of use and unfavourable language policies.[4] Further challenges also include 'lack of knowledge of the number of languages, haphazard research, inadequate funding of research, inadequate facilities' and a few others.[5] Where these challenges are not addressed, the implication is that access to justice for people generally, and the indigent in particular, through pro bono services may be affected by the inability of people to communicate through their respective indigenous languages, which to some, is the only means of communication used to access justice services. This is despite the main beneficiaries of the activities of law clinics and other non-governmental organizations in Nigeria being indigents, the majority of whom may be restricted to their respective indigenous languages as the principal means of communication.[6]

For the purpose of this paper, Onwubie's definition of language as a 'method of human communication, either spoken or written, consisting of the use of words in a structured and conventional way' is adopted.[7] Indigenous language therefore is a language that is 'native to a region and spoken by indigenous people… from a linguistically distinct community that has settled in the area for many generations.'[8] It is aboriginal to the people who speak them.[9] Consequently, any spoken language within a distinct community within Nigeria is an indigenous language.[10] This language must be native i.e. 'original to the people' often regarded as their mother tongue and picked up naturally.'[11] In Nigeria, there are over 400 of such languages.[12] A great number of these indigenous languages have survived despite the threat posed by the advent of colonialism, which endangered their survival and development.[13]

UNESCO declared 2022-2030 as the 'Decade of Indigenous Languages' based on the issues identified as affecting indigenous languages globally in the course of 2021.[14] This declaration also acknowledges the relevance of indigenous languages to justice. Other areas recognised as equally important include

[3] G Obinyan, 'The Development of Indigenous Nigerian Languages for Effective Communication and Professional Use: The Case of Esan Language' (2010) Ekpoma Journal of Theatre and Media Arts (3) (1-2) 16.
[4] Olaoye n 1 at 34.
[5] Ibid at 33.
[6] I Chiroma, A Alkali, R Badejogbin, L Odigie-Emmanuel and I Ononye, 'Strengthening Ethics in Clinical Legal Education: Analysis of Clients Expectation and Student's Professional Obligation in Nigeria' (2022) International Journal of Law and Clinical Legal Education (IJOLACLE) 3.
[7] C Onwubie, 'Indigenous Language and the Preservation of African Values: The Igbo Example' (2016) Journal of Religion and Human Relations 231.
[8] The STANDS4 Network 'Definitions' https://www.definitions.net/definition/indigenous+language
[9] V Oyemike, L Anyalebechi, & I Ariole, 'Promoting Indigenous Language in Nigeria: Issues and Challenges for the Library and Information Professionals' (2017) Library Philosophy and Practice (10) 6. https://www.researchgate.net/publication/316186949_Promoting_Indigenous_Language_in_Nigeria_Issues_and_Challenges_for_the_Library_and_Information_Professionals
[10] Onwubie n 7 at 232.
[11] Ibid at 232.
[12] F Ikoro, 'Development and Sustenance of Indigenous Languages in Nigeria: The Role of Ninlan and Its Library' (2016) International Conference on Social and Education Sciences available at https://files.eric.ed.gov/fulltext/ED625832.pdf (accessed on 13/02/2025).
[13] Ibid at 230.
[14] https://en.unesco.org/news/upcoming-decade-indigenous-languages-2022-2032-focus-indigenous-language-users-human-rights (2020) (accessed on 20/08/2025).

'social cohesion and inclusion, cultural rights, health…' and nature.[15] One way or the other, these latter issues are intricately tied to justice. This declaration is linked to other international instruments that one way or the other recognise and promote the rights of indigenous peoples. These instruments include UNESCO's Convention against Discrimination in Education (1960), UN Declaration on the Rights of Indigenous Peoples of 2007, and UN System-wide Action Plan (SWAP) on the Rights of Indigenous Peoples of 2017, and a host of others.[16]

Creating an enabling environment for the use of indigenous languages in different private and public spheres was seen to contribute to the preservation of the human rights of the indigenous people.[17] This is especially so in the light of the threat of extinction of a good number of indigenous languages with recent data showing not less than 40% of the 7000 indigenous languages affected worldwide.[18]

The attention on indigenous languages is crucial because the right to preserve its use amongst its users is tied to 'human dignity, peaceful co-existence … and for the general wellbeing and sustainable development of society at large'[19] to mention but a few. Its effect cuts across diverse socio-economic and cultural, as well as political and environmental 'domains, and historical contexts, regardless of affiliation or residence.'[20] It guarantees:

'[a]ccess to … justice, decent employment, … participation in cultural life, and other rights … self-determination and active engagement in public life without fear of discrimination, is a prerequisite for inclusiveness and equality as key conditions for the creation of open and participatory societies.'[21]

The declaration that produced the Global Action Plan recommends ten outputs to promote the functionality of indigenous languages globally using synthesis of different disciplines; in other words, an interdisciplinary approach. One of the approaches suggested is the 'Access to justice and availability of public services guaranteed to indigenous language speakers and signers'.[22] This paper therefore, focuses on how indigenous languages have played out in accessing justice for the people of Nigeria through the instrumentality of the International Federation of Women Lawyers (FIDA), and law clinics of the Nigerian Law School. It commences by laying a background that connects the UNESCO declaration to the need on ground. It gives a brief methodology, and information on Nigeria, and identifies constitutional provisions on languages. It also provides information on the International Federation of Women Lawyers Nigeria and law clinics of the Nigerian Law School, their range of activities adopted to achieve their goals of making justice accessible to communities which otherwise would be deprived of them, and how the utilisation of indigenous languages enhances and hinders their services. It identifies the challenges faced by these groups with respect to the limitations of utilising the indigenous languages spoken by recipients of their services and makes recommendations on how these challenges can be addressed. This paper does not interrogate the theories applicable to

[15] Ibid.
[16] Ibid. See also United Nation's International Convention on the Elimination of All Forms of Racial Discrimination (1965), International Covenant on Economic, Social and Cultural Rights (1966), International Covenant on Civil and Political Rights (1966),
[17] Ibid at 5 & 6.
[18] Ibid.
[19] 'Global Action Plan of the International Decade of Indigenous Languages (IDIL2022-2032)' Published in 2021 by the United Nations Educational, Scientific and Cultural Organization p5 https://unesdoc.unesco.org/ark:/48223/pf0000379851 p 5.
[20] Ibid.
[21] Ibid at 5.
[22] Ibid at 12

languages, but simply, examines the implications of indigenous languages in terms of access to justice based on the activities of these groups.

2. Methodology:

The study adopted doctrinal and empirical methods utilising primary, secondary and tertiary doctrinal sources as well as qualitative research method of interview. The study essentially examined how indigenous language barriers have posed a challenge to the activities of these groups to provide pro bono services. It also looked at the pragmatic ways adopted to address these challenges, and the areas that need attention in anticipation of the decade of indigenous languages declared by UNESCO. Six FIDA members interviewed comprise five current and the past Chair of a FIDA chapter in each of the six geopolitical zones in Nigeria, and a FIDA member who has been providing regular pro bono services in one of the FIDA chapters in North Central Nigeria. These locations are FIDA North West (Taraba State), FIDA North East (Kaduna State), FIDA North Central (Plateau State), FIDA South West (Oyo State), FIDA South East (Enugu State), and FIDA South South (Delta State). Six people were also interviewed for the law clinics. They are past or current Coordinators of law clinics in each of the campuses of the Nigerian Law School located in the six geopolitical zones of Nigeria,[23] namely North Central (Abuja, Headquarters), North East (Yola Campus), North West (Kano Campus), South West (Lagos Campus), South East (Enugu Campus), and South South (Yenagoa Campus). The choice of the locations is to give a broad spectrum of the situation in the country since the activities of the two groups studied span across all geopolitical zones of the country. The choice of these two groups studied is to have two broad categories of strictly law based *pro bono* outfits concerned with executing social good, the pursuit of justice, an avenue of public service with a measure of professionalism, with one of them connected to legal education.[24] It is pertinent to note that these are only two of the many private initiatives of *pro bono* activities in Nigeria that foster access to justice.[25] The interviews were semi structured with open-ended questions in conversational personal interview.[26] Triangulation of methods involving the doctrinal materials and text analysis of laws and data obtained was utilised in analysing the data and making findings.[27]

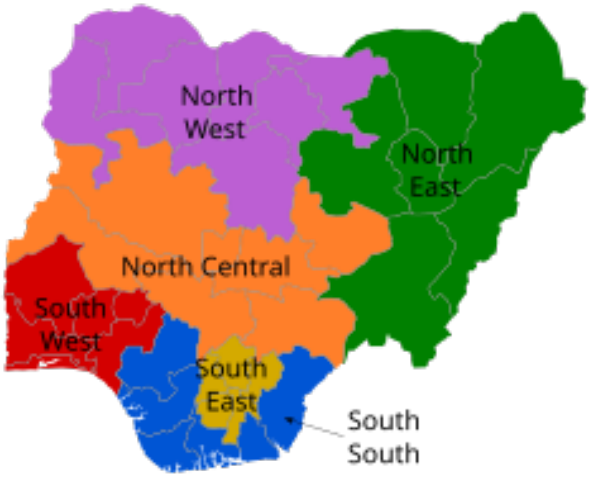
[23] Some of the law clinics however have been comatose in recent times due to a number of factors.

[24] Ibid, Chiroma, Alkali, Badejogbin, Odigie-Emmanuel and Ononye, 'Strengthening Ethics in Clinical Legal Education n 6 at 8. See also Jajadev Pati, 'Clinical Legal Education, Ethics of the Profession' https://www.lawyersclubindia.com /articles/clinicallegal-education-and-ethics-of-profession-238.asp.

[25] These are just two out of the several private commitments to *probono* through individual, private, organizations and non-governmental organizations. See Latham & Watkins LLP, 'Pro Bono Practices and Opportunities in Nigeria' (2016) https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-nigeria.pdf 454-457.

[26] CS 'PPA 696 research methods data collection strategies II: Qualitative research' (2009) available at http://www.csulb.edu/~msaintg/ppa696/696quali.htm (accessed on 03/05/2022).

[27] M Princloo, 'Selected Projects of the codification and restatement of customary law' in Bennett & Runger M (eds) The ascertainment of customary law and the methodological aspects of research into customary law: proceedings of workshop February/March 1995 LRDC Namibia 124.



Map of Nigeria showing the six geopolitical zones[28]

3. Brief facts on Nigeria

Nigeria, described as a constitutional democracy, gained her independence from British rule in 1960, and is just one out of 54 countries in Africa. It has 36 states and a Federal Capital Territory. As the most populous country in Africa with a population estimate of over 215,000,000 based on United Nations data, Nigeria is estimated to have over 400 ethnic groups and languages.[29] Nigeria's division into six geo-political zones, which are majorly, defined, by culture, language and location is evidence of its multilingual nature. Nigeria is one of the countries in the world with the most diverse languages, and thus, the emphasis on promoting indigenous languages is relevant to it. According to Olaoye, the languages in Nigeria are linguistically diverse in status and in the numbers of their respective speakers. They are also at various stages of development in terms of their orthographies, which are not yet 'designed and developed' and yet to be reduced to writing.[30]

Amongst Nigeria's diverse languages are the languages of the three major ethnic groups namely, Hausa/Fulani, Yoruba and Igbo determined by their size concentrated in specific zones spoken mainly through commerce and other socio-economic interactions.[31] Although, the Hausas are distinct from the Fulani in terms of language and culture,[32] they are often tagged as one for socio-economic, political and other considerations. The combination of this duo has increased their number to be

[28] https://www.google.com/search?sa=X&sca_esv=6c98adb7f3c8c910&udm=2&q=map+of+nigeria+showing+the+six+geopolitical+zones&stick=H4sIAAAAAAAAAFvEapibWKCQn6aQl5meWpSZqFCckV-emZeuUJKRqlCcWaGQnppfkJ-WZKZnJijUJWfl1oMAPclFAg0AAAA&source=univ&ved=2ahUKEwiT2ejf-MyLAxWzXEEAHXyVAO4QrNwCegUIhQEQAA&biw=1366&bih=633&dpr=1#vhid=806XbVl6ReV5vM&vssid=mosaic (accessed on 18/02/2025).

[29] A Mustapha, 'Ethnic Structure, Inequality and Governance of the Public Sector in Nigeria' (2005) CRISE No 18 Queen Elizabeth House, University of Oxford https://assets.publishing.service.gov.uk/media/57a08c97ed915d3cfd0014aa/wp18.pdf

[30] Olaoye n 1.

[31] O Ayenbi, 'Language regression in Nigeria The case of Ishekiri (2014) *Éducation et sociétés plurilingues* [Online], 36 | http://journals.openedition.org/esp/136; DOI: https://doi.org/10.4000/esp.136.

[32] S Nwabara, 'The Fulani conquest and rule of the Hausa Kingdom of Northern Nigeria (1804-1900)' (1963) Journal des Africanistes https://files.eric.ed.gov/fulltext/EJ1286108.pdf 231-242.

regarded as one of the major tribes and ethnic groups in Nigeria. Many of the other languages are not necessarily minor languages as in some cases, up to several millions of people also speak each of them respectively.[33]

Due to the advent of colonialism, English Language began to be spoken, mainly, to aid trade relations with foreigners, and eventually was adopted as the official language of Nigeria, taught in schools, and used as the primary means of communication in government circles, etc.[34] According to Uwazuoke, the adoption of English as the official language of Nigeria was also an attempt at addressing the problems posed by the diverse indigenous languages in terms of finding a common ground for communication.[35] Even though English is widely spoken in Nigeria, mainly in the urban communities, which according to a 2019 estimate amounts to about 79 million at different stages of proficiency, this is less than half of the estimated population of the entire country.[36] In other words, it is rarely spoken by people in rural communities, and with less education, which incidentally, are the main targets of FIDA and the law clinics.

4. Constitutional Provisions on Languages

The 1999 Constitution as amended, which currently operates in Nigeria, has provisions that acknowledge and foster the recognition of the various indigenous languages under the Fundamental Objectives and Directive Principles of State Policy. The motto of Nigeria, which is 'Unity and Faith, Peace and Progress', promotes unity in diversity. Section 15 (2) clearly promotes national integration and prohibits discrimination on grounds of 'place of origin, sex, religion, status, ethnic or linguistic association or ties' thereby also fostering equality regardless of origin and language. In other words, these provisions encourage national integration of diversities including ethnic or linguistic diversity in order to avoid disintegration.[37] Again, the Constitution provides in section 15 (3) that the State has the duty to promote national integration through the provision of 'adequate facilities for and encourage free mobility of people, goods and services throughout the Federation.' It also has the responsibility to 'secure full residence rights for every citizen in all parts of the country, encourage inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic association or ties; and promote or encourage the formation of associations that cut across ethnic, linguistic, religious and or other sectional barriers.' The implication of this is that it lays the legal framework for the recognition and fostering of indigenous languages. Other provisions that buttress this include section 35 (3), which states that an arrested or detained person must be informed within twenty-four hours, in a language that he or she understands, the reason for their arrest or detention. This also applies to anyone charged with the commission of a crime. Such a person must

[33] For instance are Ibibio, Kanuri, Tiv, Efik, Idoma etc. See World Population Review https://worldpopulationreview.com/countries/nigeria/language.

[34] Onwubie n 7 at 230.

[35] A Uwaezuoke, 'Ethnicity and national integration in Nigeria: towards the use of indigenous language option for information dissemination at the grassroots' (2018) UJAH Unizik Journal of Arts and Humanities https://www.researchgate.net/publication/328795470_Ethnicity_and_national_integration_in_Nigeria_towards_the_use_of_indigenous_language_option_for_information_dissemination_at_the_grassroots 45.

[36] G Uwen, V Bassey & E Nta, 'Emerging Sociolinguistic Teaching Trends of English as a First Language in Nigeria' (2020) International Journal of Language Education (4) (3) 400.

[37] P Edowor, Y Aluko & S Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' (2014) Developing Countries' Studies (4)https://www.researchgate.net/publication/327020178_Managing_Ethnic_and_Cultural_Diversity_for_National_Integration_in_Nigeria (accessed on 27/04/2022).

be promptly and clearly informed of the nature of offence he or she is charged with 'in the language that he understands'.[38] The Constitution also provides that such a person must be given 'the assistance of an interpreter if he cannot understand the language used at the trial of the offence' at no cost to him or her.[39]

Other relevant provisions of the Constitution include section 55 requiring the sessions of the National Assembly to be held in English, and if adequate arrangements are made, in Hausa, Yoruba and Igbo. Section 97 also makes a similar provision at the state level with regards to sessions of the various State Houses of Assembly to be held in English, but goes a step further to state that it can be held in 'one or more other languages spoken in the State as the House may by resolution approve.' The requirement of section 55 is yet to be actualised. For the House of Assembly, which is closer to the grassroots than the National Assembly it may be easier to implement this requirement especially where the particular state is almost homolinguistic. Nevertheless, the implication of these frameworks is that when implemented, indigenous persons will be more informed of their rights as they become more aware of what is contemplated by the lawmakers. Uwazuoke, basing his analysis on the relevant theory, had proposed that communication be disseminated to the people in their respective indigenous languages in addition to English since the country is yet to surmount the challenge of adopting indigenous languages as official languages.[40] Succinctly put, the Constitution has some form of framework for the enhancement of indigenous languages concerning the right to justice of the speakers of the various indigenous languages in Nigeria, however, the challenges to the implementation and enforcement of these rights remain. These constitutional provisions are relevant for the protection of the rights of the speakers of indigenous languages. They could form the basis for the enforcement of their rights against infringements caused by omissions in putting measures that would foster the rights and access to justice by government institutions for speakers of indigenous languages who are impeded by language barriers. On a similar premise, the Global Action Plan affirms the recognition of indigenous languages as enhancing human rights as it states thus:

'Legal recognition of Indigenous languages at all levels and full realization of Indigenous language users' rights which enhances the application of international human rights frameworks (instruments, norms, and standards) and ensures technical assistance for developing national legal systems and legislation, including the administration of justice and the use of interpreters in courts'[41]

5. International Federation of Women Lawyers (FIDA)

The International Federation of Women Lawyers (FIDA) has a global presence in several countries around the world including Nigeria. FIDA is the acronym for "Federación Internacional dé Abogadas" which is in Spanish. It was established in Nigeria in 1964 as a non-governmental, nonprofit organization comprising of female lawyers. It operates through its chapters in the 36 States of the Federation including the Federal Capital Territory.[42] Its main responsibility is to 'protect, promote and preserve the rights of women and children in Nigeria'.[43] The Mission of FIDA is to 'promote, protect and preserve the rights, interests and well-being of women and children through the use of legal framework to ensure that they live free from all forms of discrimination, violence and abuse in the

[38] See section 36 (6).
[39] Ibid.
[40] Uwaezuoke n 36.
[41] Global Action Plan n 19 at 9.
[42] International federation of Women Lawyers Nigeria https://fida.org.ng/about-us/ (accessed on 03/05/2022).
[43] Ibid.

society.'[44] This is done by volunteers who are FIDA members representing the diverse ethnicity and languages in the country heavily tilted towards the language or languages prevalent in the location of the particular chapter. It carries out this responsibility by providing free legal representation, advocacy and policy drives for the vulnerable i.e. indigent women and children. It also conducts educational and training strategies as well as mediation and counselling services.[45]

5.1 FIDA: Activities & Methods

Over the years, FIDA Nigeria has attained daunting accomplishments by contributing to the eradication of drug abuse, publication and distribution of literature and legal instruments for awareness, and setting up shelters for battered women. It has also carried out advisory roles to the government and legislative advocacy for the rights of women and children.[46] It has secured waivers on filing fees for court processes, stood against traditional practices against women, carried out awareness campaigns, collaborated with other national and local organisations for the promotion of women and children's rights. Its accomplishments also include organising training for skills acquisition, and activism against gender -based violence.[47] Very importantly, FIDA Nigeria across the 36 states and the Federal Capital Territory has made countless courtroom appearances to represent women and children and also intervened through legal means for the protection of the rights of these vulnerable persons.[48]

In FIDA chapters within the six geopolitical zones studied, FIDA has provided free legal representation for indigent women and children in cases of inheritance, sexual abuse, violence, divorce and separation, child custody, child abuse, other forms of abuse, unjust employment termination, intimidation, defilement, adoption, abandonment, and other similar abuses. They visit schools, markets and suburban communities through the traditional rulers to carry out sensitisation and awareness campaigns, and also through the media - radio and television. They also partner with other NGOs and associations such as Association of Female Journalist, National Council of Women Societies, etc. who also make referrals to them where necessary. In carrying out all these activities, communication is crucial and has been made possible through the languages spoken by FIDA members and those of the recipients of their services. This has however not been without its challenges.

6. Nigerian Law School Law Clinics

The Council of Legal Education, Nigerian Law School, established in 1962 by virtue of the Legal Education Act 1962 has the sole responsibility of providing vocational legal training for law graduates from universities towards their call to the Nigeria Bar.[49] Over the years, clinical legal education methodology, which is the practical application of knowledge to life situations has gained ground as forming part of the methods of disseminating knowledge, skills and values to Bar aspirants, and this

[44] Ibid.
[45] Ibid.
[46] R Badejogbin, 'Trajectory of a noble passion' in J Dawuni & A Kuenyehia, (Eds) *African Women Judges on International Courts: Untold Stories* (2017) Routledge.
[47] Ibid. n 4 See also Y Jimoh, 'FIDA Restates Commitment To Raising Standard Of Women, Children's Rights' Nigerian Tribune of 21 November, 2021 https://tribuneonlineng.com/fida-restates-commitment-to-raising-standard-of-women-childrens-rights/ (accessed on 03/05/2022).
[48] Fida n 43.
[49] R Badejogbin, 'Reforming Legal Education in Nigeria: The Nigerian Law School Experience.' in O Adegoke and S Osamolu *Essays in Honour of Hon. Justice S. K. Otta* (2011) Vintage Law Publishers Abuja.

was adopted as part of its teaching pedagogies.[50] A notable benefit to the adoption of this method is the opportunity provided to students to learn on the field, which has proven to be a valuable means of education.[51] It also creates the opportunity for positively influencing the students on the values of pro bono services, and justice education. The students, who are from diverse backgrounds, ethnicities, and who speak different languages, are given the opportunity to impact positively on society by providing free legal services to indigent persons who otherwise may be deprived of access to justice. The 'philosophy about the role of the lawyer in the society', which has justice as the core of the philosophy, is therefore inculcated into the students.[52] This potent avenue to bring justice to the grassroots may be hindered by the challenge of inability to communicate owing to language barriers.

At the time of this study, the Nigerian Law School has five campuses and the Headquarters, each located in the six geopolitical zones in the country viz: North Central (Abuja Headquarters), North East (Yola Campus), North West (Kano Campus), South West (Lagos Campus), South East (Enugu Campus), and South South (Yenagoa Campus). The features of law clinics operating at the Law School are the in house and out house. Facilitators engage live clients comprising men, women, children and youths.

6.1 Law Clinics' Activities and Methods:

The law clinics provide legal advice, draft documents, interview clients, conduct research, analyse facts and refer cases to qualified lawyers for court representation.[53] Their activities also include counselling members of the communities, for instance, widows on their inheritance rights, mentorship of youths in the communities around the Law School campuses, mediating on issues of gender violence, sensitisation on women's issues and environmental law. They partner with NGOs and funders e.g. Network of University Legal Aid Institutions (NULAI), the United Nations Democracy Fund (UNDEF) and Mac Arthur Foundation and Centre for Human Rights to promote the culture of lawfulness, against social wiles, drugs etc., and train the Nigeria police on culture of lawfulness. They carry out outreaches to prisons such as paying fines for prisoners, etc. They also conduct outreaches in secondary schools with respect to careers talks etc. They engage with traditional rulers, ward heads and youth leaders to access the people. Their activities include visiting traditional palaces where the Freedom of Information Act was explained to people in their indigenous languages. They carry out legal literacy/street law and public enlightenment campaigns on constitutional rights, personal liberty and security, and use local radio stations to announce pre-street law preparatory workshops to communities around the Law School campus and beyond. They also carry out awareness campaigns for members of the National Union of Road Transport Workers on the use of road signs, speed limits, and the consequences of violation of traffic rules. They also had outreaches to indigent communities publicised through radio jingles for which there was a large turnout.

7. Target Communities:

[50] K. Kipnis, 'Ethics and the Professional Responsibility of Lawyers' (1991) Journal of Business Ethics (10) (8) 569.
[51] Ibid Chiroma, Alkali, Badejogbin, Odigie-Emmanuel and Ononye, 'Strengthening Ethics in Clinical Legal Education n 7 at 1. See also Y. Dadem and I Sule, 'Pro Bono Legal Services in Rural Communities: Experiences of the Bagauda Law Clinic in Aid of Citizens' American Journal of Law Vol.4, Issue 1 pp 39-49, 2022.
[52] J Pati, 'Clinical Legal Education, Ethics of the Profession' LCI Articles' https://www.lawyersclubindia.com/articles/clinical-legal-education-and-ethics-of-profession-238.asp. See also
[53] O Bamgbose, 'Clinical Legal Education in Nigeria: Envisioning the Future' (2021) Australian Journal of Clinical Education' (10) (1) 4.

FIDA's focus in the locations studied is usually on the immediate local community where the particular FIDA chapter is located, which is mainly to indigenous communities, or to a broader community of persons resident within the area whether or not they are indigenous to the community. In addition, specific groups such as prisoners, market women, vulnerable persons such as domestic workers, modern day slavery, sex workers, etc. are also reached. Of necessity, language is the chief means of communication with the people in order to have any impact. For the law clinics, the target recipients of their services are also the immediate local communities where each campus is located which are the indigenous communities, the broader communities of people resident within the community whether or not they are indigenous to the community, and specific groups such as prison inmates, market women, vulnerable persons such as domestic workers, community leaders, and the police**.**

Based on the interviews, the recipients of these services from both FIDA and the law clinics speak various indigenous languages and for a greater number, hardly understand the English Language, which is the official language of communication in the country. This is because according to the interviewees, most of them have very little or no formal education and hence, did not learn to speak English. This no doubt created quite some challenges, for the inability to communicate with these recipients would defeat the efforts of extending services that would make justice more accessible to the people.

The various indigenous languages encountered in the course of pro bono activities by FIDA in the communities studied based on the data received from the interviews:

s/n	**FIDA Chapter**	**Languages encountered during pro bono services**
1.	**FIDA North West (Taraba State)**	English, Mumuye, Hausa, Fulfude, and other indigenous languages.
2.	**FIDA North East (Kaduna State)**	English, pidgin, Hausa, Panju, and other indigenous languages of the communities and external to the communities.
3.	**FIDA North Central (Plateau State)**	English, Berom, Tarok, Mwagavul, Yoruba, Hausa, Idoma, and other indigenous languages of the communities and external to the communities.
4.	**FIDA South West (Oyo State)**	Yoruba, the different Yoruba dialects and pidgin.
5.	**FIDA South East (Enugu State)**	English, Igbo, pidgin and other indigenous languages external to the communities.
6.	**FIDA South (Delta State)**	English, pidgin and other indigenous languages of the communities external to the communities.

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The various indigenous languages encountered in the course of pro bono activities by the Law Clinics of the Nigerian Law School in the communities studied based on the data received from the interviews:

s/n	Nigerian Law School Campus	Languages encountered during pro bono services
1.	**North West (Kano Campus)**	English, Hausa, Fulani and indigenous languages.
2.	**North East (Yola Campus)**	English, several indigenous languages, Hausa, and Fulani.
3.	**North Central (Abuja Headquarters)**	English, Gbagyi, Yoruba, Hausa, and other indigenous languages
4.	**South West (Lagos Campus)**	Mainly English, Yoruba and pidgin
5.	**South East (Enugu State)**	Mainly Igbo and pidgin English. Others are Yoruba, Hausa, and other indigenous languages
6.	**South South (Yenagoa Campus)**	English, pidgin and other indigenous languages of the communities and external to the communities.

8. Language Challenge:

The research finds, from its interviews, that the language challenge has had some adverse effect on the effectiveness of the pro bono services being rendered with a tendency to block the chance for access to justice. The disadvantages of a language barrier could be severe. The people who need these *pro bono* services offered by FIDA and the law clinics could be deprived of such services, and the objectives of the outreaches carried out could fail. Enlightenment campaigns become futile where there is language barrier in communicating the information to the target audience. People could fail to receive legal representation due to language barriers between them and the legal representatives where they cannot communicate the issues to the lawyers who are to represent them in court. These no doubt could lead to severe cases of miscarriage of justice, inability to provide a defence, and loss of entitlements. The data reveals that ordinarily, due to the nature and simple lifestyles of these communities, the people who are recipients of such services already feel intimidated. The physical and official structure of the courts and law firms and even the location of the law clinics, and demeanour and status of persons offering such services help to compound issues. In addition to intimidation is their lack of understanding of English, which is the official language, and hence they are usually discouraged from seeking help. Therefore, FIDA and the law clinics make efforts to surmount the language barrier while offering help. Most FIDA members and law clinicians do not speak the indigenous languages however, some members who are from the particular community do, and this has helped a great deal.

From the experiences of the interviewees, in certain instances, there were no official interpreters in the government institutions such as prisons and courts. In the few instances where there were, they were most often limited to the major languages spoken in the area. There were also too many languages requiring interpreters. There were instances where the people could not speak English, pidgin or any of the major languages and thus, getting a warden who could speak such a language to unofficially serve as an interpreter became a challenge. Even though it is easier to find people who understand English or Pidgin English in cosmopolitan towns and cities, the challenge subsists regardless. For instance, despite the developed status and cosmopolitan nature of Lagos, the data obtained from the interviews reveals that it was still necessary to engage in communication, at least, in the indigenous language of the region which is Yoruba. There were also instances where people could not speak even the major languages or any indigenous language prevalent in the geographical location. This is because there were migrants from various communities outside the state or region who could not speak English or any major language indigenous to the region. For instance, there were instances where prison inmates could not speak English, Hausa or Fulfude in the North East and North West, and it was challenging to get a warden who could speak their particular indigenous languages. The need for interpreters feature at every stage of the activities of FIDA and the law clinics. These include from the stages of outreach, interviews, enlightenment, pre court appearance, during and after court sessions, etc.

9. Pragmatic approach:

Sometimes, the recipients of the *pro bono* services from FIDA and the law clinics understand English or Pidgin English. However, the challenge for those who speak the indigenous languages only, and thus, can only communicate in such still remains. FIDA and the law clinics have utilised some pragmatic measures in the face of this language challenge to offer *pro bono* services. The empirical data reveals that oftentimes, they approach communities through the local chiefs who are sometimes educated and can understand English and bridge the communication gap. This however, is not always the case since they still have to work with other community leaders and members who do not understand English. These categories of people sometimes arrange for their own interpreters at the *pro bono* programmes. Interpreters utilised by the communities are usually volunteers from within the communities. Where chiefs interpret, or other persons who are brought in by the communities to interpret , their interpretation may be limited to the general dissemination of relevant information on the rights of the people, which may not involve ethical issues of client/lawyer confidentiality. There are times when some law clinicians and FIDA members understand these indigenous languages and are therefore, useful communicators. Where FIDA and the law clinics have members who understand the particular indigenous languages that feature at their programmes, they try to utilise them as interpreters. Such interpreters may cover the general dissemination of information on the rights of the people. Sometimes it may involve communication that is within the purview of lawyer/client confidentiality and hence, would be subject to the rules of legal ethics, which should also bind persons involved in *pro bono services*.[54] The advantage of targeting communities where the FIDA chapters and law clinics are located is the likelihood of getting someone who is versed in the indigenous languages prevalent in the community to serve as an interpreter, nonetheless, it still leaves much to be desired. This is because of the growing heterogenised communities in Nigeria. More often than not, persons indigenous to other communities migrate and reside in other communities thereby adding to the

[54] Chiroma, Alkali, Badejogbin, Odigie-Emmanuel and Ononye, 'Strengthening Ethics in Clinical Legal Education n 6.

language challenge. Speakers of these indigenous languages would need to be found to aid communication during *pro bono* outreaches.

Another approach adopted by FIDA members and law clinicians was to sometimes arrange to provide paid or volunteer interpreters. Sometimes, the courts or FIDA may arrange for private interpreters around the premises of the courts for cases to be heard provided the interpreters comply with court rules and procedures for interpreters. Although, generally speaking, courts provide official interpreters, there is still the challenge of getting interpreters for other languages that feature during court sittings where the *pro bono* matters require court hearings, however, this task could be quite daunting. Sometimes, the court may adjourn to arrange for interpreters at their own expense if there is none for the particular language officially used within the premises. Court officials who can speak the particular indigenous languages sometimes serve as interpreters in their personal capacities. These private arrangements by the courts and FIDA could be risky as issues bordering on impartiality and conflict of interest by these interpreters, as well as quality control may pose serious challenges. For public enlightenment campaigns on rights, sometimes the law clinicians and FIDA use pre published materials in the particular indigenous language, and, seek funding to publish materials in the major indigenous languages of the people to aid their outreaches and enhance the impact of their programmes on the indigenous people. Even then, there is still a lot to be done since non-documentation has been identified as one of the major challenges to language development in Nigeria, which means that these materials are not readily available where the languages are yet to be structured, and resources to achieve this are scarce.[55]

Another pragmatic approach adopted by FIDA and the law clinics is to encourage members to learn basic sentences in the indigenous languages such as greetings and basic questions to put the recipients of their services at ease. The locals feel quite encouraged when they see foreigners in their midst making obvious efforts to speak their language. One of the law clinic supervisors interviewed explained that:

"Initially when the beneficiaries come to the clinic, they look scared and intimidated until they are greeted in their local languages, which immediately puts them at ease. At that point, they become relaxed and are ready to open up and give very useful information to enable us to help them."

Where FIDA and the law clinics successfully bridge the communication gap, their pro bono services have had very great impact on the communities and targets of their pro bono services. The data obtained from the interviews reveals that one of the main factors that contributed to this is the ability in certain instances, to communicate with the beneficiaries in their respective indigenous languages. This has helped to build trust, and boost confidence especially when the locals see those offering help speaking their indigenous languages. Being addressed in their indigenous languages helps to put them at ease, enables thorough communication of what challenges they may be facing, and also helps them to open up and give very useful information to help in the next cause of action. Sometimes, these locals come to FIDA and the law clinics as a last resort, and thus, the opportunity to render help to them must not be lost. Despite this pragmatic approach, there is still a lot to be done in reaching out to those who are still challenged by a language barrier.

10. Recommendations and Conclusion

[55] Oyemike n 9 at 10.

The challenge to bridge the language barrier in favour of speakers of indigenous languages to access justice is, despite the efforts of FIDA and the law clinics, no doubt daunting. Nevertheless, the political will must be awakened to address the matter. The challenge remains, but it is not insurmountable. It only requires concerted efforts to address it. Steps, however mild, must be taken to progressively confront this challenge such as the need for the government to engage official interpreters however limited the situation may be in its respective institutions, as revealed in the data obtained during the interviews. Ensuring quality control is crucial considering that the risk of misinterpretation could amount to a gross violation of rights. The achievement of this is progressive as it will involve continuous training, assessment and context, and cultural sensitivity.[56] More courts should hear cases in indigenous languages especially the lower courts at the grassroots where a great number of the indigenous people reside. Even though interpreters arranged by FIDA and the law clinics are volunteers from amongst the indigenes, and therefore not paid, there are instances where they may have no one versed in the applicable indigenous language. Such instances create the need to engage interpreters who should be paid for their services hence the need to include this in the budget of FIDA and the law clinics.

The need for basic language training among *pro bono* service providers such as FIDA and the law clinics is critical. Although FIDA has encouraged its members, through self-effort, to adopt this skill, there is a need for basic language classes to be incorporated into their programmes. This is to ensure that every member is put through the basics of the indigenous languages relevant to their work such as general greetings and basic questions to help to put the recipients of their services at ease. Other *probono* service providers can replicate the pragmatic measures adopted by FIDA and the law clinics in the findings in this research to manage challenges of interpreters pending more structured interventions.

There have been conversations amongst language scholars that 'people cannot talk of national growth and development without language at the fore front'.[57] In time past, the government had made some efforts at promoting indigenous languages but this is very constrained due to the challenges that plague the high diversity of languages in the country. In the quest for national integration, at least one indigenous language is taught in schools at both the Primary and Secondary levels even though it may still remain grossly inadequate in addressing the challenge. The national policy on education that sought to ensure that early education is conducted in the indigenous language of a community has not been feasible, and this has contributed to the challenge of language barrier on access to justice. The challenge is huge, unfortunately, there is lack of political will to address it.

Olaoye had recommended a collaboration between the National Institute of Nigerian Languages, Linguistic Association of Nigeria, and departments of linguistics in Nigerian universities to fashion out a way forward, as well as the involvement of the government and non-governmental organizations such as UNESCO to fund language research so it can be used 'as a tool for national development'.[58] This is in line with the Global Action Plan recommended output '5'. It states that national governments should design and deliver policy frameworks that will promote the functionality of indigenous languages to guarantee access to justice for users of indigenous languages. The government is therefore encouraged to set machineries in place to collect relevant data on the state of indigenous

[56] Translinguist Team 'Assurance of Quality in Interpretation: Guaranteeing Excellence Every Time' (2025) https://translinguist.com/blog/quality-in-interpretation/ (accessed on 16/08/2025).
[57] A C Amaechi 'Indigenous language implementation and nation building: the Nigerian experience' (2013) Journal of Theatre Arts and Media Studies (7) (2) https://www.ajol.info/index.php/cajtms/article/view/117029
[58] Olaoye n 1 at 33.

languages and to study and identify best practices that can be adopted.[59] This will be capital intensive, and will involve collaborations, and a lot of training for the acquisition of necessary skills, nevertheless, it is worth the effort.[60] The benefits that will accrue, include, but not limited to, the enhancement of pro bono services to promote access to justice for persons who speak only their respective indigenous languages in Nigeria.

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References

A C Amaechi 'Indigenous language implementation and nation building: the Nigerian experience' (2013) Journal of Theatre Arts and Media Studies (7) (2) https://www.ajol.info/index.php/cajtms/article/view/117029

A Mustapha, 'Ethnic Structure, Inequality and Governance of the Public Sector in Nigeria' (2005) CRISE No 18 Queen Elizabeth House, University of Oxford https://assets.publishing.service.gov.uk/media/57a08c97ed915d3cfd0014aa/wp18.pdf.

A Olaoye, 'The Role of Indigenous Language in National Development: A Case Study of Nigerian linguistic situation' (2013) International journal of applied linguistics and English literature 29. https://www.researchgate.net/publication/271027512_The_Role_of_Indigenous_Languages_in_National_Development_A_Case_Study_of_Nigerian_Linguistic_Situation (accessed on 27/04/2022).

A Uwaezuoke, 'Ethnicity and national integration in Nigeria: towards the use of indigenous language option for information dissemination at the grassroots' (2018) UJAH Unizik Journal of Arts and Humanities https://www.researchgate.net/publication/328795470_Ethnicity_and_national_integration_in_Nigeria_towards_the_use_of_indigenous_language_option_for_information_dissemination_at_the_grassroots 45.

C Onwubie, 'Indigenous Language and the Preservation of African Values: The Igbo Example' (2016) Journal of Religion and Human Relations 231.

[59] https://en.unesco.org/news/upcoming-decade-indigenous-languages-2022-2032-focus-indigenous-language-users-human-rights page 15.
[60] Ibid.

CS 'PPA 696 research methods data collection strategies II: Qualitative research' (2009) available at http://www.csulb.edu/~msaintg/ppa696/696quali.htm (accessed on 03/05/2022).

F Ikoro, 'Development and Sustenance of Indigenous Languages in Nigeria: The Role of Ninlan and Its Library' (2016) International Conference on Social and Education Sciences available at https://files.eric.ed.gov/fulltext/ED625832.pdf (accessed on 13/02/2025).

G Obinyan, 'The Development of Indigenous Nigerian Languages for Effective Communication and Professional Use: The Case of Esan Language' (2010) Ekpoma Journal of Theatre and Media Arts (3) (1-2) 16.

G Uwen, V Bassey & E Nta, 'Emerging Sociolinguistic Teaching Trends of English as a First Language in Nigeria' (2020) International Journal of Language Education (4) (3) 400.

Global Action Plan of the International Decade of Indigenous Languages (IDIL2022-2032)' Published in 2021 by the United Nations Educational, Scientific and Cultural Organization https://unesdoc.unesco.org/ark:/48223/pf0000379851

I Chiroma, A Alkali, R Badejogbin, L Odigie-Emmanuel and I Ononye, 'Strengthening Ethics in Clinical Legal Education: Analysis of Clients Expectation and Student's Professional Obligation in Nigeria' (2022) International Journal of Law and Clinical Legal Education (IJOLACLE).

International federation of Women Lawyers Nigeria https://fida.org.ng/about-us/ (accessed on 03/05/2022).

J Pati, 'Clinical Legal Education, Ethics of the Profession' LCI Articles' https://www.lawyersclubindia.com/articles/clinical-legal-education-and-ethics-of-profession-238.asp. See also

Jajadev Pati, 'Clinical Legal Education, Ethics of the Profession' https://www.lawyersclubindia.com /articles/clinicallegal-education-and-ethics-of-profession-238.asp.

K. Kipnis, 'Ethics and the Professional Responsibility of Lawyers' (1991) Journal of Business Ethics (10) (8).

Latham & Watkins LLP, 'Pro Bono Practices and Opportunities in Nigeria' (2016) https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-nigeria.pdf 454-457.

M Princloo, 'Selected Projects of the codification and restatement of customary law' in Bennett & Runger M (eds) The ascertainment of customary law and the methodological aspects of research into customary law: proceedings of workshop February/March 1995 LRDC Namibia 124.

Mapshttps://www.google.com/search?sa=X&sca_esv=6c98adb7f3c8c910&udm=2&q=map+of+nigeria+showing+the+six+geopolitical+zones&stick=H4sIAAAAAAAAAFvEapibWKCQn6aQl5meWpSZqFCckV-emZeuUJKRqlCcWaGQnppfkJ-WZKZnJijUJWfl1oMAPclFAg0AAAA&source=univ&ved=2ahUKEwiT2ejf-MyLAxWzXEEAHXyVAO4QrNwCegUIhQEQAA&biw=1366&bih=633&dpr=1#vhid=806XbVl6ReV5vM&vssid=mosaic (accessed on 18/02/2025).

Nigerian Tribune of 21 November, 2021 https://tribuneonlineng.com/fida-restates-commitment-to-raising-standard-of-women-childrens-rights/ (accessed on 03/05/2022).

O Ayenbi, 'Language regression in Nigeria The case of Ishekiri (2014) *Éducation et sociétés plurilingues* [Online], 36 | http://journals.openedition.org/esp/136; DOI: https://doi.org/10.4000/esp.136.

O Bamgbose, 'Clinical Legal Education in Nigeria: Envisioning the Future' (2021) Australian Journal of Clinical Education' (10) (1).

P Edowor, Y Aluko & S Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' (2014) Developing Countries' Studies https://www.researchgate.net/publication/327020178_Managing_Ethnic_and_Cultural_Diversity_for_National_Integration_in_Nigeria (accessed on 27/04/2022).

R Badejogbin, 'Reforming Legal Education in Nigeria: The Nigerian Law School Experience.' in O Adegoke and S Osamolu *Essays in Honour of Hon. Justice S. K. Otta* (2011) Vintage Law Publishers Abuja.

R Badejogbin, 'Trajectory of a noble passion' in J Dawuni & A Kuenyehia, (Eds) *African Women Judges on International Courts: Untold Stories* (2017) Routledge.

S Nwabara, 'The Fulani conquest and rule of the Hausa Kingdom of Northern Nigeria (1804-1900)' (1963) Journal des Africanistes https://files.eric.ed.gov/fulltext/EJ1286108.pdf 231-242.

The STANDS4 Network 'Definitions' https://www.definitions.net/definition/indigenous+language

Translinguist Team 'Assurance of Quality in Interpretation: Guaranteeing Excellence Every Time' (2025) https://translinguist.com/blog/quality-in-interpretation/ (accessed on 16/08/2025).

UNESCO https://en.unesco.org/news/upcoming-decade-indigenous-languages-2022-2032-focus-indigenous-language-users-human-rights (2020) (accessed on 20/08/2025).

United Nation's International Convention on the Elimination of All Forms of Racial Discrimination (1965), International Covenant on Economic, Social and Cultural Rights (1966), International Covenant on Civil and Political Rights (1966),

V Oyemike, L Anyalebechi, & I Ariole, 'Promoting Indigenous Language in Nigeria: Issues and Challenges for the Library and Information Professionals' (2017) Library Philosophy and Practice (10) 6. https://www.researchgate.net/publication/316186949_Promoting_Indigenous_Language_in_Nigeria_Issues_and_Challenges_for_the_Library_and_Information_Professionals

World Population Review https://worldpopulationreview.com/countries/nigeria/language.

Y Jimoh, 'FIDA Restates Commitment To Raising Standard Of Women, Children's Rights'

Y. Dadem and I Sule, 'Pro Bono Legal Services in Rural Communities: Experiences of the Bagauda Law Clinic in Aid of Citizens' American Journal of Law Vol.4, Issue 1 pp 39-49, 2022.

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Reviewed Article

From Participation to Practice: Embedding Experiential Human Rights Education Through the Model UN and the UPR Project at BCU

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Abstract

This article presents a reflective and practice-based analysis of the Model United Nations (Model UN) and Universal Periodic Review (UPR) Project at Birmingham City University, highlighting their role as an innovative approach to human rights education within legal studies. Against the backdrop of ongoing debates about curriculum reform and experiential learning in UK legal education, the article examines how simulation-based teaching methods can enhance students' engagement with international human rights law, diplomacy, and accountability. Drawing on pedagogical theory and critical reflection, it explores the project's design, intended learning outcomes, and potential to foster legal and civic competencies such as critical thinking, advocacy, and global awareness. It argues that initiatives such as Model UN and the UPR Project enable law students to move beyond abstract legal theory toward practical, values-based learning, preparing them for roles as globally aware, socially conscious legal professionals. The article concludes with recommendations for embedding experiential learning into the human rights curriculum as a strategy to enhance student engagement, civic literacy, and the professional relevance of legal education.

Keywords: Experiential learning, legal education, human rights, Model United Nations, Universal Periodic Review, clinical legal education.

1. Introduction

Legal education in the United Kingdom is undergoing a significant period of transition. The introduction of the Solicitors Qualifying Examination (SQE), the growing emphasis on skills-based learning, and renewed calls for curriculum reform have prompted legal educators to rethink traditional approaches to pedagogy. Against this backdrop, human rights law, a subject often taught in doctrinal, text-heavy formats, presents both a challenge and an opportunity. How can law students be taught to engage critically, practically, and ethically with issues that are at once global, contested, and deeply human? This article argues that experiential learning provides a powerful framework for bridging the gap between legal theory and practice in human rights education. It explores two innovative initiatives at Birmingham City University (BCU) that exemplify this approach: a Model United Nations (Model UN) programme embedded in undergraduate and postgraduate law teaching, and an extracurricular Universal Periodic Review (UPR) Project coordinated by the university's Centre for Human Rights. Both

initiatives place students in simulated or real-world roles that demand critical thinking, research, advocacy, and collaboration. They create space for law students to engage with the processes of international law not as abstract observers but as active participants.

The Model UN programme at BCU is taught to undergraduate (LLB) and postgraduate (LLM) law students using the fictional but realistic crisis in the state of *Shunibia*, a conflict scenario that raises questions of sovereignty, intervention, and human rights accountability. The undergraduate simulation is framed around the United Nations Security Council (UNSC), emphasising diplomacy, peace and security, and the legal dimensions of humanitarian intervention. The postgraduate version draws on the United Nations Human Rights Council (UNHRC), encouraging students to engage with international human rights law, soft law instruments, and state reporting mechanisms. Both versions of the simulation aim to equip students with transferable skills and expose them to the complexities of international decision-making, law, and politics.

Alongside this curriculum-embedded approach, BCU also supports the 'UPR Project at BCU' (UPR Project), an extracurricular initiative that enables students to contribute to stakeholder reports submitted to the United Nations Office of the High Commissioner for Human Rights (OHCHR).[1] Operated through the Centre for Human Rights, the project recruits under- and postgraduate law students as research assistants, trains them in international human rights methodology, and credits them on reports that are ultimately cited by the United Nations. While not assessed or credit-bearing, the project functions as a co-curricular space where students collaborate with academic staff on real-world outputs, gaining insight into legal research, international advocacy, and the role of civil society in human rights monitoring.

This article presents a reflective and practice-based analysis of these two interlinked initiatives, situating them within the broader literature on legal pedagogy, experiential learning, and human rights education. It draws on educational theory, including the work of John Dewey, David Kolb, Donald Schön, and Paulo Freire, as well as critical legal scholarship on student-centred and values-driven learning. It also reflects on the institutional context in which these projects have evolved, including the challenges of resourcing, assessment, and alignment with professional standards in legal education.

While the article does not include formal student evaluation data, it is informed by the author's direct teaching experience and reflective practice over several years of running these simulations and co-leading the UPR Project. The focus is not on empirical measurement but on conceptual insight: how do these pedagogical interventions work, what do they aim to achieve, and what can they offer to wider conversations about the future of human rights law teaching?

The reflections presented in this article are informed by over a decade of teaching experience in international law at BCU. The author currently serves as the module convenor for the LLM International Human Rights module and has taught on the LLB United Nations Law and Practice module and its predecessor courses since 2014. She is also a core contributor of the UPR Project team at BCU's Centre for Human Rights. Since 2019, the UPR Project has submitted 53 stakeholder reports to the Office of the High Commissioner for Human Rights (OHCHR); the author has led 30 of these which underscores her substantial role in shaping the project's output.[2] Over 100 students have been involved as research assistants across these reports, each credited for their contribution. These

[1] The UPR Project at BCU is led by Dr Alice Storey, Dr Amna Nazir, and Professor Jon Yorke. For more information on the project see <www.bcu.ac.uk/research/law/centre-for-human-rights/consultancy/upr-project-at-bcu/country-specific-consultancy>.
[2] ibid.

experiences provide the foundation for this reflective, practice-based study of how experiential learning can be integrated into human rights legal education.

The structure of the article is as follows: Section 2 reviews the theoretical foundations of experiential and critical legal education, highlighting their relevance to human rights law. This is followed by section 3 which offers an in-depth account of the Model UN programme, including its design, structure, and simulation of the Shunibia crisis. Section 4 turns to the UPR Project, discussing its rationale, process, and significance as an extracurricular research opportunity. Section 5 offers pedagogical reflections on both initiatives, while Section 6 addresses the practical and institutional challenges of sustaining experiential models of teaching. The article concludes in Section 7 with recommendations for embedding simulation and student-led research more systematically into the human rights law curriculum.

2. Theoretical Framework: Experiential Learning and Critical Legal Pedagogy

Pedagogical innovation in legal education often begins with a question: what does it mean to *learn law*? Traditionally, legal education in the UK has emphasised doctrinal knowledge, case analysis, and the passive absorption of legal rules. While this model has its strengths, particularly in developing technical precision and analytical reasoning, it often struggles to engage students in the real-world application of law or in the moral, political, and social dimensions of legal practice. This is particularly true in the context of human rights law, which is normative, internationalised, and often abstract in undergraduate or postgraduate curricula. Experiential learning offers a pedagogical alternative, one that places student activity, reflection, and personal engagement at the centre of the learning process.

Experiential learning is rooted in the work of educational theorists such as Dewey, Kolb, and Schön. Dewey emphasised the idea that education must be grounded in experience, not simply passive experience, but experience that prompts active reflection, problem-solving, and engagement with the world.[3] Kolb developed this further in his experiential learning cycle, which identifies four stages: concrete experience, reflective observation, abstract conceptualisation, and active experimentation.[4] In legal education, this translates into a cycle where students encounter legal problems in context (e.g., through a simulation), reflect on their responses, connect those experiences to broader legal principles, and refine their skills through further application.[5]

Schön's concept of the "reflective practitioner" is also vital here. He argued that professionals do not simply apply knowledge; they navigate uncertainty, make value-laden judgments, and learn through practice.[6] Law students, therefore, should be trained not only in what the law *is*, but in how to think critically and ethically about the law in action. This reflective process is integral to shaping professional legal identity through simulated experience.[7]

[3] John Dewey, *Experience and Education* (Macmillan 1938).
[4] David A Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (Prentice Hall 1984).
[5] Lawrence Susskind and Jason Coburn, 'Using Simulations to Teach Negotiation: Pedagogical Theory and Practice', in Michael Wheeler (ed), *Teaching Negotiation: Ideas and Innovations* (PON Books 2000), 63–64.
[6] Donald A Schön, *The Reflective Practitioner: How Professionals Think in Action* (Basic Books 1983).
[7] Richard Grimes and Jenny Gibbons, 'Assessing Experiential Learning – Us, Them and the Others', (2016) 23:1 International Journal of Clinical Legal Education.

In the last two decades, experiential education has gained traction across legal education globally. In the UK, the Legal Education and Training Review (LETR 2013)[8] and the development of the SQE[9] have renewed focus on employability, practical skills, and reflective competencies. In this context, experiential learning is no longer confined to legal clinics or professional training programmes. It now includes mooting, negotiation, mediation, placements, and increasingly, simulation-based learning, a form of experiential learning where students adopt professional roles in constructed or real-world scenarios.[10] Simulations are especially powerful in fields like public international law and human rights, where traditional case-based teaching may not adequately capture the complexity of law in its operational setting.[11]

Alongside experiential learning theory, this article is informed by critical legal pedagogy, a field concerned not just with how students learn law, but *what* they are taught and *why*. Critical legal pedagogy is rooted in a dissatisfaction with legal education as overly doctrinal, depoliticised, and detached from questions of justice, identity, and power. Scholars such as Bell Hooks, Paulo Freire, and Stephen Brookfield have argued that education must be transformative, dialogical, and grounded in learners' lived experiences.[12] In legal education, this has led to increasing interest in decolonising the curriculum, challenging the myth of legal neutrality, and teaching law as a human, value-laden enterprise.

Human rights law is uniquely well-positioned for such an approach. It is a subject that demands ethical engagement, transnational thinking, and critical reflection on both the power and limits of law. Yet, human rights can also be taught in narrow, technocratic ways, reduced to treaty provisions, case law, and institutional architecture, often without space for students to reflect on context, critique, or lived impact.[13] Experiential learning provides a way to reintroduce those dimensions. When students simulate the UN Security Council or Human Rights Council, they must grapple not only with legal frameworks, but with geopolitics, diplomacy, and the inherent tensions between sovereignty, justice, and human dignity.

The use of simulation in legal and human rights education has been explored in recent scholarship. Augustine Hammond and Craig Albert contend that "the MUN can enhance student skills, especially higher ordered skills that are essential to employability"[14] and Grant Wiggins and Jay McTighe argue

[8] Jane Ching, Paul Maharg, Avrom Sherr, and Julian Webb, 'Legal Education and Training Review: A Five-Year Retro/Prospective' (2018) 52(4) The Law Teacher 384–96.

[9] Dawn Jones, 'Legal Skills and the SQE: Confronting the Challenge Head On' (2018) 53(1) The Law Teacher 35–48.

[10] Ben Waters, ''A Part to Play': The Value of Role-Play Simulation in Undergraduate Legal Education' (2016) 50(2) The Law Teacher 172–94.

[11] Victor Asal and Elizabeth Blake have argued that "this sort experiential learning allows students to apply and test what they learn in their textbooks, and often helps to increase students' understanding of the subtleties of theories or concepts and draw in students who can be alienated by traditional teaching approaches." Victor Asal and Elizabeth Blake, 'Creating Simulations for Political Science Education' (2006) 2(1) Political Science Education 1-18, 2.

[12] See Bell Hooks, *Teaching to Transgress: Education as the Practice of Freedom* (Routledge 1994), Paulo Freire, *Pedagogy of the Oppressed* (Seabury Press 1970), and Stephen Brookfield, *Becoming a Critically Reflective Teacher* (Jossey-Bass 1995).

[13] On the importance of reflexivity in human rights education, see, for example, Aiofe Duffy, 'Applying Critical Pedagogies to Human Rights Education' (2025) 29(2) The International Journal of Human Rights, 382, 396. See also Julian Webb, 'Where the Action Is: Developing Artistry in Legal Education' (1995) 2 International Journal of the Legal Profession 187, 188

[14] Augustine Hammond and Craig Douglas Albert, 'Learning by Experiencing: Improving Student Learning Through a Model United Nations Simulation' (2019) 16(4) Journal of Political Science Education 441–58, 458.

that simulation promotes "authentic learning," where students apply knowledge to meaningful tasks with real-world relevance.[15] In the context of law, simulations also provide what Elizabeth Mertz calls "the hidden curriculum", the implicit learning of legal language, reasoning, and authority. By designing simulations that foreground critical engagement, educators can shape that hidden curriculum to promote ethical awareness, empathy, and global citizenship.[16]

Simulation as a Bridge Between Skills and Values

One of the most powerful aspects of simulation is its ability to merge skills-based learning with values-based reflection. In a typical Model UN simulation, students are not simply performing legal analysis; they are also negotiating, persuading, representing conflicting interests, and often confronting uncomfortable realities (e.g., human rights violations, refugee crises, or post-conflict justice scenarios). [17] These simulations allow law students to confront the ethical and political aspects of law, what can be viewed as the "moral texture" of legal reasoning.

Moreover, simulation creates space for interdisciplinary and intercultural learning. At BCU, students participating in Model UN or the UPR Project come from a range of backgrounds and sometimes disciplines. The simulations demand that they consider comparative legal systems, regional politics, and non-Western legal traditions.[18] In this way, experiential learning fosters global legal consciousness, an awareness of how law operates differently across cultures and institutions, and how international law both enables and constrains human rights protection.[19]

Finally, simulation learning resonates with the shift toward student-centred and collaborative education. In contrast to traditional lecture formats, simulations place responsibility for learning in the hands of students. They are expected to prepare, take ownership of roles, and work collectively to generate outcomes.[20] This aligns with contemporary understandings of effective pedagogy as dialogical, participatory, and co-constructed, especially in fields like law, where professional success requires teamwork, adaptability, and ethical judgment.

Taken together, experiential learning and critical pedagogy offer a compelling foundation for reimagining how human rights law is taught in universities. They shift the focus from rote learning to reflective practice, from legal certainty to professional judgment, and from passive reception to active engagement.[21]

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[15] Grant Wiggins and Jay McTighe, *Understanding by Design* (Expanded 2nd edn, ASCD 2005).
[16] Elizabeth Mertz, *The Language of Law School: Learning to "Think Like a Lawyer"* (OUP 2007).
[17] Daniel McIntosh, The Uses and Limits of the Model United Nations in an International Relations Classroom (2001) 2(3) International Studies Perspectives 269-280, 270-271. See also Anthony Bradney, *Conversations, Choices and Chances: The Liberal Law School in the Twenty-First Century* (Hart 2003) 43–45.
[18] Weir and Baranowski highlight the value of simulations in fostering active learning and enabling students to engage with international politics through non-Western perspectives. See Kimberley Weir and Michael Baranowski, 'Simulating History to Understand International Politics' (2011) 42(4) Simulation and Gaming 441-461.
[19] ibid.
[20] Simon Obendorf and Claire Randerson, 'The Model United Nations Simulation and the Student as Producer Agenda' (2012) 4(3) Enhancing Learning in the Social Sciences 1–15; William W Newmann and Judyth L Twigg, 'Active Engagement of the Intro IR Student: A Simulation Approach' (2000) 33(4) Political Science and Politics 835, 835. See also Wilson Chow and Firew Tiba, 'Too Many 'What's', Too Few 'How's'' (2013) 4(1) European Journal of Law and Technology at 7. Section 3.3.2 Law Clinic.
[21] ibid.

Alongside these broader theories, scholars have also developed human-rights-specific models of experiential education. Notably, Jocelyn Kestenbaum, Esteban Hoyos-Ceballos and Melissa Del Aguila Talvadkar propose a "Catalysts for Change" model that identifies several features central to effective human-rights pedagogy.[22] This includes student ownership of projects, collaboration with external stakeholders, multi-modal advocacy practices, structured reflection, and the sustainability of learning initiatives.[23] Although developed in the context of formal human-rights clinics, their model resonates strongly with the types of experiential approaches explored in this article. The 'catalysts' they identify reflect an understanding of human rights learning as active, participatory, and grounded in engagement with real or simulated legal processes, reinforcing the pedagogical principles outlined above. As such, the model offers a useful conceptual complement to wider theories of experiential learning and critical pedagogy.

In the next sections, this article applies these frameworks to two practical examples: the teaching of Model UN simulations within the law curriculum at BCU, and the extracurricular UPR Project coordinated by the Centre for Human Rights. Both initiatives seek to embody these principles in context-specific, creative, and student-centred ways.

3. Teaching Model UN at BCU: Security Council and Human Rights Council Simulations

Model United Nations (Model UN) simulations have long been used in international relations and political science to expose students to the structures and processes of global diplomacy.[24] In recent years, legal educators have increasingly adopted the format as a means of deepening students' understanding of international law, legal advocacy, and policy-making.[25] At BCU, Model UN simulations have been developed and adapted specifically for legal education, embedded into the undergraduate (LLB) and postgraduate (LLM) law curriculum. These simulations use a custom-designed scenario, the Shunibia crisis, and are tailored to reflect the functions of two distinct UN bodies: the Security Council and the Human Rights Council.

While Model UN-style simulations are well established in international relations teaching, their systematic integration into UK legal education remains relatively limited. Some law schools, such as the University of Essex[26] and SOAS,[27] incorporate elements of clinic-style activity or human rights

[22] Jocelyn Getgen Kestenbaum, Esteban Hoyos-Ceballos and Melissa C del Aguila Talvadkar, 'Catalysts for Change: A Proposed Framework for Human Rights Clinical Teaching and Advocacy' (2012) 18 Clinical Law Review 459-504.
[23] ibid 481.
[24] James P Muldoon, 'The Model United Nations Revisited' (1995) 26(1) Simulation and Gaming 27-35; Obendorf and Randerson (n 20) 3.
[25] MUN is "where the especially deep learning can occur". Kirsten Taylor, 'Simulations Inside and Outside the IR Classroom: A Comparative Analysis' (2013) 14 International Studies Perspectives 134–149, 147.
[26] The "Human Rights Centre Clinic" at Essex has a module "HU902: Human Rights Clinic" (Postgraduate Level 7) - "concerned with the practice of human rights advocacy … linked to the Human Rights Centre Clinic … students apply this knowledge through actual engagement." See University of Essex: Module Directory, 'Human Rights Clinic - Module HU902' <www1.essex.ac.uk/modules/Default.aspx?coursecode=HU902&year=23> accessed 19 November 2025.
[27] The SOAS LLB/LLM listing emphasises a Clinic working with students on "public interest cases … research projects which aim to protect … human rights." The MRes law module catalogue lists "International Human Rights Clinic – 30 credits" and describes it as offering "practical work with cases, policy analysis, and research/advocacy briefs". See 'International Human Rights Clinic' (*SOAS University*) <www.soas.ac.uk/research/research-centres/centre-human-rights-law/international-human-rights-clinic> accessed 19 November 2025.

simulation, and institutions including Kent[28] and Queen's University Belfast[29] have introduced small-scale crisis simulations within public international law modules. However, these initiatives tend to be occasional or elective rather than embedded systematically across undergraduate and postgraduate curricula. BCU's model is therefore distinctive in its scale, annual delivery, and integration with a parallel real-world UN-facing research project, positioning it as one of the more comprehensive experiential human rights frameworks currently operating in the UK context.

Designing the Shunibia Crisis: A Pedagogical Fiction

The Shunibia scenario was created as a fictional but plausible geopolitical crisis, offering students a rich environment in which to apply legal concepts and simulate diplomatic processes. Set in a contested region experiencing civil unrest, humanitarian violations, and complex regional tensions, Shunibia provides the ideal platform to explore core themes in international law: state sovereignty, responsibility to protect (R2P), human rights obligations, armed conflict, international cooperation, and accountability.

Importantly, using a fictional country allows educators to avoid real-world political sensitivities while retaining the structural and legal realism needed for meaningful learning. Students are encouraged to treat the simulation seriously, drawing on real legal instruments (e.g. the UN Charter, Geneva Conventions, ICC Statute, various human rights treaties) to build arguments and propose responses.[30] The Shunibia materials include background briefings, maps, human rights reports, and fictional news stories, all designed to mirror the complexity of real international crises.

Undergraduate Focus: The UN Security Council Simulation (LLB)

For LLB students, the simulation is situated within the final year human rights law module: United Nations Law and Practice, which is year-long, and focuses on the decision-making of the United Nations Security Council. Students are assigned roles as representatives of the P5 and elected members. Each role comes with a specific brief, including geopolitical interests, legal obligations, and historical context. Given the large size of the student cohort, and only 15 seats available at the Security Council, multiple MUNs take place with each state assigned a head of state and foreign minister.

Students are tasked with:

- Researching their state's foreign policy, international legal commitments, and recent UN positions;
- Drafting position papers outlining their approach to the Shunibia crisis;

[28] The module catalogue for the LLM/MA "International Relations with International Law" notes that students will "learn from leading experts using innovative teaching practices, like mock negotiations, crisis simulations, and interactive seminars to develop your capacity for independent thinking and incisive analysis." See 'Postgraduate PDip, MA: International Relations with International Law' (*University of Kent)* <www.kent.ac.uk/courses/postgraduate/2025/47/international-relations-with-international-law/> accessed 19 November 2025.

[29] The LLM in International Human Rights Law at Queen's states its human rights research and teaching "provide[s] students with opportunities to practice their skills in projects run through our collaboration with the Global Legal Action Network and out of the QUB Human Rights Centre". See 'LLM International Human Rights Law' (*Queen's University Belfast*) <www.qub.ac.uk/courses/postgraduate-taught/international-human-rights-law-llm/> accessed 19 November 2025.

[30] See generally Hammond and Albert (n 14).

- Participating in a live simulation session where they deliver statements, negotiate with allies or rivals, and draft Security Council resolutions;
- Debating issues such as peacekeeping intervention, arms embargoes and sanctions.

The simulation encourages LLB students to apply doctrinal knowledge (e.g., Articles 2 and 41 of the UN Charter) in a dynamic, adversarial setting. Students confront questions such as: When does humanitarian intervention become lawful? How do geopolitical interests shape legal argument? Can consensus be achieved in the face of veto power?

From a pedagogical standpoint, the simulation addresses several learning outcomes:

- Legal reasoning: interpreting international law in a policy context;
- Oral advocacy: formulating and presenting persuasive arguments under time pressure;
- Negotiation and compromise: understanding law as a tool of diplomacy;
- Critical thinking: evaluating the limits of international enforcement mechanisms.[31]

While some students initially struggle with the performative and political aspects of the simulation, most quickly rise to the challenge. The structured briefings, role support, and guidance from tutors ensure that students are not overwhelmed, while reflective debriefs allow them to articulate what they have learned.

Postgraduate Focus: The UN Human Rights Council Special Session (LLM)

At the LLM level, the simulation shifts from questions of security and intervention to questions of accountability, diplomacy, and human rights enforcement. The simulation takes the form of a special session of the United Nations Human Rights Council, convened in response to the Shunibia crisis. Students are assigned roles as representatives of elected member states covering the different regions. This format allows students to explore both the legal content of international human rights obligations and the political processes through which states respond to alleged violations.

Given the small size of the student cohort, not all member states of the Human Rights Council are represented. Instead, each student is each allocated a country by teaching staff in a way that maintains the proportional voting balance of the United Nations' regional blocs.

In preparation, LLM students are expected to:

- Review the relevant international and regional human rights frameworks;
- Analyse Shunibia's human rights record using fictionalised reports and legal sources;
- Draft statements, resolutions, and responses reflecting their assigned roles and strategic objectives;
- Participate in a live simulation of a Human Rights Council special session, including formal statements, debate, and resolution drafting.

[31] Ginn et al. demonstrate that participation in MUNs substantially enhances intellectual development. In particular, it cultivates advanced, employability-focused competencies such as critical thinking, collaborative teamwork, effective communication, problem-solving, personal growth, and the ability to apply knowledge in practical contexts. See Martha Humphries Ginn, Craig Douglas Albert, Lance Y Hunter, Kirsten Fitzgerald and Andrew Phillips, 'Modeling Student Success: How Model UN Programs can Enhance Performance and Persistence' (2015) 2 Questions in Politics 167–195.

This simulation places strong emphasis on legal accuracy, political realism, and persuasive communication. Students learn to navigate the competing imperatives of state sovereignty, human rights enforcement, and international diplomacy, while applying human rights norms to a dynamic, evolving crisis.

This LLM simulation provides a more process-driven, legalistic experience, requiring students to demonstrate precision in applying international human rights law while also engaging in diplomacy and negotiation. The simulation covers rights such as: the right to life, freedom from torture and arbitrary detention, rights of minorities and indigenous populations, gender-based violence, freedom of religion and children's rights.

Pedagogically, the LLM simulation promotes:

- Advanced legal analysis: applying treaty law and UN standards to state behaviour;
- Soft skills: professional writing, questioning, and diplomatic critique;
- Interdisciplinary awareness: incorporating political, cultural, and development considerations;
- Empathy and perspective-taking: especially for those role-playing affected communities or civil society voices.

Students are also invited to reflect on the limits of the process: the voluntary nature of the process, the lack of enforcement, and the political theatre that sometimes characterises UN processes. These insights encourage critical thinking about both the promise and limitations of international law.[32]

Pedagogical Design and Teaching Strategy

Across both simulations, the teaching design is scaffolded to ensure accessibility and intellectual rigour. Students receive structured preparatory materials, including role briefs and expectations; links to relevant treaties, cases, and scholarly articles; and guidance on diplomatic protocol, UN procedures, and public speaking.

Live sessions are facilitated by staff acting as moderators or chairs, ensuring the simulations remain structured, inclusive, and focused. After the simulation, students engage in reflective exercises, either in written form or group discussion, to process what they experienced and connect it to theoretical content from their modules.

The Shunibia simulation is intentionally flexible, allowing for adaptation year to year. For example, different thematic focuses (e.g. conflict and displacement one year, freedom of religion another) allow students to revisit evolving issues in international law, while still building upon a consistent pedagogical foundation.

In practical terms, the simulations occupy one full day (9am-5pm) of the LLB module and the LLM module. Due to the large cohort size on the LLB, multiple MUNs may be run concurrently. For LLB students, two preparatory weeks are dedicated to familiarising students with the UN system, state roles, and crisis background materials, followed by a week of structured in-class drafting and a final live simulation week. The LLM module compresses this timeline due to smaller cohort size and higher levels of prior knowledge, with one week devoted to substantive legal preparation and one week to the simulation. Lecturer support during these preparatory stages includes drop-in sessions, 1:1

[32] ibid.

formative feedback, guided research templates and annotated examples of position papers. These practical delivery mechanisms ensure that the experience is structured rather than overwhelming and that students receive continual support both before and during the simulation.

Undergraduate vs Postgraduate Learning Dynamics

While the undergraduate (LLB) and postgraduate (LLM) cohorts differ in prior knowledge and analytical maturity, both groups benefit from the immersive, student-led nature of the simulations. Research indicates that experiential learning plays a crucial role in empowering students and fostering a sense of ownership over their educational journey.[33] LLB students often approach the Security Council with enthusiasm but limited familiarity with international law, and the simulation serves as an eye-opening introduction to the relevance of law in global crises. In contrast, LLM students tend to engage more critically, often drawing from professional or academic backgrounds that allow them to challenge assumptions and reflect on the politics of human rights enforcement.

Both levels, however, demonstrate that learning-by-doing fosters engagement and confidence, particularly among students who may not thrive in traditional lecture or essay-based formats. The Model UN format allows a wide range of learners to contribute, from skilled researchers to articulate speakers to collaborative team members.[34]

4. The UPR Project at BCU: Research-Based Experiential Learning

While the Model United Nations simulations are embedded within the law curriculum at BCU, the UPR Project operates as an extracurricular initiative led by the university's Centre for Human Rights.[35] Though not credit-bearing or formally assessed, the project represents a highly impactful form of experiential learning. It enables students to contribute directly to international human rights monitoring processes, preparing stakeholder reports that are submitted to the United Nations Office of the High Commissioner for Human Rights (OHCHR) and frequently cited in official UN documentation.[36] For law students, this constitutes a rare opportunity to engage in real-world legal research and advocacy, work with tangible, international visibility.

The Structure and Purpose of the UPR

The UPR is a peer-review mechanism of the UN Human Rights Council, through which all UN member states are periodically reviewed on their human rights performance. It provides a forum not only for states to assess each other's progress but also for civil society actors, including academic institutions, to submit "stakeholder reports" that inform the review process. These reports are considered by the

[33] Hammond and Albert (n 14); Jeffrey Perrin, 'Features of Engaging and Empowering Experiential Learning Programs for College Students' (2014) 11(2) Journal of University Teaching & Learning Practice 1–12.
[34] Asal and Blake (n 11).
[35] <www.bcu.ac.uk/research/law/centre-for-human-rights/consultancy/upr-project-at-bcu>.
[36] To date, the UPR Project has been consistently cited in all OHCHR stakeholder summary reports. For a full list of reports, see <www.bcu.ac.uk/research/law/centre-for-human-rights/consultancy/upr-project-at-bcu/country-specific-consultancy>.

OHCHR in compiling its official summary, and the issues raised often find their way into formal recommendations.[37]

The UPR Project at BCU contributes to this process by preparing stakeholder reports focused on countries undergoing review. These reports are authored collaboratively by academic staff and law students, who conduct research, verify claims, draft sections, and cite relevant legal standards. The reports are then submitted to the OHCHR within the designated window of the review cycle. To date, the UPR Project has submitted 53 stakeholder reports to 51 countries' UPR with all reports consistently cited by the OHCHR in its stakeholder summary reports. The author has served as lead author on 30 of the 53 reports submitted, representing the majority of the Project's entire stakeholder-report output.[38]

Student Involvement: Research Assistants as Co-Producers

Students involved in the UPR Project are recruited through open calls circulated by the Centre for Human Rights and selected based on their academic engagement, interest in human rights, and capacity for legal research. Once selected, they are trained in:

- The structure and function of the UPR mechanism;
- Legal research methodologies appropriate for international human rights work;
- The documentation standards required by the OHCHR;
- Ethical and evidentiary considerations in stakeholder reporting.

Students are then assigned to country teams and thematic areas, for example, the death penalty, freedom of religion, women's rights, or the right to education.[39] Under staff supervision, they conduct desk-based research, cross-reference sources, and contribute directly to drafting. Their contributions are meaningful and acknowledged: student researchers are credited by name on the final submitted reports, which are frequently referenced in the OHCHR's summary of stakeholder reports.

This process reflects a co-production model of legal research.[40] Rather than treating students as passive learners, the project positions them as active contributors to knowledge that serves a practical human rights purpose. This aligns with pedagogical frameworks such as Mick Healey and Alan Jenkins' "students as partners" model, which calls for meaningful student engagement in research and curriculum development.[41]

Pedagogical Value and Impact

Although the UPR Project is not part of formal coursework, its educational value is considerable. It mirrors many of the objectives associated with clinical legal education, namely, developing research,

[37] For a detailed overview of the UPR mechanism, see Damian Etone, Amna Nazir and Alice Storey, 'Introduction' in Etone and others (eds), *Human Rights and the UN Universal Periodic Review Mechanism: A Research Companion* (Routledge 2024)
[38] For a full list of reports submitted see (n 36).
[39] See for example, ibid.
[40] Obendorf and Randerson (n 20).
[41] Mick Healey and Alan Jenkins, 'Developing Undergraduate Research and Inquiry' (HE Academy 2009) <www.heacademy.ac.uk/resource/developing-undergraduate-research-and-inquiry> accessed 24 July 2025.

writing, and collaborative skills, while also fostering ethical awareness, international legal fluency, and confidence in professional communication.[42]

From a pedagogical perspective, the project achieves several outcomes:

- Authentic legal research: Students work with real cases, policies, and international frameworks.
- Practical impact: Knowing their work may inform UN recommendations creates motivation and a sense of professional responsibility.[43]
- Transferable skills: The project develops legal drafting, citation practice, and policy analysis.
- Professionalisation: Crediting students by name gives them a tangible achievement for their CVs and future academic or professional applications.
- Civic identity: Students come to see themselves as part of a broader movement for accountability, justice, and reform.

It is also worth noting that the project attracts diverse students, including those who may not otherwise engage with international human rights law in depth. The low-barrier, extra-curricular nature of the initiative, combined with its prestige and real-world relevance, makes it an inclusive platform for engagement, often helping to build confidence and interest among first-generation university students or those from underrepresented backgrounds.

Institutional Position and Challenges

The UPR Project sits within BCU's Centre for Human Rights, and while it benefits from staff expertise and university support, it also relies heavily on academic labour and goodwill. As an extracurricular initiative, it exists outside the formal timetable and workload allocation of most teaching staff, which can limit its scalability. Nonetheless, its growing profile and demonstrable impact, both in terms of student development and international recognition, provide a strong argument for institutional investment.

Importantly, the project complements, rather than competes with, the formal curriculum. It offers students an opportunity to apply the knowledge and skills gained in modules such as public international law, international human rights, legal theory, and socio-legal research. This form of "research-informed experiential learning" allows students to build professional competencies while reinforcing their academic study.[44]

BCU's model has also been recognised by peers and professionals working within the UN system. For example, it has been recognised as an example of best practice at the 52nd session of the UN Human Rights Council.[45] The repeated citation of student-involved reports by the OHCHR demonstrates that

[42] See Ben Waters, ''A Part to Play': The Value of Role-Play Simulation in Undergraduate Legal Education' (2016) 50(2) The Law Teacher 172–94.

[43] According to Perrin, "In the experiential learning environment, working on projects with real-world implications increases student confidence and efficacy, which correlates positively to classroom skills as well as skills needed for future success in one's career". Perrin (n 33) 9.

[44] Hammond and Albert (n 14).

[45] See UN Panel Discussion - 8th Meeting, 52nd Regular Session, Human Rights Council <https://webtv.un.org/en/asset/k1z/k1zpyl907n>, at 32:10-32:47.

universities, even those without large research budgets or international partnerships, can contribute meaningfully to global legal processes.

5. Pedagogical Reflections and Impact

Experiential learning, particularly through simulations and real-world research engagement, creates space for law students to encounter international legal frameworks not only as intellectual abstractions, but as living, political processes. At BCU, the integration of the Model United Nations simulations and the UPR Project has had a transformative impact on how students understand, engage with, and apply international human rights law. While the initiatives differ in format, timing, and whether they are credit-bearing, both challenge traditional conceptions of legal learning and reposition students as active, engaged participants in the creation and application of knowledge.

Drawing on several years of reflective practice as a facilitator, this section discusses the pedagogical value of these initiatives, grouped under key themes that align with the aims of contemporary legal education: engagement, skill development, confidence building, ethical awareness, and professional identity formation. Although this article does not present formal empirical data, the reflections presented here are based on sustained observation, classroom experience, and informal feedback collected over a decade. As a legal educator and practitioner in the field of human rights, I have witnessed first-hand how simulation-based and research-led learning can reshape students' understanding of the law and their place within it.

Moving Beyond the Textbook: Human Rights as Practice

A recurring theme across both initiatives is the shift from human rights law as a purely doctrinal subject to human rights law as a site of practice, negotiation, and moral reasoning. In many traditional law modules, students are introduced to international human rights through treaty provisions, landmark cases, and academic commentary. While necessary, this approach can feel remote, particularly when students are unable to see how the law is implemented, contested, or undermined in practice.

The Model UN simulations bridge this gap by immersing students in legal argument and advocacy within a politically charged and dynamic environment.[46] Whether simulating the UN Security Council or a Human Rights Council special session, students are compelled to use legal reasoning in real time, adjusting their strategies, adapting to new information, and responding to competing perspectives. This form of "learning in action" mirrors the unpredictability and complexity of actual legal practice.[47]

Similarly, the UPR Project allows students to participate in legal research that has a direct impact. By contributing to stakeholder reports submitted to the UN, students see how law is used as a tool for civil society activism, state accountability, and international diplomacy. The knowledge that their work is cited by the OHCHR is both a powerful motivator and a reminder that legal research is not merely academic, it is a practice with consequences.

[46] As with the real UN, human interaction is imperative. See K Matthys and JHG Klabbers, 'Model United Nations Online (MUNO): A Study of a Policy Exercise Using Internet Gaming' in WC Kriz and T Eberle (eds), *Bridging The Gap: Transforming Knowledge Into Action Through Gaming And Simulation*, (Swiss Austrian German Simulation and Gaming Association 2004) 154-162.

[47] The MUN is "where the especially deep learning can occur", see (n 25).

Developing Key Skills: Research, Communication, and Reflection

Experiential methods also promote a range of transferable legal skills that are central to employability and professional development[48]. In both the simulation and the UPR context, students must:

- Conduct legal and contextual research under time constraints;
- Interpret and apply complex legal texts (treaties, conventions, resolutions);
- Prepare clear, persuasive written outputs (position papers, reports, draft resolutions);
- Engage in oral advocacy, whether through formal statements or informal negotiation;
- Reflect on ethical questions and the competing interests inherent in international legal processes.

These skills are rarely developed in isolation. Instead, the simulations and research work foster an integrated approach to legal learning, where knowledge, skill, and judgment reinforce one another.[49] Students report greater confidence in public speaking, improved legal writing, and a deeper understanding of international norms, even when working with fictional scenarios like Shunibia.

One of the most significant outcomes observed is increased student agency. When students take on the roles of diplomats, NGOs, or UN officials, they begin to see themselves not just as learners, but as potential actors within the legal field. This shift in self-perception is particularly valuable for students who may have lacked confidence or prior exposure to international law. Experiential learning allows these students to "try on" professional identities and envision themselves as contributors to legal and political discourse.[50]

The fact that students are credited on reports, and in some cases later invited to co-present findings or support submission processes, gives them a real stake in the outcome and supports their growth as independent researchers.[51]

Engagement and Motivation

Perhaps the most immediate impact of both the Model UN and UPR initiatives is the visible increase in student engagement. Unlike traditional seminars or lectures, where participation may be limited to a handful of confident students, simulations create environments where everyone has a role, responsibility, and voice. Even students who are typically quiet or hesitant in doctrinal classes tend to find a space to contribute, whether through research, negotiation, or structured debate. Simulations and applied research generate emotional investment, competitive spirit, and collaborative energy.

[48] See Johnny Hall and Kevin Kerrigan, 'Clinic and the Wider Law Curriculum' (2011) 15 International Journal of Clinical Legal Education 25; John Andrew and John Meligrana, 'Evaluating the Use of Role Playing Simulations in Teaching Negotiation Skills to University Students' (2012) 3(6) Creative Education 696; Daniel Druckman and Noam Ebner, 'Onstage or Behind the Scenes? Relative Learning Benefits of Simulation Role-Play and Design' (2008) 39(4) Simulation and Gaming 465–496.

[49] Daniel McIntosh comments extensively on some of the benefits of the MUN. McIntosh (n 17) 274.

[50] Linda Kam, Michele Ruyters, Clare Coburn and Mary Toohey, 'Get Real! A Case Study of Authentic Learning Activities in Legal Education' (2013) 19(2) Murdoch University Law Review 17–32.

[51] For example, for Ghana's UPR, students presented their findings to members of the wider Law School as part of a research seminar.

This is particularly evident in the Model UN simulations, where even students with limited prior knowledge of the UN system or international law quickly develop an enthusiasm for their assigned roles and an investment in the outcome of the session. The role-play format, where students represent a range of states, requires them to adopt a perspective, justify positions, and respond to others in real time. The result is an energetic, often passionate form of learning that blends legal reasoning with political and ethical analysis.[52] Many students report that it is the first time they have truly "felt like a lawyer" or understood how international law works in practice.

Similarly, in the UPR Project, students are driven by a clear, external goal: contributing to a report that will be submitted to the United Nations. This real-world consequence creates a sense of purpose and accountability that is sometimes absent in more conventional forms of assessment. Students take pride in their contributions, often working beyond what is required, researching late into the night, or checking back on their citations to ensure accuracy, not for a grade, but because the work matters. Students involved in the UPR Project routinely express pride in their contributions and interest in pursuing human rights-related careers, further study, or NGO work.

Values-Based Legal Education: Ethics, Empathy, and Critical Thinking

Both the Model UN and UPR Project offer fertile ground for values-based learning. In contrast to technical legal education, which focuses narrowly on rules and doctrine, these experiential initiatives foreground the ethical, political, and human dimensions of legal practice.

In the simulations, students are regularly confronted with competing values: national interest versus human rights, peace versus justice, procedural fairness versus political expediency. Role-playing forces students to consider not just what the law says, but how it ought to be interpreted, applied, or challenged. These moments of tension foster empathy and critical thinking, especially when students must argue from a perspective that differs from their own.[53]

In the UPR Project, students encounter the fragility of international norms and the difficulty of obtaining credible information on human rights violations. They must balance thoroughness with conciseness, legal rigour with advocacy, and optimism with realism. These are the same tensions that confront legal professionals working in international institutions, NGOs, or policy roles.[54]

By embedding these experiences in their legal education, students gain a more nuanced understanding of justice, one that includes, but goes beyond, legalistic reasoning. They learn to approach human rights not only as a body of rules, but as a contested, evolving practice rooted in human dignity, struggle, and power.

[52] Students tend to respond positively to role-play simulations and, in some circumstances, even prefer simulation-based projects to traditional classroom approaches. See research undertaken by Paul Maharg and E. Li, 'A Unique, Simulation-based Approach to Providing Students with Practical Legal Experience', paper for the Georgia State Law: International Conference on the Future of Legal Education, 20 February 2008, http://law.gsu.edu/futureoflegaleducationConference/Program(Final).php

[53] Obendorf and Randerson (n 20) 15.

[54] For example, see Maaike Matelski, Rachel Dijkstra, and Brianne McGonigle Leyh, 'Multi-Layered Civil Society Documentation of Human Rights Violations in Myanmar: The Potential for Accountability and Truth-Telling' (2022) 14(3) Journal of Human Rights Practice 794-818.

One of the less tangible but arguably most important outcomes of these experiential approaches is the formation of a professional identity rooted in values, empathy, and global awareness.[55] Law students often begin their studies with a narrow understanding of legal careers, focused on domestic practice, litigation, or commercial work. Through participation in international simulations and UN-facing projects, they begin to see themselves as part of a global legal ecosystem, one that requires diplomacy, cultural literacy, and moral reflection.[56]

This is particularly pronounced in discussions following simulations, where students reflect on the ethical dilemmas they encountered. For example, in one Security Council simulation, students grappled with whether to authorise military intervention in Shunibia in response to alleged human rights abuses, knowing that such action might violate state sovereignty and potentially escalate conflict. In the Human Rights Council special session, LLM students debated whether naming and shaming Shunibia would produce change or merely harden the state's defensive posture.

These moments, unscripted, uncomfortable, and deeply human, are at the heart of critical legal pedagogy. They invite students to move beyond abstract rules and consider the human cost of legal decisions, the power relations embedded in international law, and the tensions between legal ideals and political realities. In doing so, students not only become better analysts but more ethically grounded future practitioners.

Staff Reflections: Pedagogical Benefits and Institutional Contribution

From a staff perspective, these initiatives also enrich the teaching environment. The simulations are not easy to run, they require significant preparation, ongoing support, and facilitation skills, but they reward that effort with dynamic classroom interactions and a palpable sense of student growth. The energy in a well-run simulation is hard to replicate in traditional settings.

Likewise, the UPR Project has strengthened the Centre for Human Rights' research culture and outreach. It creates space for collaboration between students and staff, integrates teaching with scholarship, and positions BCU as an institution committed to public interest law and global engagement. That these reports are cited by the UN adds reputational value and serves as a reminder that legal education need not remain confined within the university walls.

Another notable impact is the external recognition both projects have received, which further reinforces student motivation and institutional pride. BCU's UPR stakeholder reports have been cited in OHCHR summaries, a fact that both staff and students highlight when discussing the project publicly.[57] The UPR Project was also a finalist for the Times Higher Education Award in 2021 for collaborative project of the year, further highlighting its reach and impact.[58] Students have gone on to reference their involvement in job interviews, scholarship applications, and postgraduate study statements.

[55] Desmond Manderson and Paul Redding, 'From Simulation to Situation: Experiential Learning and the Shaping of Legal Professional Identity' (2011) 19 Griffith Law Review 263.
[56] Obendorf and Randerson (n 20) 15.
[57] See 'Country Specific Consultancy' (*BCU*) <www.bcu.ac.uk/research/law/centre-for-human-rights/consultancy/upr-project-at-bcu/country-specific-consultancy>.
[58] 'Shortlist 2021' (*THE Awards*) <https://the-awards.co.uk/2021/en/page/shortlist> (select 'Birmingham City University' under 'International Collaboration of the Year'); 'University Nominated for Three Awards at Higher Education 'Oscars'' (*BCU*, 10 September 2021) <www.bcu.ac.uk/news-events/news/university-nominated-for-three-awards-at-higher-education-oscars>.

Finally, both the simulations and the UPR Project promote a kind of personal transformation that is harder to measure but often most memorable. Students gain not only skills and experience but also confidence, curiosity, and a sense of agency.[59] They begin to understand that law is not simply something they study, it is something they can do, shape, and critique.

One student, reflecting on her time as a delegate in the LLB Security Council simulation, noted: "I never thought of myself as someone who could speak with authority about international law. But when I stood up, representing a country's position, and responded to a critique, I realised I could do this. I could work in this field."

These moments, though anecdotal, capture the essence of experiential pedagogy. They suggest that when students are given real roles, real challenges, and real responsibilities, they rise to meet them, and in doing so, reimagine their own potential.

Informal follow-up with past participants indicates that the initiatives also influence longer-term trajectories. Several former UPR Project researchers have progressed onto postgraduate study in international law, or work with NGOs and other organisations. Alumni frequently report drawing on their simulation or UPR experience during job interviews, with some attributing their career direction - such as pursuing human rights internships, PhD study, or legal practice with an international focus - to their early exposure to applied human rights work at BCU. These reflections suggest that experiential learning can have sustained impact on professional identity and career aspirations.

6. Challenges and Practical Considerations

While the pedagogical benefits of experiential learning are compelling, the practical implementation of initiatives such as Model UN simulations and stakeholder reporting through the Universal Periodic Review (UPR) Project is not without its challenges. These approaches require significant time, planning, coordination, and, importantly, institutional support. This section outlines some of the key barriers encountered in delivering and sustaining these innovations within the context of UK legal education, drawing on experiences at BCU.

Time and Resource Constraints

The delivery of experiential learning also requires lecturers to adapt their own pedagogical approaches. Staff move from authoritative sources of knowledge to facilitators of inquiry, modelling diplomacy, mediating conflict, and guiding students through uncertainty. This shift involves relinquishing some control over classroom outcomes and embracing unscripted moments, where legal questions emerge organically from simulation dynamics. Such an approach demands agility, reflexive teaching practice, and the ability to support diverse learners in real time - skills that are less central in traditional lecture-based delivery. This pedagogical recalibration is both rewarding and challenging, underscoring the need for institutional recognition of the additional preparation and responsive teaching skills required.

Simulation-based learning and co-curricular research projects are resource-intensive. They require staff time not only to design and deliver the activities but to prepare detailed background materials, manage student roles, provide guidance, and facilitate live sessions. This is particularly the case with

[59] Ginn and others (n 31).

Model UN simulations, where fictional scenarios such as the Shunibia crisis must be kept current and engaging. Each iteration often requires updates to reflect evolving global issues, and tutors must be prepared to moderate fast-moving discussions, manage conflict, and guide students toward legally grounded resolutions.

The same applies to the UPR Project. Although not formally part of any taught module, the work involved in supervising student research, editing drafts, and meeting OHCHR deadlines parallels that of preparing a small research publication. The project's success depends on committed academic staff who are willing to engage in this labour often beyond their formal workload models. Without dedicated funding or teaching relief, the scalability of such initiatives becomes limited, particularly in institutions already under pressure to do more with less.

This tension highlights a wider challenge in higher education: how to incentivise and support pedagogical innovation that sits outside conventional lecture-based delivery or standardised assessment regimes. While there is growing rhetorical support for student engagement and practice-led learning, these approaches often rely on hidden or undercompensated labour.

Curriculum and Assessment Alignment

Another significant challenge is aligning experiential methods with existing module structures and assessment regimes.[60] Model UN simulations are, by nature, performative and process-driven, focusing on participation, collaboration, and role-play. Yet university assessment systems tend to prioritise written, individual outputs, essays, exams, and problem questions, that may not fully capture the learning achieved during a simulation.

At BCU, this challenge has been addressed through reflective assessments which play a central role in embedding the learning gained through the simulations. In the LLB module, students submit their written Security Council speech (1000 words) and an analytical commentary (3000 words), the latter of which requires them to reflect and justify their state's voting behaviour and link their decisions to treaty law, UN Charter provisions, and state practice, demonstrating how legal and political considerations informed their interventions.

The LLM assessment combines a standalone reflective piece (1000 words), a more analytically-demanding commentary (3000 words), and an in-person assessment of students' negotiation and advocacy during the simulation. The reflective account requires students to evaluate their own learning, diplomacy, and strategy during the simulation. Across both levels, reflective work is embedded as one part of a broader assessment strategy, guided by rubrics that emphasise legal accuracy, depth of reflection, and the ability to connect experience to theory, aligning with Kolb's experiential learning cycle and Schön's reflective practitioner model. This ensures that simulations translate into demonstrable, assessable learning.

However, these approaches are not universally accepted across all modules or institutions. The broader challenge lies in persuading curriculum designers and assessment boards that simulations are not a distraction from "serious" legal study but a vital means of applying and deepening legal understanding.

The UPR Project, being extracurricular, avoids some of these constraints but creates its own dilemmas. Because students participate voluntarily and without academic credit, levels of engagement can vary,

[60] Hammond and Albert (n 14); McIntosh (n 17) 274.

and the project must strike a balance between professional standards and educational inclusivity. While the non-credit model gives flexibility, it can also result in issues of student availability and workload clashes with assessed modules.

These challenges suggest a need for more flexible curriculum design frameworks that allow space for experiential and collaborative learning to be recognised and rewarded. This could include co-curricular transcripts, skills portfolios, or even elective credit pathways for sustained engagement in university-led research or advocacy projects.

Supporting Diverse Learners

Experiential learning environments demand a high level of student autonomy, interpersonal communication, and real-time decision-making. While these are important skills, not all students feel immediately comfortable in such settings. For example, some may experience anxiety around public speaking or struggle with the improvisational aspects of simulation-based diplomacy.

At BCU, this has been particularly evident in the undergraduate Security Council simulations. Students who are new to international law, unfamiliar with UN procedures, or unsure of their place in higher education may initially find the experience intimidating. This risk is especially pronounced for first-generation university students or those for whom English is not a first language.

To address this, the Model UN teaching team employs scaffolding strategies: providing clear role briefs, offering structured templates, assigning supportive groupings, and building in low-pressure activities (such as informal caucusing) before full simulation begins. Post-simulation debriefs are also used to demystify the process and affirm student contributions.

The UPR Project poses fewer performance-based pressures but introduces a different kind of challenge: students must engage in professional-level research and writing, often with limited experience. While this challenge is part of the learning process, it necessitates strong mentorship, clear expectations, and sensitivity to students' confidence levels.

These considerations reinforce the importance of inclusive design in experiential education. Simulation and research projects must be accessible, supportive, and adaptable, ensuring that all students, regardless of background or experience, can participate meaningfully and benefit from the opportunity.

Institutional Recognition and Sustainability

Perhaps the most enduring challenge is ensuring that innovative pedagogical practices receive sustained recognition and resourcing. At present, simulation-based teaching and co-curricular research projects often occupy an ambiguous space within university frameworks: valued rhetorically, but not always formally resourced or strategically embedded.

At BCU, the Centre for Human Rights has provided a supportive institutional home for the UPR Project, and staff involved in Model UN simulations have benefitted from peer recognition and external interest. However, these successes have required ongoing advocacy to maintain visibility and secure space within already packed curricula. Long-term sustainability depends not just on individual champions, but on institutional commitment, through workload models, funding for materials and coordination, and recognition in teaching excellence frameworks and promotion criteria.

There is a risk, in the absence of such support, that these projects remain precarious: reliant on goodwill, vulnerable to staffing changes, and unable to grow. The solution lies in embedding experiential learning more fully into strategic planning for legal education, recognising it not as an add-on or enrichment activity, but as a central vehicle for delivering professional, ethical, and globally literate law graduates.

The structural challenges of implementing these approaches mirror concerns identified by Nick James regarding the limited institutional support for vocational and student-led teaching practices.[61] Paul Maharg has long advocated for a systemic shift to recognise experiential learning not as supplementary but central to legal education design.[62]

Although resource constraints limit expansion, an "ideal" model would include dedicated administrative support, funded research assistant roles for alumni facilitators, and the development of reusable digital assets such as simulation videos, automated role brief generators, and interactive scenario maps. These would reduce staff time spent on annual updating and allow simulations to run with larger cohorts or across multiple modules. Smaller institutions could adopt a scaled approach: for example, running a single-session mini-simulation, focusing on one thematic issue (e.g., refugees, freedom of religion), or adapting the UPR model to a policy-brief format rather than a full stakeholder submission. Even in modestly resourced settings, adaptable experiential formats offer a foundation that can be expanded over time, enabling institutions to develop sustainable, high-impact models of human rights education.

7. Conclusion

This article has made the case for experiential learning as a transformative pedagogical approach in the teaching of human rights law within UK legal education. Drawing on two interlinked case studies at Birmingham City University, the use of Model United Nations simulations in undergraduate and postgraduate law teaching, and the Centre for Human Rights-led UPR Project, it has illustrated how simulations and co-curricular research projects can bridge the gap between legal theory and practice, foster professional identity, and empower students as globally aware, socially engaged legal actors.

Both the Model UN simulations and the UPR Project reflect the principles of experiential learning: active participation, contextualised problem-solving, reflective thinking, and value-driven inquiry. By simulating the dynamics of the UN Security Council and Human Rights Council in response to the fictional Shunibia crisis, students are challenged to apply international law in politically complex and morally ambiguous situations. These simulations move beyond rote learning to cultivate diplomacy, negotiation, legal reasoning, and ethical judgment.

In parallel, the UPR Project offers students a rare opportunity to engage in real-world human rights research and advocacy. Although extracurricular, its impact is no less significant: students contribute to stakeholder reports that are submitted to the United Nations and cited in official OHCHR

[61] Nick James, 'Why Has Vocationalism Propagated So Successfully within Legal Education?' (2016) 6(1) International Journal of Innovation in Legal Education 1.
[62] Paul Maharg, *Transforming Legal Education: Learning and Teaching the Law in the Early Twenty-First Century* (Ashgate 2007).

documentation. Through this process, they develop skills in research, writing, and critical legal analysis, and importantly, they begin to see themselves as active participants in global legal processes.

Together, these initiatives demonstrate the potential of experiential learning to transform the legal classroom. Students are not merely passive recipients of legal knowledge but co-producers of insight, argument, and action. They engage not only with the "black letter" law but with its limitations, contradictions, and possibilities. They gain confidence, competence, and, often, a new sense of purpose.

Yet as this article has also shown, realising this potential requires overcoming practical and institutional challenges. Simulation-based teaching is time- and resource-intensive. It demands staff creativity, coordination, and a willingness to depart from traditional lecture-based formats. Co-curricular projects like the UPR initiative require sustained support, clear ethical frameworks, and recognition within university structures. Without proper investment and structural integration, these innovative practices risk remaining fragile, dependent on individual champions rather than embedded in institutional culture.

For these reasons, this article concludes with three key recommendations:

1. *Embed experiential learning within core legal curricula*, not as an optional supplement but as a central mode of delivery, particularly in subjects like human rights law, where global context, ethical reflection, and procedural knowledge are essential.
2. *Recognise and resource staff innovation* in teaching and co-curricular engagement. Experiential learning should be supported through explicit workload allocation, seed funding, and recognition in promotion criteria, ensuring that staff are supported to develop, update, and sustain simulations and UN-aligned research projects.
3. *Create opportunities for authentic student participation* in legal research, international advocacy, and simulation-based exercises. This includes credit-bearing options, co-curricular transcripts, and opportunities for alumni involvement as facilitators or research mentors, ensuring continuity and scalability.

Legal education is no longer defined solely by the transmission of doctrinal knowledge. It must now prepare students to navigate an increasingly interconnected, ethically complex, and procedurally diverse global legal environment. Experiential learning, as demonstrated through the BCU Model UN and UPR Project, offers a compelling model for how this can be achieved, not only by teaching law but by enabling students to *do* law in ways that are meaningful, collaborative, and socially conscious.

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From the Field
Street Law for Specific Communities: A Project for Persons with Disabilities

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Abstract

This article will discuss the need for legal education programs for Persons with Disabilities, how an innovative Street Law Program was created, and the benefits of such a program. Jigme Singye Wangchuk School of Law's (JSW)[1] Human Dignity Clinic (HDC)[2] developed a multi-faceted legal community education program for Persons with Disabilities soon after the law school was founded in 2015. This article will discuss a law clinic project at JSW in the Kingdom of Bhutan, where the HDC reaches out to educate Persons with Disabilities about their legal rights and responsibilities.

This is an ongoing, law student led clinic project. Surveys were conducted of students and participants to gauge the success of the project. Some of the results will be shared in this article. It is hoped that the readers may adapt some of the lessons learned from this project to similar projects in their communities.

Keywords: Diversity Equity Training, Street Law, Persons with Disabilities, Community Education, Law School Clinics.

Introduction

The focus of this article is to help others create projects in their community. Some of the lessons learned from this community education project are unique to serving a specific population, in this case Persons with Disabilities. However, many of the lessons are transferable to other projects, populations, and communities.

[1] For more information on JSW go to https://jswlaw.bt/
[2] For more information on the HDC go to https://jswlaw.bt/clinics/human-dignity/

This article will describe the Persons with Disabilities Project conducted by HDC. It will discuss how the project was started, collaborations that took place and how it led to the creation of the Persons with Disabilities Advocacy Toolkit. After this, the paper will discuss the Street Law Program which was conducted in line with the Toolkit. The reader will learn practical information on how the program was developed and conducted, the challenges faced, its benefits to the community and the students. It is hoped that this information will encourage others to consider such a project and make it easier for the reader to carry out similar projects.

The project began with collaborations with others in the community. Often, law clinics and other service providers work in a silo. There is an informal process of seeing a need, or the ability to meet a perceived need, and moving to use what resources are already available to address those needs. In this project, different agencies collaborated with the HDC to create this project. The agencies ranged from those with general missions to serve vulnerable populations, to agencies with the specific mission to help Persons with Disabilities

From this collaboration the idea for a Persons with Disabilities Toolkit for Bhutan was born. The Toolkit is a booklet on how to navigate the civil and criminal legal system. It covers a lot of legal topics with practical information. This includes how the Bhutan court system works, basic rights like the right to an attorney and the right to remain silent. Charts and graphs are used to help convey this information. However, the educational value of written material is limited. Any audience is likely to have questions about the material, or fail to read through a booklet, no matter what the topic is or how well it is written.

Learning how to navigate a legal system using a reference tool works well in some circumstances. If you want to file a small claim in court, a written reference like the Toolkit may work well. But if suddenly you find yourself interacting with the police, there's no time to consult a toolkit to learn what your rights are and how to try to exercise them. Realizing this, the Street Law Program was created to educate people about what was in the toolkit.

The Street Law Program

In conjunction with the creation of Persons with Disabilities Advocacy Toolkit, HDC and the Appropriate Dispute Resolution Clinic (ADRC)[3] executed advocacy programs through a street law initiative, targeting Persons with Disabilities to further enhance their understanding of legal processes and rights.

The street law approach was specifically chosen for advocacy, owing to its unique pedagogy centered on learners. This was one way through which the team could ensure that the program transcended mere advocacy and became a platform where the Persons with Disabilities not only gained information but also actively participated in discussions about their rights and legal procedures.

In essence, the Street Law Program served two main purposes for its audience. First, it introduced Persons with Disabilities to the Toolkit. It provided them with some basic concepts of how the legal system works in Bhutan. The goal was to help this population to start thinking about the legal system as a place where some disputes could be resolved. Bhutan is a new constitutional monarchy.[4] It has a new parliament, a new legal system and a new law school. The population may be less aware of how

[3] For more information on the ADRC go to https://jswlaw.bt/clinics/alternative-dispute-resolution/

[4] The Monarchy was established in 1907. The Constitution was adopted in 2008. *See* Bhutan, U.S. Department of State Archives, available at https://2009-2017.state.gov/outofdate/bgn/bhutan/189438.htm

this new system works than in other countries with longer established dispute resolution mechanisms. Second, the Street Law Program engaged the Persons with Disabilities participants in how to navigate some of the more stressful types of interactions with the legal system - how to deal with the criminal legal system. This can be a difficult, stressful experience for anyone. Vulnerable populations are likely to feel even more stress in such interactions.

Developing Curriculum for the Street Law Program

The program started with an orientation on Street Law which enabled the students to understand what it is and how it functions. Following this, the students started working on the curriculum. Since Street Law employs a learner/student-centered approach to learning, it was important to come up with a curriculum that would allow Persons with Disabilities to actively participate in it, while taking into account what their needs were to enable active and full participation. One important note to be made here is the consideration for varying types of disabilities within the community of Persons with Disabilities. This meant that a variety of possible barriers had to be taken into account for the development of the curriculum. The program would have to be sensitive and inclusive of all the participants regardless of their disability types. Fortunately, prior to the commencement of the program development, the students had already attended a one-day training on Disability Equality Training ("DET"). This served as a very useful resource as it enabled the students to view disability through an empathetic lens, which in turn contributed to designing a program that was not only inclusive but also sensitive.

The Disability Equality Training[5]

The one-day training on Disability Equality Training ("DET") was organized by the Disabled People's Organisation ("DPO").[6] In Bhutan, knowledge on disabilities amongst the public, as well as the organizations, is limited. This affects the support provided to Persons with Disabilities.[7] Addressing this, the training was developed by DPO in collaboration with the United Nations Development Programme and United Nations Population Fund to foster an empathetic perspective of disability in society. It was a part of the implementation of the action plan for the National Policy for Persons with

[5] Disability Equality Training is a participatory process where people are introduced to the real issues and discrimination faced by Persons with Disabilities with a view to change their behaviors, policies, and practices. Liz Carr, Paul Darke, and Kenji Kuno, *Disability Equality Training Action for Change* at 5 (MPH Publishing 2012) available at https://www.un.org/disabilities/documents/egms/2015/Kenji_Kuno_Change.pdf. DET is often used to sensitize the workplace environment. It is implemented by companies as part of their obligation to a diverse workplace. Studies on whether it has been effective are numerous, but few have rigorous methodologies, with the exception of the Phillips study. *See* Brian Phillips, Jon Deiches, Blaise Morrison, Fong Chan, and Jill L. Bezyak, Disability Diversity Training in the Workplace: Systematic Review and Future Directions 26(3) *Journal of Occupational Rehabilitation* 264 (2016).

[6] DPO is a Civil Society Organization in Bhutan with Persons with Disabilities serving on the Board of Directors, Technical Committee and Management Team. For more information, go to https://dpobhutan.org/

[7] *See* Preece, Murray and Rose, 2020; Royal Government of Bhutan and United Nations Children's Fund, 2017.

Disabilities, 2019.[8] Acknowledging the Social Model of Disability[9] as its conceptual foundation[10] the training entailed content surrounding the topic of real issues, challenges, experiences and aspirations of the Persons with Disabilities from their own narrative and was facilitated by the Persons with Disabilities.[11]

The initial sessions of the DET focused on building understanding on the national situation on disabilities. The session unveiled and addressed the various myths, stereotypes, misconceptions, and biases people have towards disability. Later sessions delved into details on the various types of disabilities. For example, one of the disabilities covered under the training was physical disability. Leading the session, a wheelchair user explained that physical disability is a physical condition that affects a person's mobility, physical capacity, stamina, or dexterity which may be hereditary or acquired from birth, through accidents, and medical conditions. Stressing the lack of disability-friendly infrastructure as one of the many challenges which limits their accessibility, the presenter shared how such a challenge is further aggravated due to a lack of skills and knowledge among the people to assist Persons with Disabilities. Following this, an essential guide on how to assist a wheelchair user was provided. Starting from the crucial point of familiarizing students with the parts of the wheelchair to providing guidance or instructions on how to help the wheelchair users, the session provided the participants with a comprehensive understanding of using a wheelchair. Similar sessions provided insights into persons with intellectual disabilities and persons with visual impairments.

Lesson Plan and Content Development

This training was crucial in helping the students understand the importance of considering the implications that disability would have on the participants' learning capacity. For instance, the training had pointed out that not all Persons with Disabilities would have the capacity to sit for long periods in the workshop. Likewise, some might find it hard to concentrate for extended durations.[12] Considering these factors, the students decided to conduct the program in not more than 3 hours, allocating one

[8] The National Policy on Persons with Disabilities mandates government support for awareness and advocacy programs on persons with disabilitiesy in the country. The policy mandated the Gross National Happiness Commission to coordinate and support awareness and advocacy programs on disability issues. DET is being conducted in line with this mandate. See Bhutan's National Policy for Persons with Disabilities, 2019 available at See Save the Children, 2021.See Bhutan's National Policy for Persons with Disabilities available at https://dpobhutan.org/wp-content/uploads/2021/07/National-Policy-for-Persons-with-Dsiabilities.pdf

[9] Liz Carr, Paul Darke, and Kenji Kuno, Disability Equality Training Action for Change, 5, (2012). Malaysia MPH Group Printing (M) Sdn Bhd. The Social Model of Disability considers disability as not merely a physical or intellectual condition but also the inadequacy of inclusive structures of society that causes disability. This view was developed as a critique of the Medical Model Theory that viewed disability as a medical condition which required medical interventions.

[10] Id. at 104.

[11] DET is designed and delivered by qualified trainers with disabilities who experience disability and therefore truly understand the reality of living in a disabling society. Id. at 3.

[12] Different types of disabilities can have varying implications on learning capabilities for the Persons with Disabilities. For instance, while a person with physical disabilities may have a problem with posture which might affect their capacity to sit for long hours, a person with a neurological condition might face difficulty processing a lot of information. Likewise, a person with a hearing impairment may face difficulty remaining attentive. This information was acquired from an online course developed by the Anglophone Postsecondary Institutions of New Brunswick, Canada. It is an English version of a similar online course developed in French by the Université de Moncton. The course provides detailed information on types of disabilities and its implication on learning capacity along with means to provide reasonable accommodation and adjustments for the students with disabilities. The course is available at https://alc.ext.unb.ca/modules/introduction/the-big-picture.html.

hour each for three clinic student groups to cover their part. Therefore, the topics had to be selected very carefully.

Each group came up with different ideas on specific areas to be covered. The groups also had to provide reasons as to why they felt the topic was critical to cover. Though most of the information from the Persons with Disabilities Advocacy Toolkit was important to cover, a guide to decide which of the competing choices to use was to assess what information would one require at hand and be of utility in one's everyday life.

Preparing a lecture alone on the content was not enough as it cannot engage learners in the material.[13] The program had to be complemented with engaging activities. The framework for the lesson plan included a hook, content, application of the content through an activity, and debrief. Since the time allocation for the entire program was three hours, the students decided to allocate one hour for each topic. The hook would take 5 minutes of the session, 20 minutes for the content, 15 minutes for the application exercise and 5 minutes for the debrief. In total, each session would take around 45 minutes with 15 minutes break in between each session.

1. Hook

A hook is a presentation opening tactic used to immediately capture the audience's attention and interest in the presenter and their topic.[14] It is also what creates the first impression and sets the tone for the rest of the presentation. Therefore, it is crucial that one employs compelling hooks. However, in this case, the students not only had to develop compelling hooks but also tailor the hooks in a manner that would be engaging to Persons with Disabilities who have differing disabilities. Aligning to the subject matter of their individual topics, each group successfully designed an interesting hook unique to their group.

The first group, whose content was on introducing the key institutions when coming in conflict/contact with the law, employed a "question and answer" type of method for the hook to engage the audience. The second group which worked on the criminal proceedings content made use of a combination of hooks such as hypothetical scenarios, open-ended questions, and rhetorical questions. While developing the scenarios, the group had to make sure that the scenarios could be tied in with the content of the presentation later. To make the participants engage with the hook, the hypothetical scenarios were developed using the participants as characters and asking what they would have done in a particular situation in the scenario presented. The third group on civil proceedings employed a quick quiz as their hook but with options presented to choose from as the answer. Like the other two groups, the questions were related to the content that would follow thereafter. The same questions were asked at the end of the presentation. This way, the students could assess the participant's comprehension of the topics presented and clarify the doubts if there were any.

2. Legal Content

The first session on the introduction of the institutions focused on the three key institutions in the justice system of Bhutan namely, the Royal Bhutan Police, the Office of Attorney General, and the Judiciary. The facilitators covered the basic functions of these institutions, the contact details, and

13 David McQuoid-Mason, Street Law and Public Legal Education: A collection of best practices from around the world in honour of Ed O'Brien (2019) at 29. South Africa. Juta and Company Ltd.
14 *See* Bruna Martinuzz, Twelve ways to hook an audience in 30 seconds. Brand Knew, February 12, 2019, available at https://www.brandknewmag.com/12-ways-to-hook-an-audience-in-30-seconds/

circumstances under which one might encounter the institutions. Specific attention was given in differentiating civil and criminal proceedings/cases.

The following session was particularly dedicated to covering civil cases which included a comprehensive understanding of rights such as dispute settlements, withdrawal of the case, e-litigation services, and legal aid. Most importantly, it included demonstrations on how to avail the service of e-litigation which would be very beneficial, especially to Persons with Disabilities.

The final session focused on the criminal cases delving into the most basic and fundamental areas of criminal proceedings such as detention, arrest warrant, bail, Miranda Rights,[15] and the trial procedures.

3. Application Exercises

Interactive application exercises are also one important component of the Street Law approach. These exercises allow for participants to apply what they have learned from the presentations on content thus allowing for a greater chance at information retention. Such exercises also help instructors to get an understanding of how well their participants understood the content. Appreciating the effectiveness of such an exercise, all three teams leading each session integrated various application exercises based on the content covered. The interactive application exercises that were employed ranged from interesting game-playing to critical hypothetical scenarios.

4. Debrief

All three presentations concluded with a debrief for 5 minutes during which the summary of the key points were presented. The principal aim of the Persons with Disability Community Outreach Workshop transcended mere advocacy; rather, it centered on the empowerment of individuals in the Persons with Disability community by fostering accessibility and disseminating legal knowledge. This initiative provided a platform where Persons with Disabilities could not just gain information but actively participate in discussions about their rights and legal procedures. One important principle the students embraced was the acknowledgment and appreciation of the diverse and unique needs of the Persons with Disabilities community. They not only understood that inclusivity was not just about physical accessibility but also about accommodating thorough considerations of visual, auditory, cognitive, and physical impairments ensuring effective communication that resonated with all participants. Another principle revolved around the right to information. The students strive to empower Persons with Disabilities by imparting knowledge about the law and by intertwining these principles of inclusivity, accessibility and rights to information. The students aimed not just to educate but to empower. It was about creating a space where Persons with Disabilities felt not only informed but also heard and supported in their journey towards justice and empowerment.

a. Why roleplay?

The law student experiences in Appropriate Dispute Resolution (ADR) courses provided them valuable insights and the power of interactive and experiential learning. Therefore, the students opted for an experiential approach for Persons with Disabilities: role-playing. Role playing was not just a creative

[15] In Bhutan, a suspect's rights at the time of arrest are commonly referred to as "Miranda Rights", named after the United States case *Miranda v. Arizona*, 384 U.S. 436 (1966). This case is famous in the U.S. as establishing the rights of a suspect upon arrest by the police under the 5th Amendment to the U.S. Constitution. The rights include a requirement that the police tell a suspect that they have a right to remain silent, that if they do say something it can be used against them in a court of law, and that they have a right to an attorney. The consistent granting of these rights can be difficult to achieve.

way to provide information, but also a way to bridge the gap between theoretical knowledge and practical application, ensuring a more effective and impactful legal advocacy session.

b. Preparation for the role play

The students divided themselves into two groups with one group focusing on civil proceedings and the other on criminal proceedings. For the civil proceedings, the group deliberated and settled on exploring a prevalent civil matter in Bhutan: a marital case. The criminal proceedings group chose to simulate a battery case.

Once both the groups decided on the cases, they worked on the scripts and character profiles, aiming for a comprehensive role-play experience that could inform the Persons with Disabilities about their rights and judicial proceedings. While preparing for the roleplay, the students ensured that their script was not just informative but also easily comprehensible for their target audience. Legal concepts can often be complex to comprehend, thus their primary goal was to simplify the legal concepts. This emphasis on simplicity drove the students to structure their script, breaking down convoluted legal terminologies into easily understandable language. An element that they strategically incorporated into their roleplay was humor. Recognizing that legal discussions can sometimes feel overwhelming, the students wanted to include an element of enjoyment and relatability. Their intention was to strike a balance between educational content and an enjoyable experience, ensuring that the audience not only understood but also retained the information in a memorable and engaging way.

After developing the script, the students did their first trial in front of their clinical supervisors. This trial served as a constructive platform for assessment and improvement. The feedback and suggestions received from their clinical supervisors helped the students to realize the importance of careful consideration in their delivery, understand how to connect with their audience, and ensure the audience felt heard and engaged. It pushed the students to embrace versatility in their approach, adapting swiftly to the diverse needs and expectations of the audience.

Challenges and Issues When Developing the Street Law Program

Designing the Street Law Program for Persons with Disabilities came with its own set of unique challenges. The major challenge was to make the project accessible both in terms of physical accessibility as well as informational accessibility owing to various reasons.

1. Variations in the Types and Degrees of Disabilities

Disabilities in people vary from one person to another. It is not a homogenous group of people.[16] Even if the disability is of the same type, it can vary in its degree. For instance, a person using a wheelchair may be able to walk if adequately assisted whereas another person using a wheelchair may be completely paralyzed in their lower body. Likewise, a person with a visual impairment may have limited vision while another may be completely blind. Such variation in the types and degrees of disabilities meant a diverse range of needs that would have to be considered to allow for full participation. This required the students to be creative in developing the program. Each segment would have to be tailored in a way that would be accommodate the varying needs of all the participants.

2. Lack of Disability-Friendly Space to Conduct the Program

[16] Ministry of Education, Bangladesh. Department of Technical Education and International Labour Organization. *Including Persons with Disabilities in Technical and Vocational Education and Training: A Guide for Administrators and Instructors to Disability Inclusion* (2016).

Locating a proper venue that would cater to the varying requirements of an audience with disabilities was a difficult process to navigate. Inaccessibility to infrastructures and facilities is still a challenge for Persons with Disabilities in Bhutan[17] despite policy requirements to have disability-friendly infrastructure and buildings in the country.[18] This meant that there were not many disability-friendly venues to choose from. However, easy accessibility to basic facilities such as the conference hall, lunch area and restrooms was essential for full and comfortable participation. This meant that adjustments, modifications, and compromises would have to be made where and when necessary or possible. Such a process has been termed as "reasonable accommodations",[19] which the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) defines as

> *"[N]ecessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure Persons with Disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms*."[20]

As per the convention, State Parties are required to take all appropriate steps to ensure that reasonable accommodation is provided to promote equality and eliminate discrimination. Bhutan only ratified the convention in the year 2023.[21] However, the concept can be seen incorporated in Bhutan's National Policy of Persons with Disabilities, 2019, which contains several provisions stating that the government shall make reasonable accommodations for Persons with Disabilities in various areas such as education, health, employment, and the justice sector.[22]

In a training situation, reasonable accommodations are actions taken to address the specific needs of the trainee.[23] Some ways through which the program tried to provide reasonable accommodations for physical accessibility were:

- Choosing a venue with a conference hall on the ground floor especially for those using wheelchairs.
- Ensuring accessibility to tables for wheelchair users.
- Ensuring the place had elevators.
- Making the seating arrangements in a way that would be comfortable for persons with wheelchairs to move around freely.

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[17] United Nations Office for Disaster Risk Reduction (UNDRR) *Disability Inclusion High on Mountain Kingdom's Agenda*, 29 (2023) available at https://www.undrr.org/.

[18] Bhutan's National Policy for Persons with Disabilities, 2019, available at https://dpobhutan.org/wp-content/uploads/2021/07/National-Policy-for-Persons-with-Dsiabilities.pdf

[19] The term was first used in the United States Civil Rights Act of 1968. The concept was further extended to the disability context in the Americans with Disabilities Act, 1990.

[20] United Nations Convention on the Rights of Persons with Disabilities Art. 2, Office of the High Commissioner of Human Rights, available at https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities

[21] Poudel, YK (2023) 'NC Approves NA's terms on UN Convention on the RPDs', *Kuensel*, 7 October <https://kuenselonline.com/>.

[22] Bhutan's National Policy for Persons with Disabilities, 2019.

[23] Ministry of Education, Bangladesh. Department of Technical Education and International Labour Organization, Including *Persons with Disabilities in Technical and Vocational Education and Training: A Guide for Administrators and Instructors to Disability Inclusion* at 8 (2016).

- Assigning students with tasks to assist the participants and their caregivers right from the point of entry through the training.
- Ensuring participants with disabilities such as blindness or hard of hearing have their seats in the front or near the speakers.
- Orienting the participants, especially those with visual impairments to the hall, restroom, lunch area and so on.

Note: it is recommended that an emergency situation plan be developed prior to the workshop. The team could not do so in the workshops conducted before, but it is recognized as a lesson for the workshops which will be conducted in the future.

3. Inclusive Curriculum

Aside from physical accessibility, informational accessibility to the content of the program was another essential prerequisite to ensure full and active participation. This meant that the curriculum would have to be accessible to every participant regardless of their disability. It had to follow the concept of universal design[24] which the UNCRPD defines as having the design of products, environments, programmes and services as such that it would be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. In a training situation, universal design for a curriculum could be ensured by employing a variety of training techniques and flexible approach not only with the content but with goals, methods, and materials.[25]

This posed a challenge for the students to anticipate the method of content delivery, activities, hooks and other interactive sessions that would cater to the needs of every disability. This would not have been a challenge if at each training the audience constituted persons with the same or a very similar type of disability. However, since the audience constituted different types of disabilities at most venues, developing an inclusive curriculum was a difficult task. For instance, brainstorming interesting activities that would align with the content, and to further curate them to deliver to each disability was difficult. What seemed to work for one disability would turn out to be problematic for the other. For instance, the hook inspired by the growing trend of choosing an answer to a question by tilting your head on the Tik Tok app was initially customised to moving hands to the left or right to choose their answers. This was planned by the HDC students after confirming with the partner organization that the participants for the first workshop would constitute persons using wheelchairs and their caregivers. The hook would clearly not have been accessible to a person with a disability in using their hands. However, at the last minute the law students learned that one of the participants had a disability with their hands in the first workshop. The hook was changed last minute to a format of responding by imitating the sounds of animals. The second workshop had participants with speech disorders which meant the hook had to be changed again. The first type of hook which was to move hands to the left or right to answer was employed for the second workshop.

Likewise, other aspects of the curriculum also had to be tailored with such flexibility to accommodate the various types of disabilities. Some other ways through which the concept of universal design was incorporated in the curriculum were:

[24] UNCRPD Art. 2.
[25] Ministry of Education, Bangladesh. Department of Technical Education and International Labour Organization, *Including Persons with Disabilities in Technical and Vocational Education and Training: A Guide for Administrators and Instructors to Disability Inclusion* at 8 (2016).

- Developing the presentation slides with minimal usage of words and larger font sizes than were normally used;
- Use of many pictures with heavy contrast and infographics;
- Loud and slow method of delivery with short and simple sentences;
- Repetition of information and instructions;
- Ensuring every table had at least one student from the project to assist the participants throughout the workshop;
- Having sign language interpreters;
- Ensuring sensitivity towards proper use of terminologies such as using Person-First language when addressing the Persons with Disabilities.

A good solution for the challenge of addressing various disabilities at once was to group the persons with the same or similar type of disability together. This would have allowed an audience with common needs, ultimately easing the difficulty of having to consider every disability in designing the activities. Such approach would provide for more targeted solutions and streamlined communication which can be able to enhance the effectiveness of the project. Since it was not always possible to have only the same or similar disabilities together, it was crucial to be flexible and have the program content and delivery prepared or developed in such ways that it would be easily adaptive to the varying needs of the participants. As challenging as it has been to deliver to various disabilities, it has been equally rewarding to find solutions to navigate through the complexities.

4. Grouping the Participants

While it is helpful to group the participants with similar disabilities, it was not easy to bring them together. With the Persons with Disabilities spread across the country, it was difficult to reach out to them. Then the project had to ensure an efficient logistics arrangement as there was an inadequate number of participants with similar disabilities residing in one sparsely populated area to carry out the program. However, with the help from DPO, the subsequent programs had diverse participants.

5. Communication Barriers

Having participants with deafness or who were hard of hearing and participants with speech disorders meant high risk of miscommunication either through misunderstanding or missing out on the information altogether from both sides be it the participants or student facilitators. Some of the ways to address such barriers included developing the program with heavy use of visuals, captioning the videos or multimedia content, having the participants write out what they wish to express or utilizing sign language interpreters. However, not all of the participants understood sign language nor were all of them literate to be able to communicate in writing thereby adding another layer of challenge to navigate.

6. Time Constraints

Three hours can be a short time to cover vast and significant areas of legal rights. Nevertheless, considering the specific needs of each disability, it was the maximum time with which to conduct the program. Of some difficulty, was the need to bring down the content from the Toolkit to three sessions. Moreover, conveying the information in three hours whilst integrating interesting activities further challenged the team. Though it can be easily planned on paper, the real test is delivery. Despite

the preparation and the hard work put in to ensure that the presenters do not lose time due to nervousness or lack of preparation, there remains the issue of the time limit. Factors such as the ability of the audience to comprehend the content, their response to the activities, exchanging dialogues (doubts and views), are areas which determine the time use, yet cannot be compromised. The struggle is striking the balance between delivering effective content, while addressing the factors mentioned above, and at the same time ensuring that it is not too lengthy or troublesome for the participants. Hence, it was crucial to be mindful of the time and stay on track.

Assessment of the Workshops for both Populations

Methodology

Survey Development and Training

Developing a survey from literature research into the topic is one of the most important parts of a research project, an assessment of a clinic program, or a Community Needs Assessment (CNA). CNAs can be useful for starting a project like the Persons with Disabilities project in Bhutan. For one, the researcher develops their research skills and learns about a substantive area of law. Research projects like this are excellent learning tools for a student in an independent research project or a clinic.

Any survey should collect more than just the immediate data needed. It should also ask demographic information to provide context for the data collected. The survey can be a collaborative process. It can include an entire team within a classroom or a clinic project. CNAs have also been done on the same issue across various continents and universities. Each research team member should contribute to the survey based on that member's research and collaborate on the survey with the other researchers.

Surveys must be developed carefully to avoid bias. The surveyor must also be careful to do no harm. This is especially relevant when conducting surveys on sensitive topics. For example, surveys should not ask about personal victimizations to avoid traumatizing the persons interviewed.

Program assessments and CNAs should not be avoided just because these challenges exist.[26] A lot of research similar to that done for this Persons with Disabilities Street Law program can be conducted without broaching such sensitive topics. The research reported in this article did not require sensitive questions. The survey of the clinic students experience was administered electronically because all the participants had access to email and were technologically adept. The surveys of Persons with Disabilities was done on paper, with the help of the HDC and ADRC students, because of barriers to answering the surveys themselves.

Administering the Survey

When law students are involved in this kind of research, they must learn how to interview subjects much like they might interview clients. Confidentiality is important for survey results much like for practicing law. Therefore, a CNA provides ethical lessons to student researchers in being client-centered and observing confidentiality; similar to working in a law office.

Researchers should conduct any research survey in a safe, confidential environment; similar to interviewing a client at a law firm. If paper surveys are used, they must be hand tabulated, which can

[26] There is an excellent reference for inexperienced researchers who want to conduct CNAs if more information is wanted. See, American Bar Association, Access to Justice Assessment Tool: A Guide to Analyzing Access to Justice for Civil Society Organizations, 2 (2012).

take a significant amount of time. Use of Google Forms to tabulate the surveys can save time. In most cases, names should not be taken during the survey process, which is one of the few differences from a law office environment and must be covered in training to ensure this is not violated. However, surveyors, like law office personnel, should be trained to appropriately greet their subjects or clients, start the interview, and finish the interview.

Student's Impressions of the Street Law Project

Methodology

The Street Law for Persons with Disabilities workshops were first conducted in the calendar years 2022 and 2023. In both cases students in the last half of their fourth year of law school and the first half of their fifth year of earning their LLB conducted the workshops for Persons with Disabilities. This represents the last year on campus for each JSW cohort. During this year students typically travel across Bhutan to engage in community advocacy during their 8th and 9th semester clinic. The Persons with Disabilities Street Law project was one of the projects the students engaged in each of these years.

This survey was conducted in November 2023 after the second cohort had completed its share of the Persons with Disabilities Street Law workshops. The survey was created on Google forms and JSW official email was used to disseminate the survey to all Persons with Disabilities Street Law participants. Students were advised that the survey was voluntary, and the results of the survey were strictly confidential.

The sampling size was small, so the results should not be overgeneralized. Still, there were several goals for the survey. Instructors want to know what worked well, but also how to create a better program. More importantly, did the program change the law students in a meaningful way.

Results

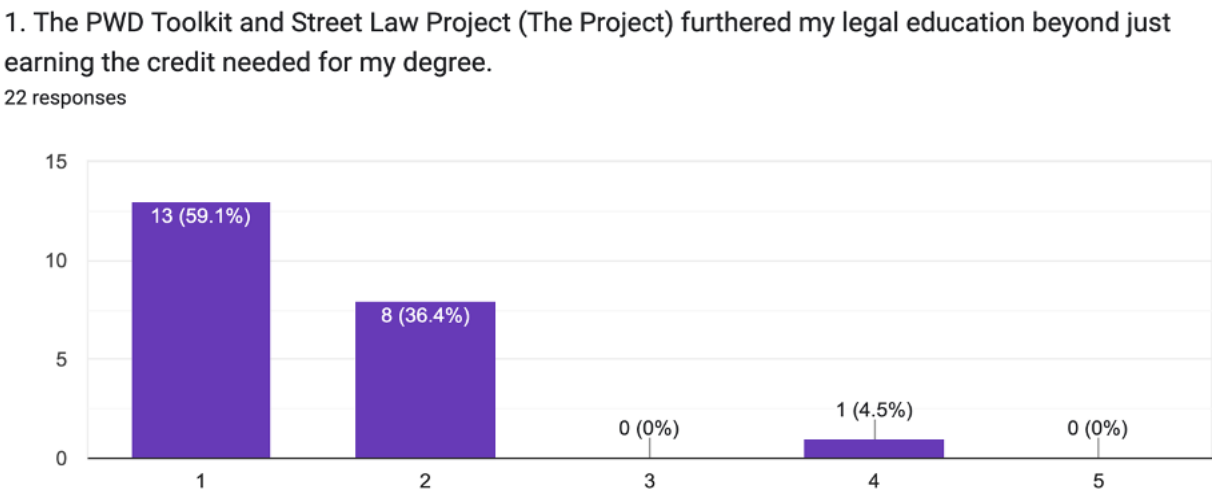
There were 24 students across the two cohorts who participated in the Persons with Disabilities Street Law workshops. There were 13 students in the first year of the project and 11 students in the second year of the project. Initially only 9 students replied to the emailed surveys. The former student co-authors of this article sent out reminders asking students to complete the survey. The result was 22 of the 24 student project participants answering the survey.

The students were asked several Likert scale questions (i.e. 1. Strongly agree; 2. Agree; 3. Neutral; 4. Disagree; 5. Strongly Disagree). There were also open-ended questions to gain more insight into student thoughts about the Persons with Disabilities Street Law project.

The survey responses were positive. Over half the students who participated strongly agreed that the project went beyond their degree requirements in value to their education. Of the 22 respondents 19 explained their responses. These responses discussed learning more about the law, developing presentation skills, and becoming more aware of Persons with Disabilities and their lives. This student's comment captures much of what was said by the students in one paragraph.

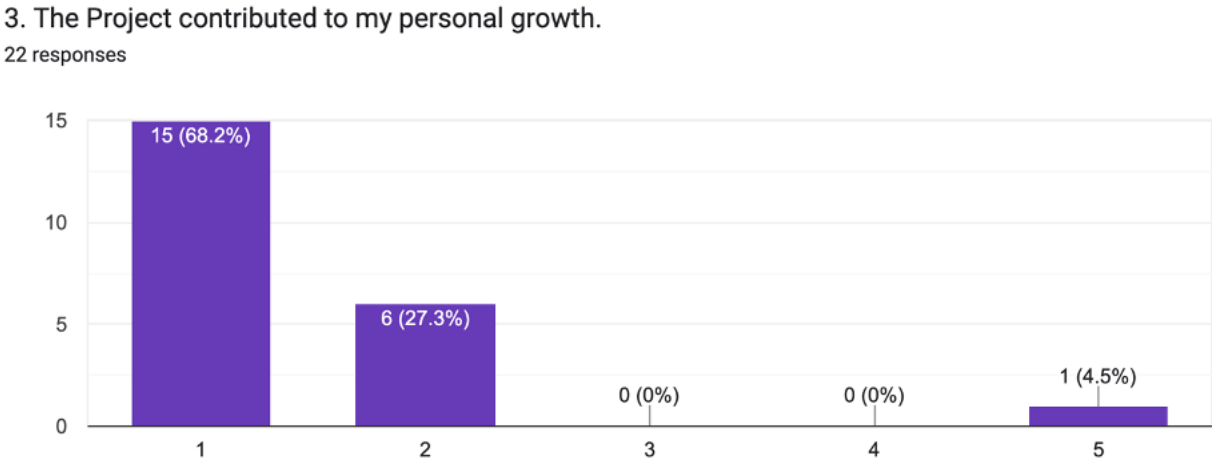
> *'Through this experience, I learned profound lessons about the power of the law in shaping lives, especially for those facing systemic barriers. Witnessing the transformative potential of legal advocacy reaffirmed my commitment to a legal career centered on social justice. Moreover, working closely with Persons with Disabilities revealed their resilience, strength, and untapped potential, inspiring me to challenge stereotypes and champion the rights of marginalized community.'*

Student Learning Satisfaction



The design of this project incorporated knowledge skills and values into the lesson. Student feedback indicated they learned what it was designed to teach. While the sample size is small, it is reasonable to expect such positive results with similarly designed projects. There was no comment by the outlier on this question so we do not know why the one student strongly disagreed with the statement.

Student Personal Growth



The next question asked students about the challenges. The answers often identified communication issues, especially in workshops with a mix of disabilities. This was an initial concern of the organizers, but it also provided an opportunity to engage in problem solving and developing unique communication approaches. Since Bhutan's education system is in English, but the workshops were conducted in Dzongkha (the official language of the courts and a more commonly spoken language of

most people in Bhutan), communication could be especially difficult. Dzongkha does not have some of the key legal terms needed to be understood by the audience.

> *'[T]he major challenge that I faced was when I had to deliver the content into simple terms in Dzongkha which can be very difficult especially with technical terms and high chances of miscommunication. Second was making sure that the presentation we develop [sic] was accommodative [sic] to various disabilities which is quite difficult.'*

The project also helped review past learning and develop professional skills:

> *'It refreshed my learning in past courses, provided me an opportunity to act in front of others which boosted my confidence and also helped enhance my research knowledge.'*

But one student felt ill equipped to conduct the workshops:

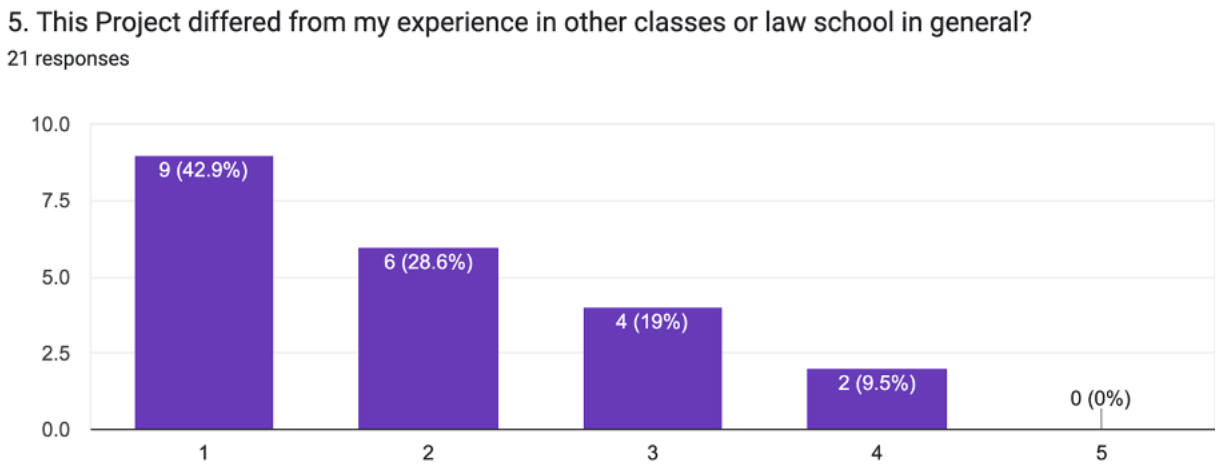
> *'Although we were able to come up with some measures to communicate with the Persons with Disabilities, I felt that we aren't fully equipped. Besides, another challenge was that I had to walk on eggshells as and when I used terms like 'blind' and 'deaf' because it wasn't clear as to how we should refer them. At times we were asked to use the aforesaid terms while at other times we were asked to refer them as people who are visually impaired or hard of hearing.'*

This underscores the importance of teaching a basic vocabulary for the subculture you are working with when teaching law students, or attorneys cultural sensitivity.

Over two thirds of the students saw this project as different from other classes or law school in general. This response seems low given the nature of the project. It may be explained in part because JSW School of Law already provides a rich experiential education curriculum. A full year of clinic is required from the last half of year four through the first half of year five. A full semester externship is then required in the 10th semester. There are also some other courses that incorporate experiential learning. One student noted that they learn about human dignity from year one in law school. Another said it was not much different from their other clinics. Some students saw the project as similar to presenting in the classroom, while other students felt presenting in the community was a form of advocacy that was much different than anything they had a chance to do before.

> *'Like I mentioned, engaging with the public with no legal background in itself was a very unique experience to me. Moreover, our audiences coming with diverse disabilities only made it more unique and fulfilling for me especially when a few individuals shared the difficulties they faced and how our project could now benefit them.'*

Student Clinic/Class Comparison

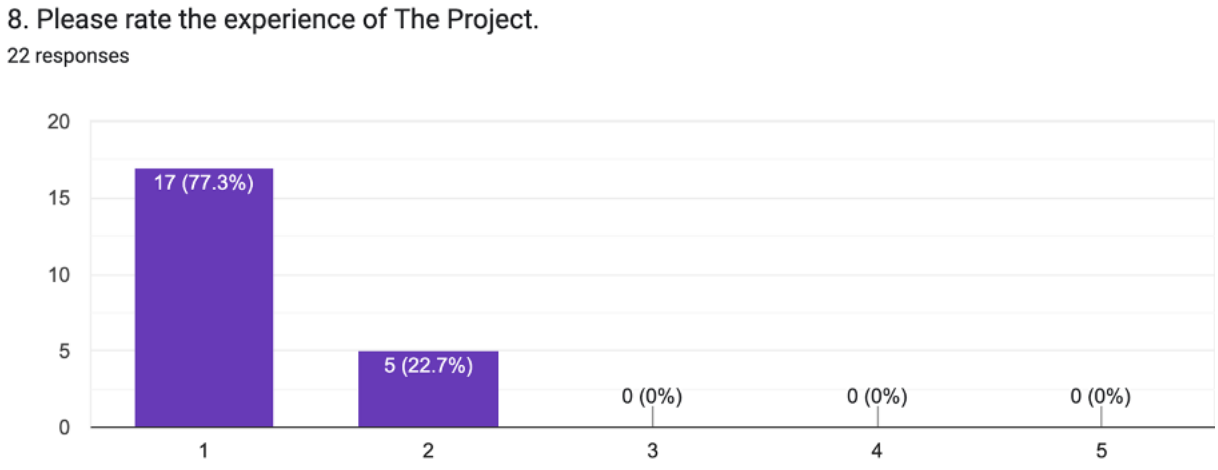


The reader who uses this model to develop a similar project should count on most students having a unique learning experience that takes them out of their comfort zone.

Whether the students felt the project was unique or not, they rated their experience highly.

> *'Human dignity is something that I am very passionate about, so, the project is very close to my heart as it provided me with the opportunity to meet and interact with the Persons with Disabilities community in Bhutan and listen to their stories and experiences, which further shaped my outlook on the Access to Justice for Persons with Disabilities.'*

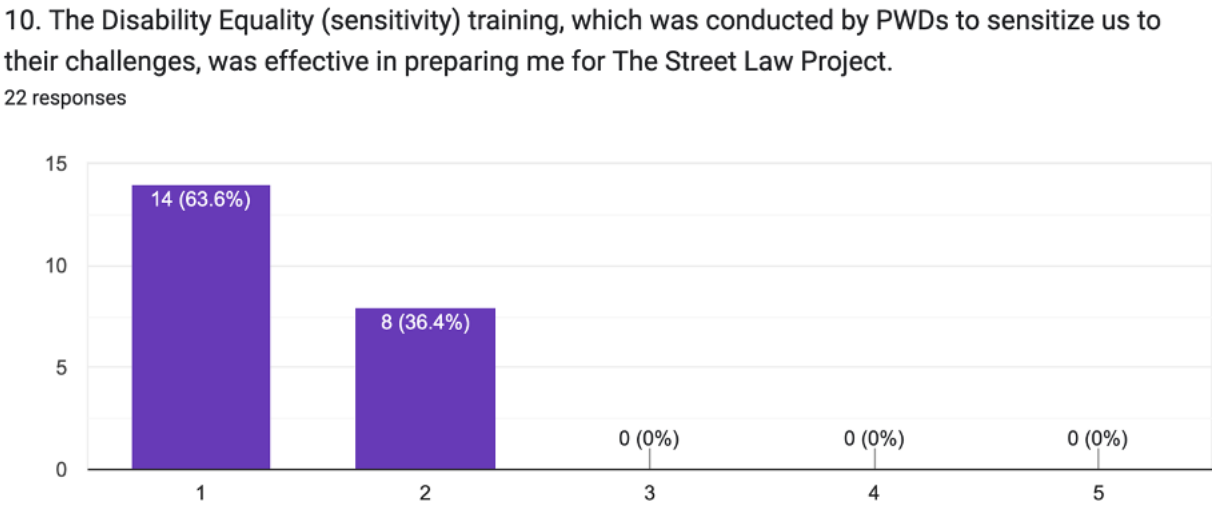
Student Experience Rating



The law students were also asked to assess the Persons with Disabilities sensitivity training they were given to prepare them to give the Street Law workshops for Persons with Disabilities. All the law students felt that the training to sensitize them was effective in preparing them for the Street Law Project.

> *'We got to learn about the various needs and capacities of Persons with Disabilities and that prepared us well for our advocacy project. We understood the complexities of the challenges faced by Persons with Disabilities and that enabled us to design our project more effectively'.*

Effectiveness of Disability Equality Training



When asked if the sensitivity training was necessary, all responses were affirmative. This response sums all of them up well:

> *'Yes, absolutely. The training is a must before carrying out such project as we need to learn how to deal, approach and talk with them so that they do not feel that we are just doing it because we feel pity on them. No matter how good the presentation or the information may be, if they are not treated right, it might be all in vain.'*

Persons with Disabilities Impressions

Methodology

The first Persons with Disabilities Street Law project was conducted on 21 October 2022. The Persons with Disabilities in this first workshop were identified as having at least one physical disability. This demographic was chosen in hopes that presenting to Persons with Disabilities with one type of disability would make the first workshop a little easier.

The survey was administered to 18 of the Persons with Disabilities by the student Street Law presenters immediately following the workshop. Unfortunately, the students who had just conducted the workshop had to administer the surveys as well. This creates a risk of bias. The respondents may

have been reluctant to answer questions in a critical way. Under the circumstances, the researchers were not able to administer the survey any differently. The primary goal of the survey was to determine whether adjustments to the workshop were needed. However, some of its results are worth discussing here.

Results

Only one Person with Disability respondent had previous experience with the legal system. Someone had killed the respondent's cow. This happened before the respondent had become disabled. Most of the respondents indicated that they felt '*a little uncertain'* about the legal system before the workshop. A small minority claimed '*no knowledge at all*.' They all claimed increased knowledge of the legal system after the workshop. Most felt they were '*competent*' after the workshop, which is what the organizers had hoped. The workshops should not have made anyone feel like an '*expert*'.

Almost all Persons with Disabilities replied that the information provided in the workshop was very helpful. One replied that the information was somewhat helpful, but no one disagreed that the workshops were helpful. Similarly, they found the workshops to be '*very engaging and educational*' and '*workshop was so informative & helpful to me*.'

All respondents strongly agreed that the workshops were very understandable. Most of the participants also agreed that the workshops were too basic. However, the participants did not feel like the workshop should be changed. To be accessible to some, presenters may have to be too basic for others. Most participants agreed or strongly agreed that the workshops took their disability into consideration. They also felt included in the workshop. One participant stated that they felt included *'Because the surrounding for wheelchair is accessible.'*

These factors go hand in hand. These issues were also the most important factors for the organizers to consider. The clinic worked closely with the Persons with Disabilities organizations to make sure the curriculum, timing, logistics, and venue took disabilities into account. This can be difficult in a community with limited accessibility. Finding a building with newer, more accessible construction can be important for this.

Conclusion

Vulnerable populations are often especially at risk when they come in contact with the legal system. A civil case can be intimidating. A criminal case, where liberty is at stake, can create even more anxiety. Persons with Disabilities are one such vulnerable population. Providing them with education about their rights and responsibilities can help them to avoid serious legal problems. JSW's HDC collaborated with its community to develop and conduct Street Law programs that would help Persons with Disabilities learn how to interact with the legal system. Funding from key organizations was obtained to help with the project. The results included a written toolkit for Persons with Disabilities, sensitivity training by Persons with Disabilities for law students, and an interactive Street Law program developed and taught by law students for Persons with Disabilities.

Assessments indicate that this project had many benefits. As anticipated, law students engaged in experiential learning that touched on ethical issues, substantive law knowledge and skills that they will use in their profession. They also learned about their community and gained empathy for a vulnerable population. Persons with Disabilities learned about the legal system, but they also learned that the community could be supportive of their needs.

This project is replicable in other places, with other populations and in other substantiative areas. Collaborating with the community throughout the project is essential for success. This kind of project can be done in a research class, a clinic, or on a volunteer basis.

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From the Field.
Sustaining Legal Clinics Through Summer: A Strategic Response to Rural Legal Advice Deserts in the Southwest of England

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Abstract

This From the Field Report, based on a single clinic case study, advances the proposition that strategically placed drop-in clinics at the outset of the summer period can serve as an effective intervention to mitigate the operational challenges faced by university law clinics due to reduced student participation during this time. Such an approach is particularly vital in South West England, where rurality and limited pro bono legal assistance contribute to the region being recognised as a legal advice desert.

A collaboration with Newcastle University, Australia, to adapt their innovative 'Law on the Beach' initiative to the coastal communities of Devon led us to think about how to counteract the seasonal decline in student participation and the resulting strain on legal clinic services. In 2024, we piloted a series of drop-in legal advice days at coastal locations, targeting areas where there was high client demand. Seaside towns often face distinct challenges that contribute to a lack of free legal provision in the locality. These communities typically have a more transient population than other areas, with many residents employed in seasonal, low-wage industries such as tourism and hospitality.

During these events many individuals received same-day advice, while those requiring continued support were referred to our summer clinic for ongoing assistance. This model has since been adapted from the beach idea inspired by the Australian model to meet the specific needs of Devon: in 2025, the clinic operated in the city of Exeter, and in 2026, it is scheduled to expand into the rural setting of Mid Devon, further enhancing access to justice in underserved rural areas.

Keywords: University law clinic, access to justice, student participation, South West England, advice desert.

Introduction

The South West region of England has long been identified as an "advice desert" by the Law Society of England and Wales where individuals face significant barriers in accessing pro bono legal support. With only a single legal aid provider offering housing advice in Exeter and other legal aid services

substantially diminished, the Community Law Clinic at the University of Exeter seeks to address this critical gap in legal provision, which at times often feels overwhelming.

A persistent operational challenge for university law clinics is the summer vacation period. As these clinics are predominantly student-led, with legal assistance provided under supervision, the absence of students during the summer months often results in a suspension or significant reduction of services.

Although the Community Law Clinic at Exeter remains partially operational during the summer through the efforts of volunteer students and supervising lawyers, staff holidays combined with limited student availability, contribute to increasing client waitlists. Many individuals face delay until the new academic term begins in late September or are unable to receive assistance altogether, often resorting to self-representation or seeking help elsewhere.

In addition to the summer slowdown, the Easter revision period presents further challenges. Beginning in early April, students typically disengage from clinic activities to focus on exam preparation, resulting in a marked decline in service provision. Consequently, the clinic may operate at a reduced capacity for nearly half the year.

During term time, undergraduate law students at the University of Exeter have the opportunity to enrol in the Access to Justice module as part of their LLB Law degree. Through this module, students actively participate in the work of the Community Law Clinic, gaining practical experience in delivering legal assistance under supervision.

The summer clinic however operates on a voluntary basis and does not contribute to students' academic credit, affecting motivation and slowing case progression. Many students also undertake summer legal placements or other jobs, limiting their availability and capacity to contribute meaningfully to the clinic's operations. These constraints make it difficult for university law clinics to meet the heightened demand for legal services during this period.

In June 2024, the University of Exeter collaborated with the University of Newcastle, Australia, to adapt and implement their innovative and award-winning Law on the Beach initiative on the beaches of Devon. Newcastle, Australia is a small town about 2.5 hours from Sydney meaning it shares some similarities to Exeter, which is an outlying city around 4 hours from London. This project involved hosting drop-in legal advice sessions in Devon coastal communities, specifically targeting underserved populations. While the initiative was designed to improve access to justice in rural and coastal areas, it also proved effective in alleviating the summer backlog. Many attendees were already on the Community Law Clinic's waitlist and received immediate assistance, while others requiring ongoing support were referred to the summer clinic.

Rural and coastal communities such as those in South West England often face compounded barriers to legal access, including long travel distances, high transportation costs, and digital exclusion or limited IT literacy. Urban communities can face some of these barriers but they are difficult in rural areas where the population is more dispersed and there is markedly less access to support and advice than in large cities. These factors significantly hinder their ability to obtain online or remote legal advice, underscoring the importance of innovative outreach initiatives such as Law on the Beach.

The Collaboration

The Law on the Beach initiative, at the time led by Dr. Shaun McCarthy at the University of Newcastle, Australia, was introduced to the UK through a collaborative effort with Professor Sue Prince at the University of Exeter School of Law.

The University of Newcastle Law on the Beach runs drop-in clinics at Merewether Surf Life Saving Club each January and February with Newcastle law students and Legal Centre lawyers providing free advice. The aim is to make legal advice more accessible and approachable, particularly for young people.

Following a series of discussions evaluating the potential benefits and logistical challenges of adapting the Australian model to a UK context the author of this report, Kim McDonald, Director of the University of Exeter Community Law Clinic, managed the implementation. This role involved addressing a range of practical obstacles, most notably the need to obtain official permissions for conducting sessions on UK beaches and the challenges posed by the country's often inclement weather: factors that differ significantly from the Australian setting in which the initiative was first conceived.

Coastal

In June 2024, the Community Law Clinic at the University of Exeter extended its outreach efforts by conducting drop-in legal advice sessions in two coastal towns in Devon being Exmouth and Teignmouth. These events marked the UK adaptation of Law on the Beach. To mitigate the impact of adverse weather conditions and avoid the complexities of securing permissions for beach-based operations, indoor venues adjacent to the beach were hired to host the sessions.

The Exmouth beach session was delivered in partnership with Trowers & Hamlins Solicitors, who provided a team of lawyers to supervise and support the student advisors. This supervision intensive model enabled the provision of on-the-spot legal advice, allowing clients to receive assistance on the same day and thereby avoiding further additions to the clinic's waitlist. A small number of complex cases were referred to the summer clinic for follow-up.

During the Exmouth session, 13 members of the public presented with legal issues. In addition to those who received direct assistance, many others were signposted to more appropriate service providers or charitable organisations. Notably, 78.6% of the clients advised on the day were already on the clinic's waitlist, highlighting the initiative's effectiveness in alleviating the backlog at the start of the summer period. Many of these individuals had been waiting since March, indicating a delay of approximately three months.

The following day, the clinic held a similar event in Teignmouth with assistance from the local law firm Scott Richards Solicitors. The session also saw high levels of public engagement, with many individuals successfully signposted to alternative sources of support. On this occasion, 12 people received legal assistance from the clinic, 25% of whom were existing clients on the clinic's waitlist, while others were walk-ins from the local community.

In both locations, the most common issues related to family, immigration, and employment law. The success and impact of these events were recognised, at the time, in coverage by The Times newspaper and various local media outlets throughout Devon and Cornwall.

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Post-event analysis revealed a key insight: a substantial proportion of attendees were already on the clinic's waitlist. What initially began as an innovative community outreach initiative aimed at engaging underserved communities evolved into a strategic mechanism for managing service demand. The sessions not only extended access to legal advice in geographically isolated areas but also effectively reduced the clinic's backlog by front-loading client engagement at the start of the summer period. This allowed for earlier case initiation and resolution, ensuring that clients received timely support who might otherwise have faced prolonged delays due to the reduced summer service capacity at the Community Law Clinic.

From a service delivery perspective, these outreach clinics demonstrated real impact. Measurable reductions in wait times and a smoother intake process were achieved. However, it also exposed a deeper truth that our system is stretched. The drop-in sessions clearly helped, but they also highlighted how dependent the clinic is on student volunteers and how fragile the model becomes when the students are unavailable. It is not just a summer problem it is in fact a capacity problem.

Looking ahead, the initiative prompted reflection on how to better structure the clinic calendar and build more resilient staffing models. The success of the drop-in sessions highlighted areas for organisational growth.

City

In 2025, building on the success of the Law on the Beach coastal sessions, the Community Law Clinic adapted its outreach model to an urban setting with the event Law in the City. This session took place in central Exeter and was again supported by Trowers & Hamlins Solicitors, along with family law solicitors and local barristers.

The Law in the City session provided legal advice, support and information to 16 members of the public who had dropped into the session seeking legal help. As with previous sessions a majority (81.3%) were existing clients on the clinic waitlist. Immediate advice was provided where possible, with a few more complex cases referred to the summer clinic.

The event reaffirmed the value of the drop-in model as a mechanism not only for community outreach but also for managing service demand. By enabling clients to receive immediate assistance, the session significantly reduced the clinic's backlog ahead of the limited capacity summer period. Client feedback from the drop-in session was overwhelmingly positive, with many participants expressing appreciation for the initiative and a desire for more frequent opportunities to access legal support in such a format. Both students and supervising legal professionals received direct comments from attendees highlighting the value of the service and its accessibility. This response underscores the importance of continuing and expanding such outreach efforts to meet the growing demand for free legal advice in underserved communities.

What began as an innovative adaptation of the Australian Law on the Beach model has evolved into a highly effective strategy for addressing the structural challenge faced by the clinic at the University of Exeter during academic breaks. These outreach sessions have proven instrumental in alleviating the pressure caused by the Easter, exam and early summer periods, ensuring that clients who might otherwise face extended delays are able to access timely legal support. In addition to enhancing access to justice for underserved communities, the drop-in clinics have provided invaluable experiential learning opportunities for participating law students. These sessions offered real-world exposure to the social dynamics and barriers individuals face in accessing free legal support, deepening students'

understanding of the intersection between law and social justice. The experience not only enriched their academic development but also strengthened their professional profiles, contributing positively to their CVs and overall employability.

Although overall a success the strain of these events needs to be acknowledged. Organising these sessions during peak academic pressure points was not easy. Recruiting students around exams and coursework deadlines was a constant challenge. In hindsight, this difficulty may be less about student commitment and more a symptom of broader capacity issues and the clinic's reliance on volunteers, limited staffing and the lack of institutional flexibility during term transitions.

Country

In response to ongoing demand and the lessons learned from the 2024 and 2025 events, the Community Law Clinic plans to expand its outreach in 2026 to Mid-Devon. This rural focused session will support farming and isolated communities, who are often underserved by traditional legal service models.

The South West of England comprises numerous remote and rural communities, many of which face significant barriers to accessing legal services. Limited public transport infrastructure, low levels of digital literacy, and ongoing economic pressures, further exacerbated by the cost-of-living crisis, have contributed to serious access to justice issues across the region. These challenges are compounded by the scarcity of pro bono legal services available locally.

The session will be promoted to those on the clinic's waitlist and through local media outlets to maximise community engagement. As in the previous sessions the dual aim is to provide timely legal assistance to those facing pressing legal issues while reducing the clinic's waitlist ahead of the summer period, thereby improving service delivery and access to justice for rural populations.

Conclusion

This report has aimed to demonstrate that strategically timed and geographically targeted drop-in clinics can serve as a practical and effective solution to the operational challenges university law clinics face during academic breaks. What began as an international collaboration to adapt the Australian Law on the Beach initiative to the coastal towns of Devon has evolved into a broader strategy for managing the clinic calendar.

These sessions have not only improved access to justice in underserved communities but also helped the clinic manage demand more effectively, reducing waitlists and delivering earlier support. They also offered meaningful experiential learning for students, deepening their understanding of the intersection between law and social justice.

At the same time, the initiative exposed the clinic's reliance on student availability and the fragility of its volunteer dependent structure. To sustain and scale the model, university law clinics must explore more resilient staffing approaches, institutional flexibility, and stronger integration between outreach and core operations.

While the sessions cannot fully meet the region's unmet legal need, they have proven to be a vital mechanism for early client engagement, backlog reduction and accessible legal advice. This outreach

model presents a scalable and transferable approach, offering a blueprint for other university law clinics navigating similar constraints.

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From the Field
Clinical Legal Education in the Philippines: Towards Institutionalization, Pedagogy, and a Professoriat

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Abstract

The 2019 revised law student practice rule mandating clinical training has reenergized Philippine clinical legal education. Despite the pandemic that followed its promulgation, the revised rule spurred law schools to launch programs serving a range of marginalized communities. The new programs follow a long history of skills education and access-to-justice programs in the country. In this article, the authors trace the development of Philippine clinical legal education and, drawing on local, regional, and international experience, call on educators and reformers to harness the momentum created by the revised rule and deepen its institutional and pedagogical foundations and create a dedicated clinical professoriat.

Keywords: Student practice rule, Rule 138-A, Legal Education Board, University of the Philippines.

I. Introduction

In 2019, the Philippine Supreme Court revised its law student practice rule to require clinical legal education of all law graduates. Recognizing the need for law students to undergo such training, beginning 2023, law graduates seeking admission to the bar must have taken at least two credits of an experiential course designed to promote social justice and serve marginalized communities.[1] The revised rule is part of a U.S. government-sponsored, multi-year rule-of-law initiative that has mobilized leaders of the academy, bench, and bar and energized reformers of the country's legal education system.[2] Fostering wide-ranging curricular reform, the initiative has forged a national consensus and,

[1] Supreme Court, Republic of the Philippines, *En Banc* Notice A.M. 19-03-24-SC, "Revised Law Student Practice Rule 138-A" (June 25, 2019) [hereinafter "revised Rule", "Rule", or "Rule 138-A"]. The two-credit requirement is the Legal Education Board's interpretation of the revised Rule. Legal Education Board, Republic of the Philippines, Memorandum Order No. 23, Series 2020 (December 21, 2020) & Memorandum Order No. 24, Series 2021 (June 30, 2021).

[2] The five-year, 2018-2022, "Strengthening Rule of Law through Legal Aid Clinics in the Philippines" initiative is a project of the U.S. Office of International Narcotics and Law Enforcement Affairs (INL), in partnership with the

with it, produced a wealth of resources, including conventions and materials devoted to clinical legal education.

In this article, we examine these developments and propose next steps. In part II, we summarize the history of clinical legal education in the Philippines. In part III, we take a close look at the revised rule and rule-of-law initiative and the developments they catalyzed. In part IV, we analyze key aspects of these developments and outline next steps. Finally, in part V, we conclude with a vision of clinical legal education as embodying the purpose of and as the future of legal education in the Philippines and beyond.

II. Clinical Legal Education in the Philippines: A Brief History in Global Context

The story of clinical legal education in the Philippines may be traced through the story of skills education at the University of the Philippines College of Law (UP Law). While the records to which we have access are incomplete, it appears that UP Law has the longest-running documented skills— or experiential, clinical legal—education[3] program in the country, dating back to the 1918-19 term. More recently, other schools have adopted programs with the involvement of international clinicians and regional and international organizations, in particular the Bridges Across Borders South East Asia Community Legal Education Initiative (BABSEACLE) and the Global Alliance for Justice Education (GAJE). In this section, we sketch a brief history of Philippine clinical legal education in regional and international context.

A. The University of the Philippines College of Law

The University of the Philippines (UP) is a state-funded, multi-campus national university system that traces its origins from a unitary university established in the City of Manila in 1908 during the U.S. colonial period.[4] UP Law was established three years later in 1911. For historic reference, the post-Spanish-era Philippine Supreme Court that figures prominently in this article was established in 1901.

Based on documents from the first decade of UP Law's existence, it appears that some form of practical training was incorporated in the curriculum early on through courses, on trial technique and advocacy in which students assisted in the handling of actual cases. For example, a course offered in 1913, called Practice Clubs, was described in the course catalogue as *"(a)rgument and decision of*

Asia Foundation, Philippine Legal Education Board, and the Philippine Supreme Court. *See* U.S. Supports Advances in Philippine Legal Education with PHP 126-Million Program, U.S. Embassy Manila, https://ph.usembassy.gov/u-s-supports-advances-in-philippine-legal-education-with-php126-million-program/ (last visited October 12, 2024). Other partners include the Integrated Bar of the Philippines, Philippine Association of Law Schools, and Philippine Association of Law Students.

[3] In this article, we both conflate and distinguish "skills", "clinical", "experiential" and "practical" legal education, as appropriate.

[4] The Philippines was a U.S. colony from 1902 to 1946, following the Filipinos' defeat in the Filipino-American War of 1898-1902. *See* RENATO CONSTANTINO, THE PHILIPPINES: A PAST REVISITED (1975); LUIS H. FRANCIA, HISTORY OF THE PHILIPPINES: FROM INDIOS BRAVOS TO FILIPINOS (2014). The Philippines had been a colony of Spain from 1565 to 1898. *Id.* Filipino revolutionaries, led by the Kataastaasan, Kagalanggalangan, Katipunan ng mga Anak ng Bayan (KKK), vanquished the Spaniards in 1898 and formed the first Philippine republic, which lasted from 1898 to 1902. *Id.*

cases on agreed statement of facts."[5] These early skills courses coincided with and were likely influenced by the first wave of clinical legal education in the United States.[6]

A former dean and associate justice of the Philippine Supreme Court, Irene Cortes, described in one of her many essays on legal education that UP Law:

> *established a Legal Clinic in 1918-1919 under the supervision of a professor who taught procedural courses and another who had control of the clinic. Members of the senior class assisted in the conduct of cases, preparing them for trial by drawing up pleadings and looking up the law. This clinic must have operated for years since it was still on the U.P. Catalogue in 1929-1930.*[7]

After the Second World War, this clinic was eventually replaced by a legal aid desk in which students volunteered to assist law professors who were approached for legal assistance by people or members of the community who could not afford to hire lawyers. This informal but nonetheless school-sanctioned legal aid operation was literally a desk in a corridor outside one of the rooms of the law school building. UP Law professors advised clients at this table. Based on anecdotes, the inclusion of students in this activity was a subsequent addition aimed at providing them with practical experience in handling actual court cases. UP Law eventually formalized this legal aid desk by including it in the curriculum in 1974 as the UP Law Office of Legal Aid or "UP Law OLA".

At UP Law, students in their fourth and final year of law school are required to take two semesters of law practicum—or clinic. Students used to be able to fulfill this practicum requirement exclusively through an internship with UP Law OLA. Eventually, the school allowed students to intern with the Office of the Solicitor General. In 2019, UP Law also began to systematically add more practicum options that included other, more specialized legal aid clinics and internship opportunities with other government agencies.

UP Law's primary approach to clinical legal education has been to provide practical training through an apprenticeship with a law professor or an experienced lawyer. UP Law strives for a certain level of standardization of the content and methodologies of our clinical program offerings. But it also allows significant space for a supervising lawyer to incorporate his or her own style of supervision and law practice experience. UP Law OLA, which marked its 50th year of existence in 2024, is a living testament of a student-powered legal aid operation that has had a significant impact in providing access to justice and legal assistance in the country—and even to Filipinos abroad. Because of its longevity and size, other law schools have benchmarked their clinical programs to it.

B. Rule 138-A, Other Law Schools, International Clinicians, BABSEACLE, and GAJE

Nineteen eighty six marked not just the overthrow of the Marcos dictatorship in the Philippines but also—and perhaps not coincidentally—strides in clinical legal education. Following the "People Power Revolution" in February of that year,[8] the Ateneo de Manila University School of Law (Ateneo Law) founded its human rights center, which, along with the "alternative law groups"—public interest law organizations—that sprang up in that era, would become the school's first clinical placement. In

[5] UNIVERSITY OF THE PHILIPPINES CATALOGUE, 1913-1914 ANNOUNCEMENTS 1914-1915 280 (1914).
[6] Margaret Martin Barry, et al., *Clinical Legal Education for this Millennium*: *The Third Wave*, 7 CLIN. L. REV. 1 (2000); *see also* Peter A. Joy, *The Uneasy History of Experiential Education in U.S. Law Schools,* 112 DICKINSON L. REV. 551 (2018) (hereinafter Joy, *Uneasy History*).
[7] IRENE CORTES, ESSAYS ON LEGAL EDUCATION 51-52 (1994) (hereinafter CORTES) .
[8] *See* Eduardo R.C. Capulong, *The People Power Revolution of the Philippines, 1986*, ENCYCLOPAEDIA OF ACTIVISM & SOCIAL JUSTICE (Russell Sage 2007).

addition, in December that year, the Philippine Supreme Court institutionalized clinical legal education by promulgating Rule 138-A, which allowed law students to represent clients in court.[9]

Filipino clinical legal education received another boost at the turn of the 21st century, when collaboration among local and international clinicians and legal education reformers increased. The American attorney, Bruce Lasky, and the organization he founded, "Bridges Across Borders Southeast Asia Community Community Legal Education Initiative" (BABSEACLE), set in motion various initiatives in this period. Funded by the Open Society Institute and based then in Cambodia, Lasky visited the Philippines to study the clinics at UP Law and Ateneo Law in 2004.[10] Lasky found two distinct models: UP Law OLA's large-scale legal aid operation and Ateneo Law's "immersion" model, a program in which students lived with underprivileged families to "develop the soul."[11] One year later, in 2005, Filipino legal educators attended the first Southeast Asia conference on clinical legal education in Phnom Phen, which BABSEACLE hosted. Two years thereafter, in 2007, Lasky and South African clinician David McQuoid-Mason led the first Southeast Asian clinical legal education teachers' training at Ateneo Law.[12] The training featured workshops on clinical teaching methods, interviewing and counseling skills, negotiation, mediation, and litigation.[13] The following year, in 2008, the Global Alliance for Justice Education (GAJE), an international organization of clinicians, held its annual conference in Manila. The conference featured sessions on community lawyering, street law, professional responsibility, pro bono, interdisciplinary collaboration, and the global clinical legal education movement. [14]

C. The Legal Education Board: First Steps Towards Compulsory and Standardized Clinical Legal Education

These developments took place in a period when law schools were loosely regulated by the then Department of Education, Culture and Sports and eventually the Commission on Higher Education, and when a standard law curriculum was non-existent. The idea of law curriculum standardization and greater regulation of legal education in general was introduced through the creation of the Legal Education Board (LEB) by a 1993 statute called the "Legal Education Reform Act of 1993" (Legal Education Reform Act).[15] The LEB was empowered "*to prescribe the basic curricula for the course of*

[9] CLEP COMPANION VOL. II: LAW CLINIC EXECUTIVE MANAGEMENT 15 (2022) (hereinafter CLEP COMPANION VOL. II).
[10] Interview with Bruce Lasky (June 26, 2023) (interview notes on file with authors) (hereinafter Lasky interview); *see generally,* Bruce A. Lasky & M.R.K. Prasad, *The Clinical Movement in Southeast Asia & India: A Comparative Perspective & Lessons to be Learned* in THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR JUSTICE 37-51 (2011) (Bloch, F.S., ed.); *see also* RICHARD J. WILSON, THE GLOBAL EVOLUTION OF CLINICAL LEGAL Education (2018).
[11] Lasky interview, *supra note* 10. For a discussion on professional identity formation, generally, *see, e.g.,* Eduardo R.C. Capulong, et al., *Antiracism, Reflection, and Professional Identity,* 18 HASTINGS RACE & POVERTY L.J. 3 (2021).
[12] *See* First Southeast Asian Clinical Legal Education Teachers' Training, Open Society Justice Initiative, https://www.justiceinitiative.org/uploads/4a241f3f-93e1-4544-a074-def770720775/clinic_20070206.pdf (last visited October 12, 2024).
[13] *Id.*
[14] Professor Capulong organized a panel for this conference, "The University of the Philippines College of Law: Case Study in Developing and Mainstreaming Justice Education," December 9, 2008, with the late human rights lawyer and International Criminal Tribunal for the former Yugoslavia Judge *Ad Litem* Romeo T. Capulong; former UP Law Dean and International Criminal Court Judge Raul Pangalangan; and UP Law Professor Ibarra Gutierrez.
[15] An Act Providing for Reforms in Legal Education, Creating for the Purpose a Legal Education Board, and for Other Purposes, Rep. Act No. 7662, 90:3 OG 340 (Jan. 17, 1994).

study aligned to the requirements for admission to the Bar, law practice and social consciousness."[16] In line with the statutory policy of requiring legal apprenticeship,[17] the LEB was also empowered

> *to establish a law practice internship as a requirement for taking the Bar which a law student shall undergo with any duly accredited private or public law office or firm or legal assistance group anytime during the law course for a specific period that the Board may decide, but not to exceed a total of twelve (12) months*.[18]

The LEB's actual organization or constitution—a process wherein the Supreme Court played a role through the Judicial and Bar Council—was significantly delayed due to problematic provisions of the Legal Education Reform Act that ostensibly encroached on the domain of the Supreme Court, particularly into the latter's power to promulgate rules concerning admission to and the practice of law itself. A committee of the Supreme Court that considered these issues officially transmitted proposed amendments of the statute to both the Senate and the House of Representatives, but these have not been acted upon as of this writing. At any rate, and since the need for the LEB to regulate the legal education system was recognized, the Supreme Court eventually authorized the Judicial and Bar Council to commence the process of appointing the chair and members of the LEB.

The LEB was eventually constituted in 2009 and in April 2011 it issued the first major regulation on legal education: Legal Education Board Memorandum Order (LEBMO) No. 1, Series of 2011, entitled "Policies and Standards of Legal Education and Manual of Regulations for Law Schools."[19] LEBMO No. 1 recognized two basic law degrees or programs—the Bachelor of Laws (Ll.B.) program and the Juris Doctor (J.D.) program—and prescribed a minimum 152-unit, four-year curriculum for the Ll.B. program and a 168-unit, four-year curriculum for the J.D. program. Only the prescribed J.D. curriculum included the statutorily required apprenticeship in the form of a summer apprenticeship course. However, both the Ll.B. and the J.D. programs can include an elective clinical course.

LEBMO No. 1 described the J.D. program's summer apprenticeship course as a "*condition for graduation*" that must be undertaken for a minimum period of 240 hours.[20] The students were to "*perform apprenticeship work in accredited law firms, government agencies, public or private legal assistance agencies and in courts*" under a qualified, supervising attorney who will "*assist the students in the actual practice of law*."[21] The supervising attorney is tasked with evaluating the student's performance and recommending to the Dean whether academic credit can be granted based on the evaluation of the student's performance. The apprenticeship could be completed "*in one or two summers after a student completed his* [sic] *second year*."[22] In the two-summer mode of completion, the student must complete 120 hours each summer.

On the other hand, the clinical course elective made available in both the Ll.B. and J.D. programs is an apprenticeship course undertaken in the law school itself. The elective is described as

[16] *Id*. § 7(c).
[17] *Id*. § 2.
[18] *Id*. § 7(g).
[19] LEB MEMORANDUM ORDER NO. 1, § 58.2 (2011).
[20] *Id.*
[21] *Id.*
[22] *Id.*

> *(s)upervised student practice under Rule 138-A (Law Student Practice Rule) of the Rules of Court including conference with clients, preparation of pleadings and motions, appearance in court, handling of trial, (and) preparation of memorandum*.[23]

This elective may be taken in lieu of the required courses Practice Court I and II, which were classes where students are taught the practicalities of appearing in court and the handling of trials through the simulation of court hearings in the classroom.

It is notable that the statute that created the LEB expressed a policy preference for apprenticeships in work environments outside the law school as the modality of clinical legal education. This idea was not new in Philippine legal academia as institutions like the Ateneo Law School incorporated a similar apprenticeship requirement way before LEBMO No. 1 was issued. Since there is no extant source for the rationale behind this preference for external apprenticeship training, we can only surmise that one major reason for it is the limited capacity of most law schools to provide the desired apprenticeship experience, which made looking outwards to law firms, legal aid groups, courts and other government agencies the more realistic option. This capacity limitation because of a shortage of clinical faculty or lawyers willing to supervise law students—an enduring problem that prevented many law schools from providing practicum courses even before the LEB was created. This problem has been consistently voiced by law schools after the Supreme Court entered the clinical legal education fray with the promulgation of Revised Rule 138-A in 2019.

The external apprenticeship or externship approach, however, was not without inherent problems. Foremost is the difficulty of imposing pedagogical and other standards that the law school would want the supervising attorney to implement. After all, the supervising attorney was not in the employ of the law school and any control or supervision that the supervising attorney allowed the law school over the apprenticeship was heavily consensual on the attorney's part. The fact that most of the entities tapped to provide the apprenticeship did not really need to take in the students as apprentices adds to the problematic nature of this prescribed approach to providing clinical legal education.

In the meantime, the developments narrated in the following section were transpiring and led to the Supreme Court's eventual promulgation of the Revised Rule 138-A in 2019. This rule, in essence, required all law schools to establish a clinical legal education program and required completion of such a program by anyone who would apply to take the bar examination. Admission to the bar was the exclusive domain of the Supreme Court under the Philippine's 1987 Constitution,[24] which is why the apprenticeship requirement under Section 7(g) of the Legal Education Reform Act—crafted as a pre-requisite for taking the bar examinations—was one of the provisions that the Supreme Court wanted amended. The LEB recognized this infirmity and cloaked the apprenticeship course as a requirement for graduation[25] rather than for taking the bar examination.

Since lawmakers have not heeded the Supreme Court's proposal to amend the Legal Education Reform Act, Section 7(g) was struck down as unconstitutional by the Supreme Court in *Pimentel v. Legal Education Board*—a decision on consolidated petitions seeking the invalidation of the Legal Education Reform Act and the creation of the LEB.[26] While the Supreme Court had many prior objections to the statute, it did not go as far as the petitioners in the case wanted. The Supreme Court nonetheless

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[23] *Id.*
[24] CONST. (1987), art. VIII, § 5(5) (Phil.).
[25] LEB MEMORANDUM ORDER NO. 1, § 58.2 (2011).
[26] *Pimentel v. Legal Education Board*, G.R. No. 230642, 862 Phil. 120. Sep. 10, 2019. See https://law.upd.edu.ph/wp-content/uploads/2021/11/Pimentel-vs.-Legal-Education-Board..pdf (last visited October 12, 2024).

made pronouncements that would significantly impact future reforms in legal education and clinical legal education in particular.

In hindsight, the LEB's apprenticeship requirement had a ticking time bomb under it that eventually exploded. The explosion, however, led simply to a change in the casting of the main actors. Taking the place of the LEB apprenticeship requirement was the Supreme Court's clinical legal education reform delivered through Revised Rule 138-A. As the succeeding sections will show, the new rule left many of the same practical problems and questions encountered by law schools unanswered.

III. "Paradigm Shift": The U.S. Rule-of-Law Initiative and Revised Rule 138-A

A. "Strengthening Rule of Law through Legal Aid Clinics" Initiative

The 2018-2022 "Strengthening Rule of Law through Legal Aid Clinics in the Philippines" initiative was the latest—and arguably most successful—in this long history of curricular reform efforts. Led by the U.S. Embassy in the Philippines' Office of International Narcotics and Law Enforcement Affairs and the Asia Foundation, the P126-million[27] initiative was a "*criminal justice sector project … designed to enhance criminal defense efforts and access to justice in the country*."[28] Partnering with a wide group of institutional actors—including Supreme Court justices and other leading judges, the LEB,[29] lawyers, law school deans, professors, and students—the initiative began with a "*learning visit*" in the fall of 2018 by Supreme Court Justices Lucas Bersamin and Alexander Gesmundo and others to three U.S. law schools: Harvard, Suffolk, and Georgetown.[30] As Justice Bersamin later would write, the visit:

> *convinced our delegation that the current approaches to Philippine legal education were now possibly inadequate, or were even outdated, and by all means needed to be enhanced. We understood that it was high time that the Philippines' directions in the education and training of future lawyers should now shift from the knowledge-based or purely Socratic approach long in vogue with us to the experiential process of learning the law*.[31]

Justice Bersamin was appointed Chief Justice shortly after his return and, upon his assumption of the office, called for a national summit on legal education and appointed a working group to study and recommend revisions to Rule 138-A.[32] The working group held seven regional consultations with stakeholders in Luzon, Visayas, and Mindanao.[33] The consultations focused on five aspects of legal

[27] Approximately US$2.2 million in 2024.

[28] *U.S. Supports Advances in Philippine Legal Education with PHP 126-Million Program,* U.S. Embassy in the Philippines (Oct. 14, 2021), https://ph.usembassy.gov/u-s-supports-advances-in-philippine-legal-education-with-php126-million-program/ (last visited October 12, 2024). One might ask why the United States, and the Office of International Narcotics and Law Enforcement Affairs in particular, and the Asia Foundation, an entity closely tied with the U.S. government, are leading these efforts. We leave this inquiry for another day and focus here on Rule 138-A and clinical legal education. For background on the Asia Foundation, *see* https://asiafoundation.org/.

[29] The Philippine Supreme Court promulgates and enforces rules concerning, *inter alia*, "pleading, practice and procedure in all courts," "admission to the practice of law," and "legal assistance to the underprivileged." 1987 Constitution, Article VIII § 5(5). There is a conflict, however between the Supreme Court's authority over legal education under the Constitution and the Legal Education Board's authority to do the same under RA 7662. *See* Dean Sedfrey M. Candelaria, "Reviewing the Regulatory Powers of the Legal Education Board," in SHIFTING PARADIGM: REMODELING LEGAL EDUCATION IN THE PHILIPPINES 45 *et seq.* (2019) (hereinafter SHIFTING PARADIGM).

[30] SHIFTING PARADIGM, *supra* note 29 at 54.

[31] *Id.* at 55.

[32] *Id.*

[33] *Id.* at 5.

education—curriculum, instruction, the bar examination, law administration, and the LEB—and yielded a host of insights, which it presented at the national summit in mid-2019.[34] The working group also proposed revisions to Rule 138-A, which the Supreme Court adopted on June 25, 2019.

Assessing those insights, former UP Law Dean Fides Cordero Tan came to a harsh conclusion: Philippine legal education, she summarized, is a failure. Despite a long-standing bar-centric curriculum, for example, Dean Cordero Tan observed that, on average, 75% of graduates fail the exam.[35] Those who do pass, she noted, were not practice-ready: "*a recurring lament from our trial judges*," she wrote,

> *was the inability of new bar passers to stand confidently before a court, much less argue before it, many of them locked in grammatical discord without evidence of organized thought process*.[36]

She and others also pointed to serious administrative and pedagogical failures. LEB Commissioner Josefe Sorrera-Ty noted that *"[m]ost law schools … only have the dean as the lone administrator … [and] [m]ore than half of … faculty are part-timers*," most lacking pedagogical training.[37] Commissioner Sorrera-Ty also bemoaned an "*unrealistic salary and ranking scheme*" among law school faculty and staff and the lack of law school facilities and student services.[38] The result, among other consequences, Supreme Court Justice Filomena Singh observed, is student disillusionment.[39]

Participants at the 2019 summit—Justice Bersamin foremost among them—called for a "*paradigm shift*."[40] The goal, wrote Justice—later Chief Justice—Alexander Gesmundo, is "*to move Philippine legal education forward toward a globally competitive and service-oriented legal practice*" and "*provide Philippine law students the edge in the international legal stage*."[41] The summit forged consensus on the need to overhaul Philippine legal education. Among the changes stakeholders prescribed: a new model curriculum, a re-examination of the bar examination, a shift to outcomes-based education, the use of reflection, a focus on empathy, psychological or emotional preparedness or "soft skills," and practical training.[42]

B. Revised Rule 138-A

Revised Rule 138-A took effect on August 9, 2019.[43] Shortly thereafter followed a series of orientations and trainings sponsored by the LEB.[44] The Covid-19 pandemic, which began in March 2020, stalled the process, however. Hence, it was only in December 2020 that the LEB issued

[34] *Id.* at 5.
[35] *Id.* at 9.
[36] SHIFTING PARADIGM, *supra* note 29 at 9. This observation is sadly similar to a remark made by U.S. Chief Justice Warren Burger in 1973. Calling on law schools to expand their curricula to provide more skills training, he observed that "from one-third to one-half of the lawyers who appear in the serious cases are not really qualified to render fully adequate representation." Joy, *Uneasy History*, *supra* note 6 at 567.
[37] SHIFTING PARADIGM, *supra* note 29 at 40.
[38] *Id.*
[39] HON. MARIA FILOMENA D. SINGH, THE CLINICAL LEGAL EDUCATION PROGRAM & PREPARING THE ETHICAL LAWYER 3 (2022) (hereinafter SINGH, CLEP & ETHICAL LAWYER).
[40] SHIFTING PARADIGM, *supra* note 29 at 5, 17.
[41] *Id.* at 7.
[42] *See generally* SHIFTING PARADIGM, *supra* note 29, & SINGH, CLEP & ETHICAL LAWYER, *supra* note 39.
[43] Office of the Court Administrator, Republic of the Philippines, Circular No. 130-2019 (July 22, 2019).
[44] THE FIRST OF A THOUSAND VOICES: STORIES OF CLEP IN THE FIRST YEARS OF THE REVISED RULE 138-A 54 (2022) (hereinafter FIRST OF A THOUSAND VOICES).

implementation guidelines during what it called a "transition period."[45] In January 2021, the orientations and trainings shifted online,[46] and in June 2021, following up on the 2019 summit, the Board issued an order adopting a revised model curriculum.[47]

Revised Rule 138-A requires law schools to "[d]evelop and adopt a Clinical Legal Education Program" and "[d]evelop and establish at least one law clinic in its school."[48] The Rule defines a "Clinical Legal Education Program" as:

> *an experiential, interactive and reflective credit-earning teaching course with the objectives of providing law students with practical knowledge, skills and values necessary for the application of the law, delivery of legal services and promotion of social justice and public interest, especially to the marginalized, while inculcating in the students the values of ethical lawyering and public service.*[49]

Law schools can comply with the Rule by placing students either in a "law clinic," which it defines as "a component of the law school's clinical legal education program"[50]—presumably an in-house clinic—or in an externship with courts, the national bar association, government offices, and non-governmental organizations.[51] The Rule currently requires students to take two clinical legal education program credits, which they can do after their first year and/or during the second semester of their third year.[52] Students who opt for the former are provided a "Level 1 certification," which permits them to interview, advise, and negotiate on behalf of and represent clients before quasi-judicial or administrative bodies; draft legal documents; engage in policy formulation, implementation, and advocacy; and "[p]rovide public legal orientation."[53] Students who opt for the latter are provided a "Level 2 certification," which allows them to perform all these aforementioned activities and, in addition, assist in depositions and the preparation of judicial affidavits of witnesses; appear "at any stage" of a proceeding before "any court, quasi-judicial or administrative body"; in criminal cases "appear on behalf of a government agency in the prosecution of criminal actions"; and on appeal, prepare pleadings.[54] Students granted Level 1 and 2 certifications are "law student practitioners," who are bound, *inter alia*, by court rules and the code of professional responsibility.[55]

Law student practitioners must be supervised by an attorney, who is charged with primary supervisory responsibility.[56] Under the revised Rule, a supervising lawyer must be "a member of the Philippine Bar in good standing" and authorized by the school.[57] He/she/they are tasked with supervising and

[45] Legal Education Board, Republic of the Philippines, Memorandum Order No. 23, Series of 2020 (December 21, 2020) (hereinafter LEB Memo 23).
[46] FIRST OF A THOUSAND VOICES, *supra* note 44 at 54.
[47] Legal Education Board, Republic of the Philippines, Memorandum Order No. 24, Series of 2021 (June 30, 2021) (hereinafter LEB Memo 24).
[48] Supreme Court, Republic of the Philippines, A.M. No. 19-03-24-SC, Rule 138-A, Law Student Practice Rule, §§ 9(a), (b) (hereinafter Rule 138-A).
[49] *Id*., § 2(a).
[50] *Id*., § 2(c).
[51] *Id*., § 2(b). Private law firms are not included in the list of allowable externship placements.
[52] LEB Memo 24, *supra* note at 47 at 18. In the Philippines, a LL.B/JD is a four-year course.
[53] Rule 138-A, *supra* note 48 at § 4. The Rule does not define "provide public legal orientation." Here, we presume it means to conduct legal information sessions or trainings.
[54] *Id.* § 4.
[55] *Id.* § 2, 6. The prior rule only allowed fourth-year students to represent clients in court.
[56] *Id.* § 4.
[57] *Id.* § 2(e).

approving all of a student's work.[58] In addition, a supervising attorney is tasked, among other things, with supervising "such number of certified law student practitioners as far as practicable"; "[p]ersonally appear with the law student practitioner in all cases pending before the second-level courts and in all other cases the supervising lawyer determines that his or her presence is required"; "assume personal responsibility" for any work performed by the student; and "[r]ead, approve, and personally sign any pleadings, briefs or other similar documents" prepared by the student.[59] In contrast, the revised Rule only mentions "clinical faculty" in one section and sentence, providing that "[l]aw schools shall have such number of faculty members to teach clinical legal education courses as may be necessary to comply with this Rule."[60] All services provided under a clinical program must be rendered *pro bono*.[61]

The revised Rule took effect in the academic year 2020-21 and applied to bar examinees beginning 2023.[62] The transition period, which ended in 2022, allowed law schools to integrate, substitute, or create a new course to comply with the new rule—meaning schools could (and did) canvas their offerings and decide whether existing offerings complied with the mandate.[63] Beginning AY 2022-23, however, schools must offer new courses that comply with the revised Rule.

C. Clinical Legal Education Movement? Programs, Resources, and Momentum

The revised Rule has spurred the creation of a variety of programs. For instance, the Ateneo de Naga School of Law (a different Ateneo Law than the one previously mentioned) created a migrant workers' desk.[64] During the academic year 2020-21, 24 clinic students staffed the desk to assist 13 victims of human trafficking in Syria learn about their rights and draft affidavits for use by the Philippine Overseas Employment Agency to file cases against illegal recruiters.[65] In Leyte, students at the Saint Paul School of Professional Studies assisted tenant farmers draft leasehold agreements, as well as advised them of their rights under the Comprehensive Agrarian Reform Program.[66] At the Xavier University College of Law in Cagayan and Mindanao State University in Marawi, students founded virtual law clinics that provided legal advice.[67] In Baguio, the Saint Louis University School of Law created a mediation clinic that draws on indigenous dispute resolution as a model for resolving conflict.[68]

The initiative also produced a wealth of resources. In addition to various trainings and instructional videos are books on pedagogy,[69] law clinic management,[70] and externships;[71] manuals for clinic and externship supervisors;[72] and brochures on clinic protocol and office management. The first academic journal—the Journal of Clinical Legal Education in the Philippines—also issued in March 2023.

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[58] *Id.* § 4.
[59] *Id.* § 11. Students also "may sign briefs, pleadings, letters, and other similar documents which the student has produced under the direction of the supervising lawyer." *Id.* § 7.
[60] *Id.* § 12.
[61] *Id.* § 13(v).
[62] *Id.* § 14.
[63] Email from LEB Commissioner Josefe Sorrera-Ty, June 6, 2023 (on file with authors).
[64] FIRST OF A THOUSAND VOICES, *supra* note 44 at 10-12.
[65] *Id.* at 10.
[66] 1 JOURNAL OF CLINICAL LEGAL EDUCATION IN THE PHILIPPINES 1 *et seq*. (March 2023).
[67] FIRST OF A THOUSAND VOICES, *supra* note 44 at 28 *et seq*.
[68] *Id.* at 13 *et seq.*
[69] CLEP COMPANION VOL. IV: CLINICAL PEDAGOGY TRAINING COURSE HANDBOOK (2022).
[70] CLEP COMPANION VOL. II, *supra* note 9.
[71] CLEP COMPANION VOL. III: EXECUTIVE COURSE ON EXTERNSHIPS (2022).
[72] TOOL KIT: LAW CLINIC & EXTERNSHIP TOOLKIT (2022); FIELD PLACEMENT SUPERVISION MANUAL (2022).

At the "First [Philippine] Clinical Legal Education Summit" held in December 2022—which concluded the five-year initiative—law schools showcased programs, shared emerging practices, and discussed the development of networks, materials, and pedagogy. The Supreme Court has kept the momentum by promising in its 2022-27 strategic plan "to eradicate bar-centricity and prioritize skills training and ethical responsibility in legal education"[73] and "institutionalize the Clinical Legal Education Program (CLEP) in law schools."[74]

The initiative has since continued to bear fruit. In addition to Filipino academics', regulators', and jurists' continuing attendance at regional and international conferences (most recently the Externships Conference in Malibu in 2022 and the AALS Clinical Conferences in San Francisco in 2023 and Baltimore in 2025), another delegation, composed mainly of law professors from the University of Santo Tomas Faculty of Civil Law, visited five law schools in New York in September in 2023—the City University of New York School of Law (CUNY Law), Brooklyn Law School, Fordham Law School, New York Law School, and Cardozo Law School—to observe their clinical programs. Another delegation visited CUNY Law later that term.[75]

IV. Next Steps

These developments are undoubtedly a milestone, and they mark an exciting era for Filipino clinical legal education. Forging consensus on key issues, they lay the foundations for the potentially rapid growth of clinical legal education in the country. Yet prodigious as they are, as the Supreme Court's 2022-27 strategic plan observes, they are only "the first step"[76]—or perhaps more accurately as we discussed in Section II, the latest, if arguably the most significant, step in the country's long tradition of clinical training. In this section, we focus on areas that we believe are priorities in the next phase of development.

A. Institutionalization

We can say safely that, through the revised Rule and its implementation, clinical legal education has been institutionalized in the Philippines. As mentioned above, *all* of the country's law schools must now offer and law students are now required to take a clinical course. The next step, then, is to strengthen these institutional foundations. In our mind, this requires a substantial increase in the number of required clinical credits; the creation of adequate administrative infrastructures to ensure the healthy administration and development of clinical programs; their regular assessment; and adequate funding.

- *Increase the number of required credits.* There is a glaring disconnect between the aspiration to produce "practice-ready" lawyers and the requirements of the new model curriculum. Under the revised model curriculum, a J.D. degree requires 135 credits, 120 of which are "mandated core courses."[77] Yet only two of these credits are devoted to clinical education.[78] In other words, less than two-tenths of one percent of the mandated courses are devoted to experiential learning. This hardly reflects the "paradigm shift" stakeholders have called for. Despite rhetoric to the contrary, the revised model curriculum also is unfortunately still bar-

[73] Supreme Court of the Philippines, "Strategic Plan for Judicial Innovations 2022-27" at 15 (hereinafter Supreme Court Strategic Plan 2022-27).
[74] *Id.* at 25.
[75] Professor Capulong organized these visits with Judge Rigor Pascual of the University of Santo Tomas Faculty of Civil Law.
[76] Supreme Court Strategic Plan 2022-27, *supra* note 73 at 25.
[77] LEB Memo 23, *supra* note 45.
[78] *Id.*

centric. A higher minimum number of credits—we would recommend 16—should therefore be mandated, preferably by further revision to the Rule, as opposed to, say, by LEB implementing memorandum.

- *Bolster administrative infrastructure.* As mentioned, administrators and students have lamented the lack of administrative support, which of course is key to any clinical program. To ensure success, law schools must provide adequate administrative support, which includes the appointment of clinic directors or deans as well as support staff. In the U.S., for example, the 2014 American Bar Association (ABA)-mandated six-credit experiential course graduation requirement led to the growth of a class of administrators—experiential program deans and directors—who now oversee the experiential arc of the curriculum.[79]

- *Assess implementation—regularly.* As mentioned, the LEB is the body tasked with ensuring that law schools comply with the revised rule. During the transition period, the LEB required schools to submit documentation evidencing initial compliance. That period is now over, *i.e.*, schools must now "[d]evelop and establish at least one law clinic."[80] However, there is significant leeway as to what this means. For example, must schools establish an in-house clinic? Or would externships do? What about hybrid programs or even simulation courses? While we would support a variety of options, the LEB, in our mind, should ensure general compliance and clarify and detail program(s) that would meet the mandate—and it should do so on a regular basis.

- *Guarantee adequate funding.* None of these recent developments would have been possible without funding. Indeed, what differentiates this effort from previous, less successful, ones is that it was backed by a substantial amount of money (from the U.S. and the Asia Foundation). In the U.S., the birth and institutionalization of modern clinical legal education in the 1960s and '70s would not have happened without sustained funding from the Ford Foundation and Council on Legal Education for Professional Responsibility (CLEPR).[81] We therefore call for sustained funding for clinical programs and associated efforts—visits, meetings, conferences, trainings, resources, publications, etc. We also call for an increase in funding for the LEB, which, with this rule, has vastly increased its regulatory reach.

B. Pedagogy

The renewed focus on clinical pedagogy is an exciting development. Our rich understanding of clinical legal education—as evidenced by the revised Rule and the materials produced by the initiative—is a deep well from which to draw. Our review of these materials shows consensus on the essentials of the clinical method: social constructivism, the andragogical basis of clinical education, reflection, collaborative lawyering, and public service, among others. This developing canon is a far cry from what heretofore has been an apprenticeship model. As Ateneo de Naga College of Law Dean Domina Rances observed, apprenticeships are passive, unsystematized learning experiences that prioritize case outcomes and the needs of the supervising attorney.[82] Clinical legal education, on the other hand, is structured and prioritizes student learning. To transform apprenticeships into clinics and

[79] *See* Allison Korn & Laila L. Hlaas, *Assessing the (R)Evolution,* 65 VILL. L. REV. 713 (2020) (hereinafter Korn & Hlaas).
[80] Rule 138-A, *supra* note 48 at §§ 9(a), (b).
[81] *See, e.g.,* J.P. "Sandy" Oglivy, *Celebrating CLEPR's 40th Anniversary: The Early Development of Clinical Legal Education & Legal Ethics Instruction in U.S. Law Schools*, 16 CLINICAL L. REV. 1, 9-18 (2009).
[82] CLEP COMPANION VOL. I: REVISED RULE 138-A & CLINICAL LEGAL EDUCATION PROGRAM BASICS 25 (2022).

create new courses that are truly "clinical" requires sustained engagement with clinical pedagogy—itself an evolving practice. We highlight a few priorities here:

- *Define what counts as practical experience and prioritize legal work*. Despite consensus on the term, uncertainty remains as to what counts as "clinical legal education." Lawyers of course engage in a variety of professional tasks. For this reason, we subscribe to an expansive view of clinical legal education as including "legal literacy activities, policy reform and development, and other community-based initiatives that are geared towards legal empowerment."[83] At the same time, we believe that law students should do *legal* work—that is, engage in activities that *only members of the bar* can undertake, such as client representation, litigation, document drafting, legal advice, and the like.

- *Provide litigation and court representation experience.* The revised Rule defines clinical legal education as simulation, externship, and in-house clinic courses. These, however, are distinct pedagogies serving different purposes.[84] Moreover, under the current rule, students can graduate without ever actually interacting with or representing a client—an outcome that, we believe, defeats the purpose of the Rule. As Roy Stuckey, a leading U.S. clinician and legal education reformer, has observed, "*it is only in the in-house clinics and some externships where students' decisions and actions can have real consequences and where students' values and practical wisdom can be tested and shaped before they begin law practice*."[85] Therefore, while we believe that non-litigation and out-of-court clinic work are valuable and, indeed, necessary, we also believe that *all* students should be given the opportunity to litigate and represent clients in court.

- *Create in-house clinics.* The revised rule explicitly mandates the creation of in-house clinics, which remain the gold standard for clinical training. This is so because in-house clinics are experiences specifically tailored for student learning and are supervised by faculty whose primary task is to teach. As required by the revised Rule, therefore, law schools must create or have at least one in-house clinic.

- *Develop professional identity formation curricula*. Clinical legal educators long have recognized that students best develop their professional identity—their professional values and other moral, social, or political commitments—when they engage in actual client work. Professional identity formation curricula therefore must be developed alongside clinical courses' skills-centered foci—particularly given the revised Rule's social justice/public interest focus.[86]

- *Incentivize clinical scholarship.* Clinical legal education—indeed legal education generally—has been understudied in the Philippines (and elsewhere); legal scholarship traditionally has focused on doctrine. Hopefully, the institutionalization of clinical legal education means a more expansive acceptance of what counts as legal scholarship. We encourage schools to incentivize faculty—with compensated time, grants, stipends, work release, etc.—to research and write in this area.

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[83] Guiller-Kristoffer Lamug, "The Legal Aid Project: Strengthening Rule of Law through Legal Aid Clinics in the Philippines" in FIRST OF A THOUSAND VOICES, *supra* note 44 at 53.

[84] *See* LEAH WORTHAM, ET AL., LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL LEGAL EDUCATION (2016); DEBORAH MARANVILLE, ET AL., BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD (2015)

[85] ROY STUCKEY, ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP 114 (2007).

[86] *See* WILLIAM M. SULLIVAN, ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007) (hereinafter the Carnegie Report). Relatedly, in 2022, the American Bar Association mandated U.S. law schools to provide "substantial [curricular] opportunities … for the development of professional identity' and 'education … on bias, cross-cultural competency, and racism." ABA Standard 303(b)(3), (c), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2024-2025/2024-2025-standards-chapter-3.pdf (last visited October 12, 2024).

Rich as the literature is in this field, we would call specifically on Filipino scholars to detail and reflect on local experiences to enrich the clinical canon.

- *Ensure a proper faculty/supervising attorney to student ratio and limit the number of students under a supervising attorney*. The revised rule recognizes for the first time "clinical faculty" as a category or specialty among law faculty.[87] And as summarized above, the Rule also details the role of the supervising attorney. Here, the partnership among law schools, the Supreme Court, and the Integrated Bar of the Philippines (IBP) to recruit IBP members as supervising attorneys is a promising plan as doing so would accomplish the twin purpose of training law students *and* fulfilling the bar's commitment to public service. But as recognized by the Rule itself, there is a difference between a "supervising attorney" and "clinical faculty": the primary task of the supervising attorney is to handle the specific legal matter and the primary task of clinical faculty is to attend to the educational aspects of the experience. Of course, both can be—and are—done in in-house clinics, where caseloads and work rhythms are intentionally lessened and graduated to prioritize the learning process. The Rule does not recommend a clinical faculty to student ratio, however, and provides, concerningly, that supervising attorneys shall "[s]upervise such number of certified law student practitioners *as far as practicable*."[88] To ensure best practices, schools should limit the number of students taught by or supervised by clinical faculty and supervising attorneys. In the U.S., for example, the recommended in-house clinical faculty-student ratio is 1:8.

- *Encourage innovation and experimentation.* Beyond the classical models of in-house clinics, externships, and simulations are endless others. In the U.S., for example, Allison Korn and Laila Hlaas found the emergence of new models, such as hybrid clinics, practica, and labs, following the 2014 American Bar Association mandate.[89] The new programs created to comply with the revised Rule follow in this tradition of innovation and experimentation. We encourage schools to support them even as they offer courses in more traditional molds.

C. Professoriat

Few law professors in the Philippines teach full-time; most are full-time practitioners with adjunct faculty status. We therefore are cognizant of this larger challenge in calling for a dedicated clinical professoriat. Nonetheless, because we believe that clinical legal education is key to the future of legal education *writ large*, we believe that the creation of a dedicated professoriat is essential.

- *Found an independent organization of clinical law professors.* In many countries, clinical law professors have been the engine powering this movement. In the U.S., for example, the Clinical Legal Education Association and the American Association of Law Schools Section on Clinical Legal Education[90] have led these efforts. In Spain, a network of clinicians have been stewarding the propagation of experiential curricula.[91] While we applaud the general consensus among stakeholders—the bench, bar, academy, and law school administration—we also recognize our motives and interests may diverge. As an organization whose *primary*

[87] Rule 138-A, *supra* note 48 at § 12 ("Clinical Faculty. – Law schools shall have such number of faculty members to teach clinical legal education courses as may be necessary to comply with this Rule.").
[88] Rule 138-A, *supra* note 48 at § 11(a) (emphasis added).
[89] *See* Korn & Hlaas, *supra* note 79 at 738-749.
[90] Professor Capulong is active in both organizations and was co-chair of the AALS Section in 2016-17.
[91] Interview with Pilar Artiach Fernandez (April 12, 2023) (interview notes on file with the authors).

if not only purpose is the advancement of clinical legal education, therefore, an organization of clinical law professors, to us, would be its most steadfast, most reliable champion.

- *Provide ongoing trainings*. The trainings sponsored by the initiative have had tremendous impact. They have deepened understanding of clinical legal education practices and processes. As implementation continues and schools develop their programs, ongoing trainings are key. Applying experiential pedagogy, our own experiences in this regard, after all, are the concrete bases from which to learn and grow.

- *Hold annual conferences*. Finally, regular meetings or conferences are key to regional and national development. Not only do we share experiences and learn from each other at these gatherings, we also build community in them.

V. Conclusion: Clinical Legal Education, Curricular Reform, and the Purpose of Law School

The reform of Philippine legal education is long overdue.[92] For decades, critics have decried its many failings—from its inability to prepare students for the bar exam to the failure to train them for actual law practice, to shortcomings in the teaching of professional ethics. Revised Rule 138-A and the revitalization it has stirred provide us with a unique opportunity not only to reform the legal curriculum but also to reflect on our larger project: what is the purpose of law school? Is it to ensure our graduates pass the bar? To make them more practice-ready—and therefore more globally competitive? To make them more ethical? To train leaders?

We had the opportunity to ponder this question at the Second Asia Clinical Law Conference in Chiang Mai, Thailand, in May 2023. With LEB Commissioner Josefe Sorrera-Ty, UP Law Professor Ted Te, De La Salle Law Professor Justin Sucgang, and CUNY Law graduate Patricia Padrinao, we discussed these developments, the core law school curriculum, and the basic premises of law school and higher education in general.

The answer, we agreed, is all the above. But beyond them, we observed, is also training for public citizenship and democratic governance. These two premises were foundational in the creation of UP Law and UP, in fact—albeit during the period of colonization. As U.S. law professor Etienne Toussaint observed:

> *An emphasis on market-based notions of practice-readiness in legal education can overshadow the importance of deep critique of political economic structures, and can even justify apolitical classroom discourse that shuns debate on the morality of legal institutions that further inequality. Even more, an aversion to "moral activism" among lawyers can prompt formalistic experiential learning courses in law school that commoditize the lawyering practice and subvert law school's role in provoking broad structural reform.*[93]

With myriad interrelated crises besetting and sharpening before us in full view—war, climate change, racism, authoritarianism, governmental impunity, poverty and intractable economic and social inequality—we need lawyers to use their skills and training to promote active citizenship and champion democracy—in its commitment to marginalized communities and social justice, an objective recognized by the revised Rule. In law school, there is no better way to do that than to be

[92] *See* CORTES, *supra* note 7; *see also* Justin D.J. Sucgang, "A Problem Bigger Than Law Schools: Reforming Philippine Legal Education Through an Institutional Approach," (unpublished thesis) (April 2014).
[93] Etienne C. Toussaint, *The Purpose of Legal Education*, 111 CAL. L. REV. 1, 10 (2023) (internal citation omitted).

exposed to real problems and real clients dealing with real challenges. At its best, clinical legal education not only promotes access to justice and prepares students for actual practice, it also develops their sense of purpose and engages them in collaborative, transformative relationships with their clients and others. As the Brazilian educator—and experiential education theorist, Paulo Freire, put it:

> *Education either functions as an instrument that is used to facilitate the integration of the younger generation into the logic of the present system and bring about conformity to it, or it becomes the 'practice of freedom,' the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world.*[94]

We hope the resurgent clinical legal education movement in the Philippines makes strides in all these goals.

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[94] Paulo Freire, PEDAGOGY OF THE OPPRESSED 34 (1968).