ISSN 1467-1069

INTERNATIONAL JOURNAL OF

Clinical Legal Education

NORTHUMBRIA LAW • PRESS

November 2000 pages 1-82

INTERNATIONAL JOURNAL OF
Clinical Legal Education

November 2000 Edition No. 1. Pages 1 – 82

Notes for contributors

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Yearly subscription rates (2 issues) in 2001

£50 – Sterling Organisations
£20 – Sterling Individuals
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Foreword

The School of Law at the University of Northumbria has run a programme of clinical legal education since 1980. All students on our exempting law degrees participate in this programme. We had long been considering publishing some kind of journal specifically dealing with Clinical Legal Education. Two things prompted the format and scope which we have decided upon. First, when I attended the Commonwealth Legal Education Conference in Jamaica in December 1998, I discovered just how much exciting work there was going on around the world. We already had many contacts in the United States but the existence of so many programmes both well established and new was most impressive. From those people I spoke to there was a strong feeling that we had a lot to share and learn both from our similarities and differences. Once we had started the ball rolling more and more contacts around the world appeared and I'm sure this process will continue. The other factor which has helped us enormously is the growth of electronic communication, which makes a truly international editorial board so much easier than even five years ago. We are however anxious that those not on the internet should not be excluded from this venture and welcome contributions by post and fax. The editorial board will, we hope grow, to include regions and areas of expertise not as yet covered.

At the end of October 2000 I left the University. Cath Sylvester has taken over as editor of the journal. I look forward, with enthusiasm, to seeing the development of something which was at least to start with 'my baby' as someone who knows they won't have any more nappy changing!

Goodbye and good luck.

Tessa Green

We hope that this new journal will provide a forum for discussion on clinical legal education across the world. To this end we welcome contributions from those involved in the provision of legal education and students alike. We have tried to encourage both discussion on some of the underlying pedagogical issues affecting clinical legal education as well as providing a forum for consideration of more practical issues, including the development and format of specific clinical programmes. We are in the rare position as legal academics to work in a field of legal education which is not confined by subject matter to a particular geographical area. We look forward with enthusiasm to stimulating a truly international debate on all aspects of clinical legal education and also look forward to responses to this edition. We welcome contributions to future editions of the journal.

Tessa Green and I would particularly like to thank Judith Dickson, Neil Gold and Roy Stuckey for their help with this first edition as well as the staff at the University of Northumbria. I would also like to thank Tessa for her hard work and enthusiasm in starting this journal.

Cath Sylvester

Editor

Why not an International Journal of Clinical Legal Education?

Neil Gold[1]

Introduction

Jerome Frank may have suggested the term Clinical Legal Education (CLE) first when he asked "Why Not a Clinical Lawyer School?"[2]; but, it was not until the New York City based Council on Legal Education for Professional Responsibility (CLEPR), funded by the Ford Foundation, took the pre-eminently active role in promoting and supporting law school-based experimentation in the 1970s and 1980s that CLE truly had an opportunity to develop. Over the past thirty plus years CLE has become more and more central to legal education, especially in the United States; innovations elsewhere have been fewer, more modest, and slower to develop, but of significance to the shifting culture of law learning, wherever they have taken place. The inception of the *Journal*[3] marks an important milestone in the continuing development of CLE; for with this volume, we formally recognise that CLE is a vitally important and diverse phenomenon with a global reach.

Clinical legal education focuses on students' learning about the practice of law and the workings of the legal systems: the how's, what's and why's of them.[4] It's a complex and demanding educational mode that challenges students, with the support and advice of their teachers, to take decisions and pursue specified actions in client representation, with the agreement of a well-counselled client, whether real or simulated.[5] While CLE is hardly a revolutionary project, until relatively recently, there were few legal educators or researchers interested in it or its goals and aspirations. Most lay people would expect that lawyers learn(ed) how to practise law through a combination of education, training, and reflection upon their experience, performing a legal role;

1 *Neil Gold, Professor of Law and Vice-President, Academic, University of Windsor, Canada, member editorial board, International Journal of Clinical Legal Education.*

2 *Jerome Frank, "Why Not a Clinical-Lawyer School?" 81 U.Pa.L.Rev. 907 (1933).*

3 *Among the journals concerned with legal education, until now only the Clinical Law Review, published in the United States focuses on CLE. The Journal of Legal Education (US), the Legal Education Review (Australia), the Journal of Professional Legal Education (Australia), The Law Teacher (UK) and the International Journal of the Legal Profession (UK) all publish material on clinical legal education, and related subjects.*

4 *Gary Bellow, "On Teaching Teachers: Some Preliminary Reflections on Clinical Education as Methodology", Clinical Education for the Law Student 375 (1973).*

5 *The role adopted need not be the lawyer's, though that is the most frequent.*

but, virtually everywhere, whether in apprenticeship systems or programmes of practical training, at least one of those elements was and frequently is missing.

Initially, common law lawyers learned their craft from one another, through various forms of apprenticeship, frequently supported by reading, studying and learning law from books, principals or masters and, in some cases, informal and formal lectures or tutorials. The Inns of Court were prominent in the development of a learned profession in England and Wales and supplemented the on the job learning of pupil barristers. The common law, developed case by case without the benefit of previously determined general principles, was not thought to be the stuff of intellectual inquiry, though ecclesiastical and civil law were; university legal education in the common law in England and Wales is hence a modern, nineteenth century invention. When it did develop, it did not focus on legal practice in behavioural or systemic terms, but rather on an exposition of the law in its assigned fields. In its early days, the study of lawyers' professional work was largely procedural and frequently mechanical and technical in overall approach.

American legal education had given up the apprenticeship slowly but steadily, and in its place grew, year for year of apprenticeship experience[6], academic law programs in the universities, of which Harvard's is the most well known progenitor.[7] Christopher Columbus Langdell, its first dean, sought to make law a respectable science alongside the other disciplines of the nineteenth century academy and took law, predictably, on a largely analytical positivist path.[8] His view of the law library, with its shelves of reported cases, as a laboratory, influenced legal education in the United States, then in Canada and later in other parts of the Commonwealth. More recently the case method has been imported into Argentina and additional places in Latin America. In Langdell's home country, the case method survived nearly a century with few changes. Real structural change in the modes of legal education depended on the late twentieth century development of clinical methodologies of education.[9]

Through Langdell's case method *rationes decidendarum* were distilled from the opinions of judges and the ability to extract and rationalise rules of law became the core skills in American legal education. Little attention was paid even to systematic training in advocacy, though the familiar moot court, and in some locales, mock trial competitions did offer some opportunities for skills learning. However, the skill sets required for interviewing, counselling/advising, negotiation, mediation, adjudication, writing, drafting, planning, problem solving, trial and appellate advocacy, and practice management have been taught directly and deliberately only since the inception of CLE. The so-called, much used and much maligned, "Socratic Method" employed in American

6 *Whereas live-client clinical programs are controlled by the law schools, sometimes in partnership with others, externships now provide American law students the opportunity to work in a legal setting not controlled by the law school. Law offices, government offices, courts and tribunals are among the many settings selected for such experiences. Externs are supervised by trained staff in the work setting and participate in a law school co-ordinated program.*

7 *Robert Bocking Stevens, Law School: Legal Education in America from the 1850s to the 1980s, University of North Carolina Press, Chapel Hill 1983.*

8 *C.C. Langdell, Selection of Cases on the Law of Contracts, Little Brown and Company, Boston 1871 It is virtually unheard of to study law in North America without a casebook.*

9 *There are perhaps experiential learning modes that would not necessarily be considered "clinical". Problem-based learning (PBL), employed at Limburg University in Maastricht, the Netherlands, may not always require the student to adopt a professional role, but always entails some experiential, problem solving approach. It would be overly technical to exclude PBL from among the methods in the clinicians' repertoire. See eg Suzanne Kurtz, Michael Wylie and Neil Gold, "Problem-Based Learning: An Alternative Approach to Legal Education", 13 Dalhousie Law Journal 797 (1990).*

law schools and popularised by the *Paper Chase*[10] was the primary teaching methodology to support the processes of case dissection and rule extraction and rationalisation. The Langdell legacy thus left an agenda for law learning that was focussed on abstract, rational and conceptual analyses. These examinations were frequently disconnected from any concern for the impact of the decision on either the individuals involved or society as a whole. Nor oftentimes were enquiries focussed on critical, theoretical, philosophical, ethical or operational considerations. As a result, the case method in its traditional Langdellian form has been criticised widely by critics, including, clinicians, realists, legal philosophers, feminists, humanists, critical theorists and practitioners.[11] The provision of a compendium of critiques would be possible; yet the method has continued with a strong following.

The university teaching of the common law in England and Wales began in the eighteenth century, some six hundred years after it had been born, with the appointment of Blackstone as Oxford's first Vinerian professor of law.[12] Insofar as Blackstone was interested in concretising and clarifying the law in positivist ways, his core mission was not entirely different from Langdell's, though his aim to state the common law was a much more wide-ranging project than Langdell's legal science, which was primarily methodological (though it was pervasively important to the next century of legal study and its progeny, the modern American lawyer and much of legal scholarship). Meanwhile, as academic legal study developed in the United States, apprenticeship continued as the main method of learning law in England and the British Colonies (more recently the Commonwealth) abetted by various forms of formal tutelage, well into the latter part of the twentieth century.

Blackstone figured prominently on both sides of the Atlantic, influencing law practice, legal education and scholarship in myriad and fundamental ways. His *Commentaries*[13] became the standard reference work for lawyers on the New World's frontiers. His expository approach became the central technique of legal authors across the common law world from his time onward: the statement of what is sometimes called "black letter" law. Neither Langdell nor Blackstone expressed a concern for lawyers' work as a subject of study; and as their influence was substantial, it was to be some time before anyone with authority suggested that the practice of law was worthy of inquiry and teaching, as such.

In the United States, where the apprenticeship was abandoned intentionally in favour of mandatory attendance at a law school, when critics suggested that legal education needed to be more practice-oriented, there was little enthusiasm for either restoring apprenticeships or for turning the law school into a place where legal practice was learned, whether through experience or otherwise. In England and Wales, and the Commonwealth, various forms of apprenticeship

10 *Osborne, John J., Paper Chase, Houghton Mifflin, Boston 1971. The film version, produced in 1973, portrays "…the brilliant Professor Kingsfield… whose classroom's an intellectual battlefield filled with terrified students." (Review at http://mrshowbiz.go.com/reviews/mo…ews/movies/TheP aperChase_1973.html) The film was followed by a television series in 1978, making North Americans aware of an extreme example of the case method pursued through the Socratic dialogue*

11 *For example, Jenny Morgan, "The Socratic Method: Silencing Co-operation", 1 Legal Education Review 151(1989).*

12 *The Biographical History of Sir William Blackstone by a Gentleman of Lincoln's Inn, Rothman Reprints, Hackensack NJ, 1971 at 19: S.F.C. Milsom, The Nature of Blackstone's Achievement, Selden Society, London, 1981; and most importantly, William Twining, Blackstone's Tower: The English Law School, Stevens & Sons, London, 1994.*

13 *W. Blackstone, Commentaries on the Laws of England (1st ed., 1765–69).*

have continued to this day, perhaps curbing the urges of those who may have otherwise surfaced a desire for more structured learning of lawyers' work.

Curiously, the move from learning exclusively from experience to learning from books, seemed largely to occur without any significant effort to bridge the two. It may well be that lawyers were unable to conceive of their work in performance terms, referring only to the application of laws to human activity, somehow believing that a person could not **learn** how to influence processes of the legal system so that it would operate for client or societal benefit. The belief that one either has the talent and skill to perform effectively, or does not, runs deep and a resistance to the direct teaching of skills was in some places founded on this belief.

In most of the Commonwealth a law degree is followed by an apprenticeship that is supplemented by residential professional legal training of a variety of types. These programs vary in length from a few weeks to two years and focus on the practice and procedures of the various transactions lawyers undertake. In some places intending practitioners on these courses are taught a full regimen of legal skills through a variety of didactic, experiential and other methods. There are also jurisdictions that have replaced the apprenticeship with a programme of study following a law degree. The past decade and a half in particular has seen rapid change to the curriculum contents and methodologies employed on these practice courses. Some are distinctly clinical in nature, sharing with law school-based clinical programs the desire to inculcate learning strategies and methods in a reflective practitioner model.[14] Others treat the contents of legal work as a series of steps and tasks surrounded by procedural law and supported by substantive law, conducted in a somewhat mechanical way. Still others extend the law school experience into the study of procedural and as yet unstudied substantive law. The development, in some countries, of a corps of professional clinical teachers either within practice courses or at the universities has led to their joining in the scholarly tradition of CLE begun in the United States.[15]

With the exception of the major work at the University of Wisconsin by Stuart Gullickson and his colleagues and the occasional short "bridge-the-gap" course, legal practice courses did not develop in the United States.[16] Little concrete or long lasting took shape following the completion of this project. The profession, through the American Bar Association and local Bar Associations, focussed its energies on the accreditation of law schools and on the general examination of aspirants, with the support of the Conference of State Bar Examiners. The profession leaves to the candidates[17] the task of readying themselves for the admission examinations, which test substantive and procedural law learning, and to a much lesser extent legal practice abilities or know how. The American Bar Association regulates the contents of and infrastructure for legal education across the country, through a periodic review process involving members of the judiciary, the practising profession and the academy. The absence of Bar led initiatives in mandated practice preparation

14 *See eg Richard Neumann Jr., Donald Schon, The Reflective Practitioner, and the Comparative Failures of Legal Education, 6 Jo. Leg. Ed. 401 (2000); Donald A Schon, The Reflective Practitioner: How Professionals Think in Action, Basic Books, New York (1983) and Donald A Schon, Educating The Reflective Practitioner: Toward a New Design for Teaching and Learning in the Professions, Jossey-Bass, San Francisco, (1989, 1990)*

15 *The recently formed Global Alliance for Justice Education (GAJE) held its first conference and teaching workshop in Trivandrum, India, in December 1999. Formed by a group of mostly clinical teachers from around the world, GAJE seeks to extend the clinical mission for development everywhere.*

16 *A model Curriculum for Bridge-the-Gap Programmes, American Law Institute – American Bar Association Committee on Continuing Professional Education, Philadelphia, 1988.*

17 *There are many commercial providers who offer instruction in how to succeed in the Bar examinations.*

created a strong impetus for support of CLE. Oddly, the absence of a vital professional presence in practice preparation led the law schools to fill the gap and to do so with a commitment to social justice, client service, scholarly learning and skilful practice.

The Civil Law tradition was different. The Civil Law's structure and organisation now mostly based on codes that derived from the great work of Napoleon's era, depended on general principles elaborately developed from Roman times, and written about by great scholars and commentators. The general view seems to have been that mastery of the Civil Law requires years of study and learning, and therefore there has been and still is little room in most jurisdictions for the practical study of legal work. One senses that the practice of Civilian law, as distinguished from the law itself which is grand, theoretical and conceptual, is seen as demanding, technical work. In the Civilian tradition of practice preparation the phase of learning to practice law comes while at work, though a system of *stagiaire* is not completely unknown; in the scheme of things very little time or effort has been placed on helping juniors learn their craft in an orderly, systematic, organised or regulated way, whether through traditional apprenticeships or otherwise.

Readers may now be thinking that CLE may appear to have its historical roots in apprenticeship. This is only partially the case; the idea that experience with mentoring is a sound teacher is at the basis of apprenticeship; but CLE goes much farther and rejects the notion that "practice makes perfect", preferring the adage that only "perfect practice makes perfect". Anyone who knows the apprenticeship system, whether by experience or description, can testify to its myriad weaknesses. Legal practitioners in their practices are preoccupied with service and their work, not education, training and mentoring. Oddly, legal practitioners do not seem to have accepted the notion that supporting the learning of others is in the best interests of their particular practices, perceiving mentoring as oriented to the interests of the junior or the public. The law office, courthouse or agency have not been organised to accommodate learning and teaching as core functions. Unlike hospitals, where research, service and education and training converge, the law office is a place of professional practice with its own ideals and goals. And so, while Jerome Frank the realist, cared deeply about what lawyers and judges do, and rightly believed one could not learn to be any kind of professional without adopting the professional's role and working through its complexities, he probably did not envision CLE as it has evolved, any more than he would have advocated the reinstituting of the old apprenticeship system. Thus, CLE's real modern source is the work of CLEPR, and in the beginning, the many, mostly American, law schools that were stimulated to develop the wide variety of clinical legal education models, now prevalent there and growing world-wide. It is ironic that the first common law jurisdiction to abandon experiential learning through the abandonment of apprenticeship should have become its leader in educating profoundly, and training systematically, for legal work; we have benefited from the death of apprenticeship in American Legal Education.

CLEPR's mandate for professional responsibility had two important dimensions that were usually not present in apprenticeship models and which also tended to be absent, in large measure, from prevalent modes of legal education, including the case method.[18] There is a third element in the CLEPR mandate, professional conduct, which has been consistently referred to as an important component within the apprenticeship model, but it has not always been well served there. The first

18 *David R. Barnhizer, "The Clinical Method of Legal Instruction: Its Theory and Implementation," 30 J.Leg.Ed. 67 (1979).*

dimension is comprised of the many elements of the professional obligation to provide access to justice and legal services to those unable adequately to obtain them, including the goal of understanding legal work as a complex of human, social, intellectual, and historical, informative thoughts, feelings, actions and aspirations aimed at a better, just society under law: know how with soul, conscience and dedication to the service of others. For some, CLE provided an opportunity to serve those in need and to remedy societal defects, with learning as a crucial by-product. Second is a commitment to learning through the variety of ways and means that are most likely to help the student learn from and through reflection on experience in a manner that will serve professional and personal self-directed learning for life. The clinical agenda is rich, deep, varied and constantly evolving. Its primary contents globally encompass the legal, social and justice milieu; its methodologies, depending on experience in some form, proceed from the individual learner through shared and reflective enquiry. Third, CLE requires the student to examine carefully the requirements of professional responsibility, including codes of conduct, as a direct element of the learning process and require her or him to test the viability of professional norms in the actual and personally experienced service of clients and justice.

In many places CLE has been developed in large part because of the desire among students for a meaningful, social justice oriented education that permits them to grapple with real, or realistic problems, in an effort to achieve a fair and just result and in the hope that the fabric for a democratic and just society will be fortified. The establishment of this journal is a continuing testimony to the ardour of such students, for without the work of Tessa Green and Cath Sylvester this endeavour would surely never have been undertaken.

CLE is thus not a single method or approach to learning lawyering. It knows no jurisdictional boundaries, nor is it culturally limited in its application. It may be adapted to need, environment, context, time and purpose as a complement or supplement to variety of formats for legal education. It can also stand on its own as a powerful methodology for learning. An international journal promotes the study of and reflection on CLE in a comparative or cross-jurisdictional way. Indeed, why not **the** *International Journal of Clinical Legal Education*? The time has come.

The *Journal's* founders foresee articles, discussion and news about the expanding area of CLE. And it will also provide a forum for the exchange of ideas among and between clinicians worldwide. So, in this first number of our new *Journal* there are pieces from Africa, Australia and the United States. These papers draw on the themes of clinical scholarship referred to above. Philip Iya discusses African efforts to provide both learning opportunities and service for societal reform. He paints a picture of dire need and great opportunity, as well as of tremendous efforts to meet immense challenge. Judith Dickson explores the connection between CLE's public service tradition and the requirements of professionalism in Australia today. Roy Stuckey examines educational quality questions across a range of learning outcomes to which CLE is pledged. Each of these clinicians shows the commitment, courage and perseverance that has typified the leadership of the movement: their scholarship is born of a deep and abiding desire to ensure that lawyers and law serve humanity, and not the other way around.

Fighting Africa's poverty and ignorance through clinical legal education:

Shared experiences with new initiatives for the 21st Century

*Philip F Iya**

Introduction

Most of our fellow citizens* are poor.** ***They are without proper housing, health care and* schools.** ***Many are without jobs. Even those who have them earn too little to support themselves and their families. Poverty is inimical to democracy… There is no shame in admitting there is poverty, and unjust distribution of wealth and the granting of honours amongst us. The real shame is and will continue to be our failure to take steps to put an end to both poverty and substantial inequality".[1]

The above statement by one of South Africa's highly reputed and veteran human rights lawyer and activist reminds the readers (and society at large) not only of the serious concerns for poverty, ignorance and their consequences, but more importantly, for the challenges that face societies in combating them. Whereas the statement relates directly to the poor in South Africa, its application and implications to Africa generally is beyond doubt. Evils like crime, diseases, illiteracy, wars (both at national and regional levels), debt crisis, unemployment, corruption (in both the public and private sectors) and others are constantly cited as serious challenges which the African Society must address to attain the long-desired sustainable social development.[2] With particular reference to poverty, recent reports show that 40% of Africans live on less than $1 a day.[3] The situation in the education sector is no less disturbing. In South Africa, for example, the Bantu education system of the apartheid regime the legacy of which still lingers on, has resulted in creation of a huge reservoir of illiterate cheap labour. There is, therefore, an objective reality that the bulk of

* *BA (East Africa); LL.B (Makerere); LL.M (Yale); Ph.D (Warwick); Advocate (Uganda Supreme Court); Professor of African and Comparative Law and former Dean of Law Faculty (University of Fort Hare).*

1 *Bizos, G: "Our failure to end poverty is the real shame of the Nation". In Sunday Times (South Africa) of May 30, 1999 p.20.*

2 *For details of such evils read: Kobokoane T., "It's time for Africa to take a long, hard look at itself" in Sunday Times (South Africa) of October 4, 1998 p.18.*

3 *Figure provided by the World Trade Organisation as reported in Mail and Guardian (South Africa) of March 10 to 16, 2000 p.2.*

Africans are poor and educationally ill equipped to effectively participate in and meet the demands of social growth so desperately needed in the continent. The question then is: What needs to be done that has not been done? What have governments, international organisations, NGOs and other institutions done to address the challenges of Africa's poverty and ignorance? Have universities and their respective law schools risen to this important challenge? If so, how?

It is in response to the above concerns that this paper attempts to establish and analyse the role of African universities generally and their law schools in particular in their fight, if any, against poverty and ignorance. In that regard, the case of legal education and specifically its clinical programmes will be analysed, and the thrust of the discussion will be directed toward the following issues:

1. The backdrop of the debate: Universities and Community Outreach Programmes;
2. Understanding the genesis and application of clinical legal education in Africa;
3. Sharing experiences of clinical education in different countries in Africa; and
4. New challenges and initiatives for the 21st Century.

Each of these issues is discussed separately and seriatim in subsequent paragraphs.

1. The back drop of the debate: African universities and the general community

African universities out of reach to the ordinary person?

One of the many criticisms leveled against Universities in Africa relates to their role in social transformation. There has always existed in most developing countries, including those in Africa, the concern as to what exactly should be the contribution of the university in meeting the needs of the ordinary citizens in their search for a better life. The same question is posed to the different arms of universities including, and especially, their respective law schools/faculties.[4]

In the 1960s, a period when the process of decolonisation was sweeping throughout Africa, derogatory terms like "The Ivory Tower" or "The Highest Seat of Learning" and other similar terms were closely associated with and commonly used by the ordinary citizens when referring to their universities. Ironically too, a university like that of Makerere in Uganda, with literally "high seats" for the colonial professors, has been pegged right high up on top of one of the highest and most famous of the seven hills of Kampala. Equally notable is the University of Dar es Salaam with its "towering" white (not ivory) skyscrapers built miles away in the thin horizon of the hills, distant from and out of reach of the ordinary citizen. Not only the community but even the newly independent governments, enlightened by the new demands of independence, began to question the role of universities and their respective departments in the process of social transformation that began to sweep across the continent in subsequent years. How were the post-independence expectations emerging from these new social demands for improving the lives of the ordinary citizen to be met by the universities? Any debate on mechanisms for alleviation and eradication of Africa's most deadly enemies, poverty and ignorance, cannot ignore the concerns relating to the contribution of legal education to that important cause. The question still is: in what way has legal education done that?

4 For the purpose of this discussion the terms "Law Schools" and "Law Faculties" are used inter-changeably.

Current missions of universities on community outreach programmes

In developing countries, and particularly those in Africa, universities established after the attainment of independence have adopted the three fundamental functions normally attributed to universities:[5]

- producing middle and high level manpower with skills to manage the economy and government;
- conducting research into problems of development; and
- providing a focus for national, political and cultural activities.

The point to note, however, is that today universities in Africa are assigned their respective functions by the relevant statutes establishing them. What is more is that those legal functions have been supplemented by broader commitments to the service of the community as evidenced by different mission statements on the issue.[6] Law school outreach programmes to the wider community geared towards alleviation and eradication of poverty and ignorance are, therefore, undertaken within the broader framework of respective university outreach activities.

Evidence of commitment by university law schools

A quick survey of law schools in Africa points to the availability of commitment of law schools to community outreach programmes. At the University of Fort Hare in South Africa, for example, the mission statement of the Faculty of Law states that through its outreach programme, the faculty encourages awareness and respect for citizens' rights and responsibilities, and provides legal advice and representation. In addition, the statement categorically directs the faculty to associate fully with the community to which it owes a responsibility of contributing to its welfare and developmental process.[7]

A similar mission can be found in Uganda where the law faculty of Makerere University states as its objectives, *interalia*;[8]

- To provide other university students and members of the public with quality and quantity of legal knowledge and service required in their various callings or pursuits both within and outside the country of their residence; and
- To preserve and foster the traditional role of a university in propagating knowledge both within and outside the country of its setting.

Those examples not only illustrate the degree of commitment but also the desire to contribute specifically towards knowledge and service required for the attainment of social development for the public at large.

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5 *As observed by Makhubu L.P, Vice-Chancellor of the University of Swaziland in her opening speech at the National Workshop on Tertiary Education held from 31 January to 1 February 1990. For details read The Report of the Proceedings 1990 University of Swaziland p.2.*

6 *For example the Mission Statement of the University of Fort Hare commits the university to ensuring that knowledge and resources are shared with the wider community through outreach work.*

7 *The University of Fort Hare Strategic Planning 1995 - 2000 at p.25.*

8 *Faculty Handbook 1998/1999 of Makerere University Faculty of Law p.7*

2. Understanding the genesis and application of clinical legal education in African law schools

In earlier discussions we have dealt at length with the issues relating to the nature, genesis and fundamental characteristics of what is today generally referred to as clinical legal education.[9] For the purposes of the present discussion only a few of the important points will be highlighted so as to understand the position generally in Africa.

Nature and genesis

Although authors differ in their definition of the term "clinical legal education", a term originally associated with American law schools, one finds that in Africa what is commonly used are terms like "professional training", "practical training" and more recently "skills training or development". In a narrow sense, programmes dealing with all these terms focus on lawyer-client work by law students under law school supervision usually for credit toward the law degree. They aim at equipping law students with the necessary skills to function as lawyers and to help the lawyer-to-be with his/her emotional development so that he/she may cope adequately with the persons and institutions of the outside world.[10] In the United States where clinical education was first introduced, it was associated with the medical school and involved the actual practice of the profession by students employing their skills on actual or real patients. The advantages of this system of education was acknowledged and eventually adopted by law schools in the late 19th Century to suit the needs of law students and was further employed to cater for the expanding needs for legal aid to indigent persons. The result was the emergence of a system of clinical legal education which not only served the educational needs of law students in terms of skills or practical training but also served the social needs of indigent persons in terms of providing legal services through legal aid clinics run by law schools.

The fundamental basis upon which law schools in the United States introduced clinical legal education was that in preparation for legal practice, classroom lectures were insufficient in providing practical skills without exposing the students to clinics where practical professional skills were acquired. Law schools in Africa also subsequently acknowledged this fact by introducing clinical programmes as part of their system of legal education. Instrumental in this process were Professors like Gower L C B, Twining W L, Paul, C N J and others who, during the 1960s, spearheaded and drove the process of implementing those programmes in Western Africa (Ghana, Nigeria), Eastern Africa (Uganda, Kenya) and Southern Africa (the BOLESWA countries of Botswana, Lesotho and Swaziland). In South Africa, at the time of the first international conference on legal aid held at the University of Natal, Durban in July 1983, there were only two university legal aid clinics in the country: at the University of the Witwatersrand run by staff and at the University of Cape Town run by students. The third clinic was set up at the University of Natal, Durban immediately after the conference, and thereafter there was a proliferation of legal

9 *For details read: Iya, P.F: "Educating Lawyers for Practice – Clinical Experience as an Integral Part of Legal Education in the BOLESWA Countries of Southern Africa. (1994) International Journal of the Legal Profession Vol 1 No.3 pp.315–341. Read also Iya PF: Skills Development for Competent Practice of Law. An Analysis of the Skills Development Programmes for Lawyers in the BOLESWA countries of Southern Africa 1996 Unpublished Ph.D. Thesis especially chapter 5 pp.94–110.*

10 *Princes W., "Clinical Legal Education in the United States 1968-1975" (1975) A.L.J. p.420.*

aid clinics with the result that by 1992 16 of the 21 law schools in South Africa had legal aid clinics.[11]

Before discussing the dimension of clinical programmes in their operational details within different jurisdictions in Africa, one needs to also understand their wider social perspectives with particular reference to legal services and access to justice, the dimension of which have special features arising from the issues of poverty and ignorance of the majority Africans.

Implications for legal services and access to justice

In developing countries generally, and Africa in particular, where, as earlier indicated, there are vast economic and social differences between rich and poor and where the majority of the population are ignorant of their legal rights and do not have access to proper legal services, clinical legal education has come to play a much wider role than discussed above. Targeted are issues of poverty and ignorance of legal rights, the concerns for which are much more than what legal aid clinics can provide. Clinical programmes in Africa have, therefore, also come to encompass activities outside clinics such as dissemination of legal information with emphasis on teaching of human rights, production of simplified legal materials, training of paralegals etc. The motivation for such activities is based on the premise that law students can play a valuable role in assisting the majority poor and ignorant members of the society by satisfying their needs for access to justice through engaging in a variety of community service programmes, while at the same time acquiring legal/professional skills and values.[12]

In this endeavor law schools liaise and closely cooperate with other institutions and organisations outside the universities. The remarkable growth in the number of bodies carrying out legal services in the past ten years owes itself to a variety of prime movers at the local and international level. At the local level, for example, individuals concerned with various forms of injustices have adopted a critical and practical approach to addressing perceived injustices and have been a driving force in the establishment of organisations providing legal services. Also of significance has been the influence of organised bodies such as lawyers associations, non-governmental organisations, churches etc., with specific programmes that impact on access to justice and provision of legal services for rural and other disadvantaged communities. The role of international donor agencies and foundations in providing financial support to such organisations has also been significant in different African jurisdictions.[13]

The question, however, is to what extent are law schools committed to working with these organisations in promoting access to justice and eradicating poverty and ignorance? Given the above mission of some law schools, and in the context of that commitment, what programmes have law schools designed to achieve such noble objectives? In the view of the writer, any discussion on clinical legal education in Africa should not ignore this broader responsibility to disadvantaged communities as programmes intended for such purposes would supplement the role

11 *McQuoid-Mason, D J: "Teaching Social Justice to Law Students through Community Service – The South African Experience" in Transforming South African Universities 1999 Alice p.76.*

12 *Ibid p.75.*

13 *Report on Legal Services in Rural Areas in Africa published in 1997 by the International Commission of Jurists, Switzerland p.15. The report provides details of programmes run by these organisations in a number of African countries including Benin, Burkina Faso, Cameroon, Ghana, Kenya, Nigeria, to mention but a few.*

of law schools in community outreach activities, thereby providing a more holistic approach to the achievement of the objectives of legal education.

3. Sharing experiences with different jurisdictions

The challenge of clinical legal education

The discussion in the immediately preceding paragraphs was intended to analyse the nature of clinical legal education by emphasising its narrow focus on acquisition of professional/practical or legal skills while also acknowledging its broader function of providing the means to access to justice through promoting legal services. The critical emerging point is that legal educators have recognised the educational value of clinical programmes and have regarded it as a crucial step towards revolutionising the educational system since these programmes have broader aims for legal education beyond its academic component found in the books, libraries and lecture rooms. The result is that by exposing students to clinical work, lawyering skills as well as professional values are not only acquired but also nurtured and developed in an atmosphere of real life.[14]

In addition, legal educators have come to realise that the concept of clinical legal education had to expand far beyond the legal aid clinics, the focal point for student activities, to encompass programmes of broader community needs for social development. Provision of legal services to the majority poor and dissemination of legal information to the ignorant members of the society have now become pilot schemes of clinical education adopted by and well established in many law schools the world over.[15]

In the context of Africa, while some law schools have ignored the above challenges of clinical legal education, others have responded to a greater or lesser degree, depending on the circumstances and demands of their respective national and institutional policies and strategies of legal education and training of lawyers. The discussion that follows is intended to explore and establish these policies and strategies in the different law schools within African countries. In doing so, reliance for information and analysis is based on the writer's extensive research in the field of clinical legal education in the Eastern and Southern parts of Africa and more particularly in South Africa.[16] The subsequent discussion is, therefore, the outcome of research based on various sources including personal experiences shared with law schools, legal educators, students and all those involved in the clinical legal education movement especially in the regions stated. A summary of the gathered information in each country is accordingly provided for the benefit of general comparative analysis.

Country studies: Eastern Africa

Tanzania

In meeting the demands of access to justice a number of institutions have been established in Tanzania to provide different forms of legal services for the poor and the ignorant members of the

14 *Iya, P F : "Legal Eduation for Democracy and Human Rights in the New South Africa with Lessons from the American Legal Aid Movement" 1994 The Journal of Professional Legal Education Vol.12 p.216.*

15 *Ibid.*

16 *The writer has worked at the Law Development Centre and Makerere University in Uganda, East Africa, at the University of Swaziland and currently at the University of Fort Hare in Southern Africa. He has written a thesis on Clinical Legal Education in the countries of Botswana, Lesotho and Swaziland (BOLESWA countries).*

society. They include[17]: SUWATA Legal Aid Scheme for Women established in 1989 the main objective of which are to run social services for women and children and a legal aid scheme for women with legal literacy as an important component of the scheme; WILDAF/Tanzania i.e. Women in Law and Development in Africa, (Tanzania Project) established in 1990 with activities focusing on law reform projects where women are strongly discriminated against and an on mass education campaign for women; TAMWA i.e., Tanzania media Women's Association started in 1988 as an NGO has as one of its main activities the publication of SAUTI YA SITI (literally "Women's Voice"), the focus being to inform and create discussion and awareness on women's legal rights; and other minor organisations.

While occasionally law students participate in the above programmes more for employment rather than for credit as part of their skills development programme, the formal mechanism for their practical training takes place in the law school's clinical programme established in 1978 and administered by the Legal Aid Committee of the Faculty of Law of the University of Dar es Salaam. The programme has three components:[18] firstly, it provides legal aid to indigent persons, concentrating mainly on legal counseling and, in selected cases, court litigation in civil matters; secondly, it promotes legal literacy activities aimed at "educating the people on vital areas of the law which have a bearing on their political, civil and human rights".[19] – the publication of a bulletin in Swahili called "HAKI" (literally "justice" or "right") and training of paralegals in basic aspects of the law form important aspects of this legal literacy; and thirdly, it generates law reform activities through for example, public debates on legal policy considerations, focussing especially on human rights, questions of democracy and political participation.

Student participation, though voluntary and not for credit, is highly encouraged in view of the benefits for professional skills development and social responsibility derived from the above activities. Funding support that is received from the university and other local and international agencies evidences the seriousness attributed to the programmes.

Kenya

There are initiatives in Kenya as well, aimed mainly at providing legal services to the disadvantaged communities but with little emphasis on skills development for law students. In this regard the experiences of five organisations serve as good examples of activities directed towards eradication of poverty and ignorance: They are those of FIDA-Kenya, Kituo Cha Sheria, the ICJ Kenya Section, the Legal Services Foundation and the Institute for Education in Democracy.[20] The common thread of activities for all these agencies include;

- providing legal services free of charge or at very reduced cost to disadvantaged people in Kenya who can not otherwise afford to pay for the services of a lawyer;
- assisting the disadvantaged people in acquiring basic knowledge of the laws affecting them in their daily lives;
- fostering a belief in equality for all with special emphasis on gender rights;

17 *For details read: Olsnes, R. 1992 Legal Education Programmes in Southern/Eastern Africa – Report from a Study Tour pp25–33.*

18 *Ibid p.28–31.*

19 *Ibid p.29.*

20 *Report on ICJ on Legal Services in Rural Areas in Africa. Op. Cit. pp.55-67.*

- publishing legal and educational materials and otherwise to assist in enhancing the level of literacy; and
- promoting Kenyans to become better citizens.

Whilst the methods used may reflect a movement away from legalistic approaches, the content of the above objectives is largely reflective of orthodox and individual-centered legal aid concerns. The problem however being that student participation in these activities in the narrow sense of the clinical legal education programmes appears minimal. No available literature associates these programmes with law students who should be benefiting from them for skills development purposes. Nevertheless, a country where the majority of the people have no access to lawyers or to legal information as a whole, the limited role (to the exclusion of student's participation) of legal aid and emphasis on increasing people's awareness of the law needs some commendation. Hopefully, emphasis on student's participation as part of skills development programmes will be realized and implemented sooner than later. The role of the Kenya Law School and the faculty of law of Nairobi University in this regard should necessitate a review of their present curricula.

Uganda

Unlike Kenya, the policies and strategies for clinical legal education programmes are more comprehensive in Uganda. There is involvement of a variety of organisations including FIDA-Uganda in implementing programmes of access to justice, but issues of clinical legal education are more prominently associated with Uganda's Law Development Centre, an institution charged, amongst others, with the legal duty of providing legal aid and advice to indigent litigants.[21] The basis for this is a report by Professor Gower which recommended as follows:

> *"One valuable method of instruction, and at the same time a valuable social service, and one obviously needed in Uganda, is the running of a legal aid clinic in connection with the (bar) course… At this clinic, the student under the watchful eye of a qualified supervisor, would interview, advise indigent litigants and, ideally, carry out any necessary correspondence and negotiations on their behalf".*[22]

What resulted from this recommendation was the establishment of the Centre with the function of organising and conducting courses of instruction for the acquisition of legal knowledge, professional skills and experience by persons intending to practice as attorneys.[23] While noting the importance of this function as the basis for introduction of clinical programmes in Uganda, it is also important to note that it was the Centre and not the Law School at Makerere which was vested with that responsibility, the reason being the acknowledgment by the then government of the distinction between the academic or intellectual legal education at the University and the professional or practical skills training at the Centre as an independent vocational training institute. The Law Development Centre Act of 1970 was meant to effect this separation.

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21 *Section 2 (1) (e) of the Law Development Centre Act, 1970.*

22 *See paragraphs 64-5 of Sessional Paper No.3 of 1969 on Government Memorandum on the Report of a Committee Appointed to Study and Make Recommendations Concerning Legal Education 1969 Government Printer, Entebbe, Uganda.*

23 *Section 2(1) (a) of the Act.*

In discharging its statutory obligation with particular reference to clinical legal education, the Centre's mission is "to enhance the professional training of post graduate law students at the Centre and promote the lawyer's role of service to the community through practical experience based on learning and legal representation of needy persons".[24] To that end two activities currently exist in pursuit of its clinical legal education programme:[25]

- ensuring that postgraduate law students at the Centre acquire practical training through real-situation cases so that they can, under supervision, interview indigent litigants, advise them, carry out any necessary correspondence and negotiations on their behalf and hopefully represent them in courts (Magistrates' Courts only);
- ensuring the education of the general public with regard to their legal rights and duties.

Due to logistical problems the above activities were set in motion only in 1998 through the generous donations of the American Bar Association and the United States Information Service. There in no available literature to suggest that student participation in these programmes is compulsory and for credit, but one can understand the fact that since the activities are still at an initial stage, more will have to be done to ensure effective student participation if the noble objectives are to be realised.

The BOLESWA countries of Southern Africa

A General Overview[26]

The term "BOLESWA countries" refers to the three countries Botswana, Lesotho and Swaziland. They are lumped together in this discussion not so much because they all are located in the southern region of Africa but more importantly because they have a common origin of legal education and also because they are currently struggling to establish (as is the case with Lesotho and Swaziland) or (as is in the case of Botswana) strengthen their programmes of clinical legal education as discussed below.[27]

Prior to the split of the then University i.e. the University of Botswana, Lesotho and Swaziland in 1975, practical training had two main components: through procedural/adjectival courses involving teaching in the final year of the LLB of practical courses like Laws of Evidence, Criminal and Civil Procedure and Administration of Estates; and through limited skills' development courses like Moot (Appellate) Court and Mock Trial Practice, Conveyancing, Notorial Practice and Legal Research. With the attainment of independent status, each university took steps to improve on and initiate new programmes to strengthen the already available activities of clinical education. The progress made has varied from one university to another as illustrated by the following experiences.

24 *The Legal Aid Clinic 1999 (Flyer) Publication of the Centre p2.*

25 *Law Development Prospectus 1999/2000 p.100.*

26 *For a detailed discussion read: Iya, PF "Educating Lawyers for Practice – Clinical Experience as an Integral Part of Legal Education in the BOLESWA Countries of Southern Africa" in 1994 International Journal of the Legal Profession Vol 1 No.3 pp.315–342.*

27 *The origin relates to the establishment in 1964 at Rome in Lesotho of the Department of Law to serve as the focal point of legal education for the three countries in the then University of Basutoland, Bechuanaland and Swaziland. It is this humble beginning which laid the foundation to the establishment of the law faculties/departments of the current respective universities of Botswana, (1982) Swaziland (1975) and the National University of Lesotho (since 1964).*

Universities of Swaziland and Lesotho

In 1986 the Council of Swaziland Churches established a Department of Legal Aid mainly to educate people on their rights according to the laws of the country. This programme was, however, supplemented by a very limited activity of representation in litigation for people who could not afford to pay lawyers. Another activity of a limited nature was participation in research into laws related to the Department's work, namely family law issues, including child maintenance, marital problems like divorce, custody, inheritance etc.[28] The cooperation that was eventually established between this Department and the Department of Law of the University availed the law students the opportunity to a wider scope of clinical education.[29]

The nature of the cooperation and student participation started in 1990 when law students were allowed to engage in the work of the Legal Aid Department (LAD) on a voluntary basis. The aim was to use the project as a stepping stone to a comprehensive clinical programme for the law students. In describing the students' contribution and benefits derived from the programme it is stated as follows:

> *"It is very good to make use of students. It enables LAD to do more educational work, and it is also an advantage for the students to acquire some practical skills and to learn about the legal problems of people in Swaziland through experience. From having participated in various seminars, it is our impression that the students do a good job giving talks in a clear and confident way and making the audience respond".*[30]

Despite this favourable evaluation, the programme clearly remains far from the type of a comprehensive programme of clinical education that one would expect students to participate in.[31] Nevertheless what is offered for the law students in Swaziland can not be compared to the situation in Lesotho where no such programme exists.[32]

University of Botswana

A typical example of a comprehensive clinical legal education programme in the BOLESWA countries exists at the Department of Law, University of Botswana. In emphasising the need for the programme, one of the founders stated as follows:

> *"In designing the new programme, the Department of Law was conscious of the fact that lawyers' competence in most, if not all, areas of law practice demands a wide range of fundamental skills. The Department, therefore, departed from the traditional approach which unnecessarily separated academic and professional education and introduced a clinical legal education built in the LLB programmes."*[33]

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28 *Poulsen, K and Jensen, M: Legal aid and Education in Ghana and Swaziland – A Comparative Analysis with a Human Rights Perspective 1992 Danchurchaid, Denmark. pp.35–38.*

29 *The project of cooperation was initiated by the writer of this paper.*

30 *Pulsen and Jensen Op.Cit p.30.*

31 *The available report reveals that the cooperation between LAD and the Law Department no longer exists. LAD recruits only students in search of vocational employment.*

32 *With effect from 1999, the National University of Lesotho has transformed its system of legal education and the introduction of a comprehensive system of clinical education is expected to be implemented as from the year 2000 as part of the new system of legal education.*

33 *Kakuli, GM: "Experimentation in Clinical Legal Education in Botswana" The Commonwealth Legal Education Association Newsletter of October 1989, ANNEX IV p1.*

The clarity of objectives is further emphasised by the depth and holistic approach in executing them, important aspects are the following:[34]

a) ***Emphasis of practical elements of a course.*** In teaching any course lecturers are required to delineate the practical elements of the course. For example, they are expected to show the students how pleadings pertaining to certain causes of action may be drafted.

b) ***Practical courses.*** Procedural and other practical courses are taught at various levels of the LLB programme. These courses include:
   - Criminal Procedure
   - Civil Procedure
   - Evidence
   - Legal Ethics
   - Accounting for Lawyers
   - Conveyancing and Notarial Practice.
   - Law of Business Associations.
   - Legal Research (Dissertations)

c) ***Clinical Legal Education Programme (CLEP).*** CLEP is the major vehicle that the Department employs to impart lawyering and professional skills. It has 4 components:
   (i) ***Moot court and mock trials.*** Each student is required to participate in a minimum number of moot court and mock trial sessions each semester. The moot court introduces students to appellate advocacy while the mock trials introduces them to trial techniques in both civil and criminal proceedings. The sessions are usually presided over by lecturers and by experienced practitioners and magistrates.

   (ii) ***Legal aid clinic:*** Each student is required to attend at the legal aid clinic 2 to 3 hours every week. The clinic enables students to experience real client-lawyer situations. Under the supervision of a member of staff, the students interview clients, give the advice on their rights and obligations and draft letters of demand as well as all the requisite pleadings, affidavits and notices. Students also attend pre-trial conferences and participate in the negotiations on behalf of 'their clients'. The students actually manage cases, short of going to court. The legal aid clinic is analogous to a teaching hospital at a medical school.

   (iii) ***Clinical Seminars.*** At these seminars, skills that the students need for effective participation in the moot court and mock trial sessions, as well as the legal clinic, are taught. They include such skills as interviewing, negotiating, case management, trial tactics, and court etiquette. They also include office management and the handling of cases in specialised areas, such as divorce and motor vehicle insurance claims. Simulations as well as videos are used as instructional tools.

   (iv) ***Internship.*** During their long vacations, students are placed as interns in various legal establishments, including private law firms, High Court, Magistrates' Courts, financial and insurance institutions, and police stations. They perform legal duties assigned to them by their supervisors at the place of internship. At the end of the internship, they write a

34 Iya, P : " Educating Lawyers for Practice: " Op.Cit pp.331–332.

comprehensive report on their experience. The internship helps them observe the law in action and learn by doing – thus supplementing their legal aid experience. It was also argued that the above programme would assist the students to develop the following "lawyer skills".

(i) analysis of legal problems;

(ii) performance of legal research;

(iii) the collection and sorting of facts;

(iv) effective writing and drafting (both in general and in a variety of specialized lawyers' applications such as pleadings, opinion letters, memoranda, contracts, bills of legislation);

(v) effective oral communication in a variety of settings;

(vi) performance of important lawyer tasks calling on both communication and interpersonal skills, e.g., interviewing, counseling and negotiations; and

(vii) organization and management of legal work.

Currently, therefore, the above range of fundamental skills are being developed and strengthened within the Department's component of practical training

The specific experiences of South Africa[35]

Historical Perspectives

As already discussed, the early 1970s marked the foundation and consolidation of clinical legal education programmes in South Africa. Instrumental in advancing this process further was the first international legal aid conference held in 1983 at the University of Natal, Durban by which time the two law schools of the Universities of Cape Town (UCT) and of the Witwatersrand (WITS) were already undertaking some form of clinical programmes. It is reported that by 1987 law students in these universities were required to either take the Practical Legal Studies courses including service in the clinic, or to produce a socially relevant research paper under faculty supervision.[36] The relevance of the programme at Wits was positively appraised thus:

> *"The requirement constitutes a quantum leap in legal education at Wits. Its impact on South African legal education could be substantial as well, since no other law school in the country has yet developed so comprehensive a clinical programme."*[37]

However, the same report was quick to remark that although the clinic's teaching components, administrative system, and service delivery had generally served the objectives of the programme

35 *In discussing the position of South Africa, I am indebted to the following scholars from whose reports I have derived a lot of inspiration and information as acknowledged hereunder.*
(a) McQuid-Mason, D J, An outline of Legal Aid in South Africa (1982) Juta and Co Ltd; "The Organisation, Administration and Funding of Legal Aid Clinics in South Africa" (1986), NULSR p.189; and "Teaching Social Justice to Law Students Through Community Service – The South African Experience" 1999 Transforming South African Universities Alice p.75.
(b) Gilbert, SM (passed away in South Africa while on this research) Report on Clinical Legal Education in South Africa 1993 University of Witwatersrand and Ford Foundation, Johannesburg in South Africa.
(c) Bluemenson, ED and Nilsen ES: Clinical Legal Education at the University of Witwatersrand – Reports and Proposals 1987 University of Witwatersrand.

36 *Bluemenson and Nilsen, Ibid p.59.*

37 *Ibid.*

well, major and immediate restructuring was necessary in anticipation of the new educational and social demands.

The above new demands were soon ushered in by the release from jail of Nelson Mandela, the former President of South Africa and their challenge required a review not only of the system of legal education but more so of clinical programmes. In response to the challenge, the Ford Foundation together with the U.S. Centre for Constitutional Rights sponsored a South Africa – US Public Interest Law Symposium in November, 1992,[38] the significance of which was not so much the sharing of ideas and strategies for the general strengthening of South African public interest law organisations, but rather the recognition of an opening of the doors to justice for the majority of South Africans emerging from generations of white minority domination, repression and denial of legal and human rights. In recognition of the emerging problems, further development and strengthening of clinical legal programmes were identified as important strategies. The argument in support was that a focus on the law clinics would enhance training opportunities especially for black law students and improve their accessibility to the legal profession, including improving their skills for better service. Thus restructuring and funding were identified as critical weapons to improving legal aid clinics attached to university law schools.

To that end, and since the above conference, Ford Foundation support coupled with the Attorneys' Fidelity Fund which have continued to provide financial and human resources made it possible for many law schools to establish and successfully operate legal aid clinics under the general supervision of the Association of University Legal Aid Institutions.[39] The degree of their success varies but the objectives of the programme in the context of South Africa remain the same, namely acquisition of legal skills, professional awareness and responsibility, promotion of social values by providing legal services to the larger society especially the majority poor; and provision of an alternative route into the profession especially for the black law graduates who serve their arcticles in these clinics. Today these activities form constituent parts of an integrated programme the details of which are described in the manuals prepared by each university law school clinic.

In addition to legal aid clinics as vehicles of clinical legal education, most South African law schools also have Street Law programmes as part of their broader system of clinical legal education. It has been argued that by enabling students to go out to schools and communities to teach about the law, the programme gives students an insight into the legal needs and aspirations of ordinary people.[40] Besides, the programme also compliments the students acquisition of professional values and sensitises them far beyond the formal professional ethics to broader issues of the role of law in society. The educational value of the programme is recognised by some universities which have not only established the course but also give students academic credit in the same way they do for legal aid clinic activities.

In South Africa Street Law programmes as a law course started in 1985 at the University of Natal, Durban and soon spread to other universities. Today 17 law schools offer courses in street law and their strength and development is based on funds received from the Attorneys' Fidelity Fund and the US Agency for International Development.[41]

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38 Gilbert, SM. Op.Cit p.1.

39 The Association was established in 1987 and the Attorneys' Fidelity Fund which started giving support in 1988 now provides funds on annual basis including the salary of Directors of legal aid clinics affiliated to the Association.

40 McQuoid-Mason, DJ "Teaching Social Justice… Op.Cit p.80.

41 Ibid.

Current Dynamics

The core activities of clinical legal education programmes are matters of common knowledge and practice in most law schools the world over. What has, however, taxed the minds of most legal educators especially in Africa is how to strengthen the programmes in both qualitative and quantitative terms to meet the objectives for which they were designed. In the context of South Africa, for example, it has to be appreciated that the programme has flourished amidst greatly adverse circumstances, swimming against the tide of conservation, white supremacy, in some cases oppression and constant underresourcing. All the same, progress has been made and the most recent research reveals the following:[42]

1. Most of the clinics engaged in general practice, although some areas of law such as divorce, motor vehicle assurance (third party) claims and deceased estates (except for very small estates), were closed to them by the law societies. The vast majority of cases involved labour matters such as wrongful dismissals, unemployment insurance and workmen's compensation for injuries; consumer law problems such as credit agreements (hire-purchase), defective products, loan sharks and unscrupulous debt collection practices; housing problems such as fraudulent contracts, non-delivery and poor workmanship; customary law matters such as emancipation of women and succession rights; maintenance; and criminal cases. During the struggle against Apartheid many of the clinics at the progressive universities were involved with civil rights cases involving pass laws, police brutality, forced removals, detention without trial and other breaches of fundamental human rights.
2. With the advent of democracy in South Africa in April 1994 the legal aid clinics are still dealing with poverty law problems, some of which, like housing, the quality of police services and social security have continued as a result of non-delivery by the new Government, partly due to inefficiencies and obstruction by bureaucrats employed by the old regime, many of whom retained their jobs as part of the political settlement.
3. One or two clinics have moved from general practice to more specialised constitutional issues. Thus at the University of Natal, Durban, in addition to the ordinary Legal Aid course there is a specialist Clinical Law course which focuses on women and children, administrative justice and land restitution. However, the majority of clinics continue to engage in general practice and fewer restrictions have now been imposed by the law societies. Furthermore the latter also allow candidate attorneys to do their mandatory internships in accredited clinics. As yet law students do not have the right to appear in the lower courts on behalf of indigent litigants, although student practice rules have been in the pipeline since 1985. It is hoped that the new Government will introduce these in the near future.
4. The Street Law programme uses a wide variety of student-centred activities in its teaching methods. These include role-plays, simulations, games, small group discussions, opinion polls, mock trials, debates, and field trips and street theatre. At a national level it hosts an annual mock trial and human rights debating competition as well as a youth parliament. Participants are high school children involved in the Street Law programmes from all nine provinces in the country. The school children come from all walks of life and a special effort is made to include children from very disadvantaged families.

To improve both quality and quantity of clinical legal education, a variety of strategies have been

42 *Ibid pp.76–77 and 80–81.*

put in place and continue to be emphasised, namely:[43]

(a) Effective teaching of lawyering skills and values and greater structuring of client service components have been enhanced by increased student participation in casework;

(b) During the final year of the LLB, student participation in the clinics as an integral part of their legal education curriculum has been considered critical. Compulsory participation and credit allocation for work in the clinics are also ensured by many law schools;

(c) The use of small groups for simulations, case analysis and issues discussions are also being implemented to enhance the quality of teacher-student interaction and the clinical learning process;

(d) Articulated models for evaluating the quality of all phases of students' casework and for providing students with systematic and continuous feedback on their work characterise most clinical programmes. These models identify areas of improvement and provide direction on how that improvement may be attained;

(e) The number of supervising attorneys; candidate attorneys who assist supervising attorneys and the rest of the supporting (administrative) staff is not only growing but programmes for their further training to improve efficiency are in place;

(f) Community-based as opposed to faculty-based clinics have also mushroomed in an effort to extend legal services as far as possible aimed at meeting the goal of supporting greater access to justice for the nation's poor;

(g) Street Law programmes have been integrated into academic teaching by most law schools so as to achieve the twin aims of providing students with the opportunity to acquire professional values and of disseminating legal information as part of alleviating and eradicating ignorance of legal and human rights; and

(h) Support in terms of financial, human and material resources have continued to be received from national (e.g. Attorney's Fidelity Fund) and international (e.g. The Ford Foundation) institutions thus providing the necessary catalyst required to advance the stated goals of quality and quantity.

It is such activities as enumerated above that have combined to build the capacity of South African clinical legal education programmes, thereby increasing their potential to meet the growing demands of students in terms of improving the quality of their legal education and of society the majority of whom are still poor, let alone ignorant especially of their legal and human rights. At the end of the day, it is the millions of South Africans who will benefit from better quality education of their lawyers and greater access to justice assisted by thousands of more compassionate, well-trained lawyers for whom doors to fulfillment of their potential have been opened wide for the first time in history.[44]

4. New challenges and initiatives for the 21st Century

Emerging Challenges

Despite the above revelation of successful and progressive experiences in clinical education by law schools in Eastern and Southern Africa, these developments are not without obstacles. Assessment

43 For details read Gilbert , SM Op. Cit. pp.6-19. *44 Ibid. p24.*

reports have identified a variety of factors that have combined to frustrate further developments. Areas of general concern and requiring particular attention include curriculum component, client service component, staff and funding components. In our earlier evaluation the critical areas to focus improvement are:[45] more emphasis on skills development; addressing more seriously issues of quality and quantity through curriculum review; greater participation in research and publication for purposes of sharing experiences and debating areas of improvement; networking and cooperation to strengthen linkages.

While improvements in the above areas may appear more beneficial only to enhancing the educational quality of law students, in the context of challenges facing Africa, a broader approach needs greater focus. It is for this latter reason that the debate in the present paper raises issues of poverty and ignorance as emerging challenges to clinical legal education. Despite the positive democratic, socio-political and economic gains of many African states, justice will for quite some time continue to remain distant and inadequate especially in the rural areas where the majority of the African population live. The legal system will continue to be inaccessible to these people because:

- they are poor and can not even afford to pay for lawyers;
- they live far away from centres providing legal services and have very few legal resources and facilities in their communities;
- they do not know about the law, human and legal rights; and
- many lawyers are ill equipped to efficiently and competently provide for their needs for development generally.

To many of us the above sufficiently lays the basis for the challenges which clinical legal education faces and must address more directly and urgently than ever before. For that reason, any new mindset and alternative suggestion can not miss out such important considerations. Future developments in the clinical legal education movement should, therefore, focus attention towards that direction.

It has to be noted, however, that emerging challenges discussed above and the degree of their impact on social development in the various countries of Africa have been influenced by and are the result of specific social, cultural, legal, political and economic realities in the different countries. Several arguments have been advanced to illustrate this point:[46] Firstly, the dual nature of the legal system which exists in most African countries has largely resulted in people not being aware of their rights under the mostly received State Law as compared to knowledge of customary or religious law and the problem of lack of awareness has been exacerbated by limited resources for legal services; secondly; the growing focus on democracy and human rights in civic education is partly explained by the intolerant nature of most African governments during the past two to three decades; thirdly, the concerns about women's issues which has also emerged as a key challenge has to be understood in the general context of broad social practices and the patriarchal nature of most African societies which sanction the subordinate position of women. Focusing on women's legal rights is intended to improve the position of women in society by stimulating an increase in the level of awareness amongst women and the wider society in general on the problems

45 *Iya, PF: "Educating Lawyers for Practice… Op. ;Cit. pp.366–338.*

46 *ICJ : Legal Services in Rural Areas in Africa Op. Cit. pp.17–19 presents a few of those arguments.*

affecting women; and lastly (though not least) even in the area of legal education, the question of access to justice plays a major role in explaining the need for alternative strategies. As a starting point it should be recognised and emphasized:[47]

- that in addition to knowledge of legal doctrines and legal methods , lawyers need knowledge of all fundamental skills and values that competent, ethical and socially responsible practitioners use in solving problems;
- that lawyers need knowledge of the art of lawyering i.e. the process of acquiring those lawyering skills;
- that a significant amount of education and training in the art of lawyering should occur in schools;
- that law students must learn the art of lawyering through reflective (critique); live-client clinical education in a realist setting under close supervision of experienced clinical teachers; and
- that professional responsibility on the part of law students require their sensitivity and positive contribution to social development through clinical programmes.

By achieving the values legal education will be seen as contributing effectively to the social transformation and development in Africa and beyond.

New initiatives

Despite differences in the level and scope of development of clinical legal education programmes among countries and within countries in Africa to meet the above values, three intertwined strategies have emerged over the years and are being utilised to achieve their objectives: education (acquisition of knowledge) and training (acquisition of professional skills values); provision of legal aid and information dissemination. It is in this context that we would like to share experiences over a few new strategies currently being experimented especially in South Africa to strengthen and develop further programmes of clinical legal education.

Towards a Progressive Integrated and Holistic Skills Development Programmes in University Law School Curricula

Many law schools of universities in Southern Africa have reviewed their curricula with a view to strengthening their clinical programmes. The review at the Law Department of the University of Botswana earlier discussed is a case in point. In South Africa, the general transformation of legal education in the context of the new dispensation has necessitated the revisiting of the status and role of clinical programmes at law schools. Although there is general agreement on the need to strengthen clinical programmes at law schools, the specific nature of and level at which such programmes should be offered has remained contentious. The position taken by a few universities, notably the University of Fort Hare supported by the Black Lawyers Association and the National Association of Democratic Lawyers, is the introduction of a progressive, integrated and holistic skills development programmes at the law school rather than as postgraduate studies at the

47 *For details read Laser, GL's article "Educating for Professional Competence in the 21st Century : Educational Reform at Chicago-Kent College of Law "Chicago-Kent Law Review (1993) Vol.68 No1 pp.244–245.*

universities or various Schools of Legal Practice run by the Attorney's Association. The rationale for this position is stated as follows:

> *"Developments in legal education have tended to compartmentalise the study of law into stages: academic, vocational and continuing education and have created dichotomies which have placed a wedge between scholars and practitioners. However, what is generally recognised is that such division of legal education into stages or compartments is arbitrary, unnecessary and confusing. More importantly it confuses the objectives of legal education and encourages a division within the legal profession instead of abolishing it. In the eyes of those who view legal education as a continuum such divisions are more destructive than constructive".*[48]

Currently the goal of a progressive, integrated and holistic clinical programme incorporated in the new four-year undergraduate curriculum of the LLB is being experimented not only at the University of Fort Hare with a similar programme like that at the University of Newcastle in Australia but also at the Universities of Natal, Durban and Potchesstroom.[49] The distinction between this programme and that at the University of Botswana and other similar programmes, is its progressive nature i.e. the teaching of skills being available and integrated at every level/year of the four year curriculum.

Teaching Social Justice Through Clinical Programmes

Clinical education of law students is said to achieve the following objectives: professional ethics/responsibility, acquisition of skills, substantive law and jurisprudence, policy, law reform and community service.[50] Whereas other jurisdictions outside Africa have introduced other socially related teaching goals when using a clinical teaching method, in Africa such an approach has not featured prominently.[51] Currently the law school of the University of Natal, Durban is engaged in the experimentation of teaching social justice through clinical programmes, the initiator of which defines social justice as the concerns for satisfying the needs of society for fair distribution of health, housing, welfare, education and legal resources including distribution of such resources on affirmative action basis to disadvantaged members of the community.[52] The initiative involves teaching methods far distinct from the traditional systems used in legal aid clinics and Street Law programmes.

48 *Iya, PF "Strategies for Skills Development: The Fort Hare Experience in Curriculum Design for the New LLB" 1998 the Journal of Professional Legal Education Vol.16 No.1 p.142.*

49 *For details of the experiment read : Iya, PF "Strategies for Skills Development…"Ibid pp.137–149.*

50 *Rice, S: A Guide to Implementing Clinical Teaching Method in the Law School Curriculum 1996 Centre for Legal Education, Australia pp.21–30 (focussing on teaching goals when using a clinical teaching method.*

51 *For experiences in other jurisdictions outside Africa Read Gold, N: "Legal Education, Law and Justice: The clinical Experience" (1979-80) 44 Saskatchewan Law Review p.97 and Quigley, F: "Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics" (1995) 2 Clinical Law Review p.37.*

52 *McQuoid-Mason, DJ: Transforming South African Universities – Op. Cit p75. He further describes the details of implementation in his article.*

Compulsory Community Service by all Law Graduates

The debate on clinical education received a new dimension when the President of the Constitutional Court of South Africa recently argued that in view of the substantial contribution made by the State to the cost of university education, the advantage flowing from a professional degree which has been subsidised by the state's contribution, and the need for practical training after the completion of the four-year LLB degree, there are compelling reasons why practical training should be combined with service to the community as public defenders or staffers of legal aid clinics. He was addressing a workshop of a Legal Task Team consisting of legal experts appointed by the Minister of Justice to review legal aid programme in the wake of failure by the Legal Aid Board (of South Africa) to meet the demands for legal services. He argued in support of internship programmes for lawyers similar to that being effected for graduate doctors in the medical profession. Under the project, graduates have to do one year compulsory community service as part of the Government's plan to provide legal services to the community while at the same time providing a perfect opportunity to develop well-rounded legal (or medical) skills that would otherwise not be possible in the teaching at the university. In the case of doctors the relevant legislation is in place. The same is being proposed for law and pharmacy graduates.[53]

South African Universities Pilot Projects: Towards Establishing Justice Centres

One needs no emphasis on the fact that from a socio-economic and political perspective, apartheid created and sustained a discriminatory culture against the African masses. Those hardest hit are rural and township dwellers and especially the youth in these areas bear the brunt of these injustices and inequalities. In addressing the particular challenge students from different universities have initiated a pilot project aimed at establishing a culture of community service in the Higher Education Project.[54] From the success of such a project a Justice Centre involving interdisciplinary activities will hopefully emerge to meet the social and legal needs of the rural community.

The relevance of this pilot project to clinical education is the opportunity of participation of law students in these projects for purposes of enriching their commitment to community service. Besides, getting to make decisions on their own and becoming multi-skilled in a variety of ways are invaluable experiences consistent with the broad goals of clinical legal education.

The above-mentioned initiatives are by no means the only steps taken by legal educators and others. However, they are indicative of the commitment on their part to advance further the cause of clinical education for the benefit not only of law students but also the wider African community especially those seriously disadvantaged by the evils of poverty and ignorance.

Conclusion

Down the line of the last 40 years of independence of African countries, concerted efforts have not only been directed towards commitments to democracy and social transformation for a better life for Africans, but the same have also been confronted with perennial problems and challenges

53 *Details discussed in the Sowetan (South Africa) of 15 October, 1999 (Section on Politics) p.2 and also in the Mail and Guardian (South Africa) of 21 January 2000.*

54 *For details read: Mecoamere, V: "Universities Pilot Projects" Sowetan of 31 August 1999 p.4 and Khumalo, S: "Wakeup and take and interest in the Community" Sowetan of 26 August 1999 p.14.*

the result of which is the emerging search for options for a better future in the 21st Century and beyond. Poverty and ignorance rank very high amongst those obstacles of social development and the fight for their alleviation and/or eradication has tasked the efforts not only of governments but international organisations, NGOs and other institutions which had to address these problems. The present discussion has revealed that African universities through their mission statements have indicated their commitment towards social development and their various institutions of legal education have risen to the same challenge.

Legal Education is one area where the challenge has generated some concerns as to the extent to which it can or actually does contribute to social transformation. In that context it became necessary in this paper to establish the role of clinical legal education generally and its contribution to and impact specifically on alleviating and/or eradicating two of Africa's most "deadly" evils - poverty and ignorance. The analysis and arguments in this paper go to show that the importance of clinical legal education programmes in that regard have not only been realised and appreciated, but their implementation have also been affected in several countries throughout Africa. The experiences of those programmes in East and Southern Africa have revealed that there are variations in the implementation aspects within the different countries, although there is also much in common with regard to objectives and areas of concern. The fact that the programmes have different strengths and weaknesses make them, in our view, relevant activities to learn from one country to another with the purpose of advancing their scope and quality implementation strategies. The value of comparing these experiences is to learn from each other's successes and shortcomings, a healthy process for addressing the challenges facing clinical education.

The present paper does not claim to have achieved much by way of introducing change. The little there is, if any, goes to strengthen the hope that the discussion contained herein will successfully prompt further debate, further experimentation and continued support, taking into account the benefits to be derived from the programmes by the students and society generally in the process of achieving education and training as well as fighting poverty and ignorance. All these call for constant reviews of existing programmes based on properly researched findings and for networking and cooperation to achieve successful implementation of all clinical programmes.

Clinical Legal Education in the 21st Century: Still Educating for Service?

Judith Dickson[1]

Introduction

As a lawyer and clinical legal educator, I have direct experience of the ways in which clinical legal education programmes in Australia[2] provide legal services to poor and disadvantaged people. In this context I recently began to wonder about the image of lawyers and of the legal profession, that other clinical educators and I portray in our work and about the values underlying clinical legal education.[3] I began to think that despite a longstanding commitment to access to justice,[4] clinical legal education in Australia might actually be acquiescing in a notion of professionalism that is counter to that commitment.

In this article I explore the connection between the continuing commitment of clinical legal education to the provision of legal services to those unable to otherwise afford them and the notions of professionalism traditionally adopted by the organised legal profession. In doing so I focus on the Australian legal environment as the one with which I am most familiar. However, I believe the issues I raise are relevant for other legal educators concerned about the state of the legal profession in their jurisdictions and about the values which clinical legal education imparts to law students.

The underlying premise of this paper, and my starting point, is that clinical legal education as a method of legal education developed in the United States in the 1960s and in Australia in the 1970s *primarily* in response to an obvious lack of legal services for the poor.[5] A service ideal therefore

1 *Lecturer and Clinical Supervisor, School of Law and Legal Studies, La Trobe University, Melbourne, Australia. Earlier drafts of this paper were presented at the Mid-Atlantic Clinical Workshop, Baltimore USA and the Commonwealth Legal Education Association conference, Jamaica in late 1998. I thank my colleagues in both forums for their constructive comments. I also thank my colleagues at La Trobe, Margaret Thornton and Mary Anne Noone.*

2 *I have also had the opportunity to observe programmes at work in the United States and the United Kingdom and to talk to clinical legal educators from parts of Africa and India.*

3 *The idea of the law teacher as role model is still relatively new. See (Menkel-Meadow 1991). Le Brun and Johnstone (1994)discuss the implications of teachers as role models for student learning and Dickson and Noone (1996) present a practical illustration of role modelling within clinical legal education.*

4 *See the discussion later in the article of the origins of clinical legal education.*

5 *I have reached this view from my reading of the early literature on clinical legal education. See, eg, the writings of William Pincus and others eg, Pincus (1980) Johnson (1973) Grossman (1974) and papers presented at the conference of the Council on Legal Education for Professional Responsibility CLEPR (1973). For an Australian view see Hanks (1976) Smith (1984) Noone (1997). While demand from the practising profession and law students for practical skills training was a factor in the development of clinical legal education, my view is that this alone would not have resulted in its rapid growth.*

underpinned the educational adventure. This commitment to service is explored in the article in a discussion of the origins of clinical legal education in both those countries.

I argue that the legal profession in Australia, at least through the voice of its professional organisations, has traditionally adopted a particular view of itself as a 'profession'. This view, in essence, has been that membership of the legal profession is a 'calling', that legal practice is not primarily a commercial activity and that a characteristic of the profession which distinguishes it from other trades or occupations is that members have an obligation to 'serve the public' in their practice of the profession.[6] I suggest that clinical legal education is based on a similar professional ideal.

Recently, there have been challenges to the legal profession's view of itself and of its role in the community. In both Australia and the United Kingdom governments have sought to demystify the legal profession and to attack its traditional self-regulatory status.[7] Attention has also been focussed on the legal profession's monopoly over the delivery of legal services. One effect of these inquiries I think, has been that the profession's sense of identity has been shaken. The identity of clinical legal education is also, I suggest, at stake if it is based on a view of the legal profession that is no longer relevant. In this article I argue that it is time to rethink and redefine the values of clinical legal education. I hope that in doing so, clinical legal educators can contribute to the development of a new vision of professionalism.

Structure of the Article

The article is in three parts. In the first part I examine the notion of a profession which I argue the legal profession has publicly adopted. I then look at the ways in which the legal profession has used and relied upon this notion to justify maintenance of a privileged position vis-a-vis the provision of legal services to the community. In the second section I briefly discuss the beginnings of clinical legal education in Australia and compare these with its counterpart in the United States. I then discuss what I see as the link between clinical legal education and the notions of professionalism discussed earlier.

The third section asks whether the traditionally espoused ideals of the legal profession can be sustained in the face of recent and continuing challenges to its role in the legal system. I examine the trend in Australia to see lawyers as inhibiting access to justice rather than assisting it. These challenges (or attacks depending on one's viewpoint) on the legal profession have raised the possibility that the legal profession is viewed at least by government as no different from any other

6 *I am interested here in the idea that the legal profession has, of itself, as expressed by the leaders of the professional organisations, members of the judiciary and so on. Clearly, this idea may be narrower in scope than concepts of professionalism described in sociological literature. I hasten to add that I have not conducted any large-scale empirical research in this area - a project for the future. See, however, Kirby (1996) and Dawson (1996) and for a United States expression of the view see Baillie (1994-95).*

7 *The list of inquiries would fill a page or more. However, in Australia the list includes reports by two state law reform commissions (New South Wales Law Reform Commission 1982) (Law Reform Commission of Victoria 1992), the Victorian Attorney-General (Attorney-General's Working Party on the Legal Profession 1995) the Commonwealth Government (Senate Standing Committee on Legal and Constitutional Affairs, 1991-1994), Trade Practices Commission (1994) Access to Justice Committee (1994). In the United Kingdom, the Lord Chancellor's Department Green Paper (Lord Chancellor's Department (UK) 1989) shocked the legal profession in that country. Indirect challenges continue in government initiated inquiries into the costs of civil justice. See, eg, (Lord Woolf 1996)and the recently completed report of the Australian Law Reform Commission (Australian Law Reform Commission 2000).*

occupation or industry. If it loses both its monopoly over legal services and its privilege of self-regulation, inherent characteristics of a profession under the traditional view, do its members in turn owe any duty to serve the public?

Finally, I discuss the implications for clinical legal education of these possible or likely changes in the legal profession's espoused ideals. I conclude that clinical educators must pay attention in their teaching to developing a new vision of the lawyers' role that does not rely on adherence to privileged and monopolistic practices. I suggest there are three options for this new vision and I encourage clinicians to retain the longstanding commitment to access to the legal system within a new vision of professionalism.

The Notion of a Profession

I do not intend here to survey the sociological literature on professions and professionalism.[8] While theories of the profession have changed and developed since the 1930s the 'ideal-type' of profession is generally agreed to possess certain characteristics (Larson 1977). Typically, these include the following:

- A period (usually long) of education and training
- Possession of certain skills and expertise
- Ethical rules or code
- Monopoly over delivery of a particular service (or monopoly over provision for a fee)
- Control over entrance to the profession via the setting or educational and training requirements
- Self-regulation
- Commitment to public service

Once the legal profession became a cohesive group[9] it clearly possessed at least the first six characteristics. The profession itself, or at least the professional organisations presenting a unified public face for the legal profession, has seen these traits as defining and has clung tenaciously to the idea that because as a group it possessed them, it was set apart from other occupations.[10] Whether this is so will be discussed later in the context of challenges to that view. In this part I concentrate on how the legal profession interprets and relies on this idea of a commitment to public service.

I argue that of all the characteristics outlined above, the idea that membership of the legal profession carries with it a commitment to serve the public, is the most powerful. This is because it can be and is used to justify the privilege of self-regulation and that of monopoly over legal services as well as to exhort individual lawyers to engage in ethical legal practice with a view to

8 *Johnson (1972) discusses and criticises the models in sociology at the time of his writing in 1970. Nelson and Trubek (1992) also survey the theories of professionalism. See also, (Larson 1977).*

9 *The origins of both the Australian and American legal professions lie in the development of the English legal profession. In England the two branches of the profession developed separately. However, lawyers of either variety, ie attorneys-at-law and serjeants (forerunner of the barrister) appear to have held a monopoly over advocacy and litigation by the end of the 14th century. By the mid 18th century solicitors were organized into a 'professional' body able to lobby for further monopoly. See, Holdsworth (1903) J.H. Baker (1986) (Christian 1899).*

10 *With the exception of medicine.*

public service. It is seen therefore as an integral part of being a lawyer. It contributes to the ideal of the legal profession as a 'calling' and one in which the primary purpose is not mere financial reward.[11]

There are three obvious ways in which the legal profession, through its professional organisations, uses and relies upon this ideal of public service. First, it is relied upon positively to encourage individual lawyers and professional organisations to, for example, commit themselves to increase their pro bono work.[12] Pro bono work can be either for individual clients or for community groups and in Australia at least, is increasing as governments continue to withdraw funds from the public legal aid budgets (Regan 1999). Lawyers' involvement in pro bono work is a mark of their special status as professionals with an overriding commitment to the provision of legal services to the community - the public interest.[13] The commitment to public service (or obligation as it is often referred to) also inspires calls for lawyers to voluntarily contribute their expertise to draft law reform proposals, take part in community consultation or otherwise involve themselves in public activities involving the legal system.[14]

Secondly, this public service ideal is publicised in ways directed at improving the public reputation of lawyers generally.[15] So, for example, in my home state of Victoria and in most other Australian states, the profession organizes a 'Law Week' each year. Telephone advice lines are set up through the professional organization, lawyers give free advice at designated public places throughout the week, displays are set up providing information on common legal problems et cetera. In addition, much time and effort is spent in persuading the public of the value of hiring a lawyer when trouble or transaction presents. The overriding message is that lawyers are independent and skilled advisers with a commitment to serving the community(Law Institute of Victoria 1999) (Scott 1998). As I discuss later, perceived challenges to that independence impact on the notion of obligations of public service.

Thirdly, the legal profession uses the public service commitment in what I conceive to be a negative way - that is, as a justification for privilege. The legal professional organizations argue that their members adhere to this obligation of public service and use their skills and expertise for the good of the community.[16] The argument continues that because lawyers are professionals with expertise and training, the community can rely on them and only them when dealing with the legal system. Conversely, the community cannot rely on non-lawyers because they are not professionals and

11 *Larson (1977) 59 refers to this use of the 'service ideal' as the need to gain 'social credit and autonomy'. See also, Kirby (1996), Sir Daryl Dawson in a speech to the 29th Australian Legal Convention October 1995 reported in (1995) 30* Australian Lawyer *10 and Smith (1994).*

12 *'Pro Bono Publico' - interpreted variously as 'for the public good' or 'in the interests of the public'. Baillie and Bernstein-Baker (1994-95) base their argument in favour of the (then) proposed American Model Rule 6.1 (pro bono) on a view of the legal profession which incorporates an obligation to serve the public.*

13 *The American Bar Association reaffirmed this special obligation of lawyers in the Report of its Commission on Multidisciplinary Practice August 1999.*

14 *The journal of the legal professional association in Victoria, Australia, the* Law Institute Journal *contains a regular column featuring and discussing the variety of ways in which members of the profession can perform pro bono work. See, eg, (Voluntas Pro Bono Secretariat 1998) and (English and Burchell 1999).*

15 *Interestingly, the Attorney-General of Australia is organizing a 'Pro Bono' conference for August 2000 with the express aim of publicly recognizing the pro bono work done by the Australian legal profession.*

16 *This is a recurring theme in the profession's response to current issues such as multi-disciplinary practices and the extent of reservation of legal work to lawyers. See, eg, (Dixon 1999) and (Scott 1999).*

above all do not have this commitment to the public good that lawyers, as professionals do.[17] In this circular way, lawyers have resisted attempts by government to take away some of their privileges of monopoly and self-regulation.[18]

An obvious question is whether individual lawyers have ever conformed to this service ideal held out by the professional elite.[19] In practice many different interests exist within the legal profession and individual lawyers practice in a variety of workplaces with differing experiences.[20] In the aftermath of the corporate excesses of the 1980s and in the long working hours of the 1990s, some commentators on the legal profession have looked backwards longingly to a time when this ideal supposedly meant something. Kronman in his book *The Lost Lawyer* (Kronman 1994) bases his critique of current American legal practice on the notion that there was a time not so long ago when lawyers were committed to and were able to carry out this ideal. Justice Michael Kirby of the Australian High Court (Kirby 1996) criticizes the nostalgic approach but still expresses the conviction that lawyers must reassert the essence of their professionalism. The obligation and commitment to practise law in the public service lies he asserts, at the very heart of what it means to be a lawyer.

Clinical legal education and the legal profession's notion of professionalism

Origins of clinical legal education

How does clinical legal education relate to this ideal of the legal profession? Before answering this question I want to compare briefly its Australian and American origins. I hope to show that despite differences, in both countries clinical legal education was founded on a determination to provide legal services to the poor and in so doing to effect change both in the legal system and in legal education.

In my view there were two catalysts for the rapid growth of clinical legal education in the United States. The first was the 1969 US Supreme Court decision in *Gideon v Wainwright*[21]. The decision created a serious question as to how and from where representation would be provided to the new class of criminal defendants now entitled to it under the US Constitution. Judges, practising attorneys and legal educators saw this as a practical crisis demanding urgent measures to satisfy the

17 *Competence and ethical conduct are bound up with this argument and with the service ideal. The possession of knowledge and skills and the ethical rules governing lawyers' conduct contribute to their special place in the community (Dickson 1998). The courts have supported this argument eg,* Cornall v Nagle *[1995] 2VR 188.*

18 *For example, during 1995 and 1996, the Victorian Law Institute, the professional organization for solicitors in the Australian state of Victoria, fought hard using these arguments in an effort to resist the Victorian government's determination to, among others, abolish the self-regulatory status of the profession. (The government was ultimately successful). See also Law Council of Australia policy statements (Law Council of Australia 1998).*

19 *Research carried out in the mid-1970s as part of the Commission of Inquiry into Poverty in Australia found a low rate of participation among the survey sample (25%) in pro bono work. See (Fitzgerald 1977). Chesterman (1995, 5) nevertheless points out the influence of 'reformist lawyers' on social and legal change in Australia.*

20 *Nelson, Trubek and Solomon (1992) explore the variety of professional ideologies espoused by lawyers.*

21 *372 US 335 (1963). The Court held that defendants facing criminal prosecution in the states on serious charges where there was a possibility of a substantial prison sentence had a constitutional right to legal representation.*

sudden need for satisfactory criminal advocates. They all turned to the law schools for help in supplying the need.[22]

Courses for credit were created in which students worked in legal aid offices (generally the neighbourhood law offices funded by the Office of Economic Opportunity) under the supervision of a salaried lawyer. The immediate need was seen both by the profession and the judiciary to be provision of legal services to the poor.[23] When in 1972 the United States Supreme Court, in the case of *Argersinger v Hamlin*,[24] extended the constitutional right of representation to all defendants, whether facing a jury trial or not, the demand for legal services increased again.

The early programmes in neighbourhood legal aid offices were the first large-scale 'clinical' programmes within legal education and their priority was clearly community service. At the same time, they were seen as filling an educational gap in the American legal education system, by providing an opportunity for students to experience legal practice and to learn some practical skills before being admitted to the Bar (Pincus 1969).

The second catalyst to growth of clinical legal education in America was the attitude of the Ford Foundation to changes in legal education. In particular William Pincus at the Ford Foundation believed that lawyers had an obligation to be involved in solving some of the pressing social and legal problems of the time.

In 1966, while Program Associate, Public Affairs Program at the Ford Foundation in New York, Pincus wrote of his disquiet in the late 1950s, when reviewing funding applications from legal academics:

> *What was missing from the applications was any tangible evidence of awareness of service - of the obligation to convey a professional service, based on many years of learning, to all segments of the American public, including those who might not be able to afford the ordinary price of legal services. (Pincus 1966)*

In 1965 the Ford Foundation provided funding to the Association of American Law Schools ("AALS") to expand the work of the National Council on Legal Clinics.[25] In 1968 the Council on Legal Education for Professional Responsibility ("CLEPR") was set up by the Ford Foundation as an independent body and funded to the extent of six million dollars. William Pincus became its President. The massive funding provided by CLEPR was directed at introducing clinical legal education into law schools across America and in a way that involved law students in the provision of legal services to the poor.[26]

In Australia, the first clinical legal education programme was established in 1975 at Monash University in Melbourne. Unlike in the United States, there was no constitutional imperative to provide legal services to the poor. Nor was there a Ford Foundation with massive funding for clinical programmes. The early 1970s were, however, a time of social unrest and political turmoil extending to the campuses.[27] They were also years when the Australian Government began to

22 *See, eg,: (Brown 1965) (Cleary 1966) (Monaghan 1965)*

23 *Ibid.*

24 *407 US 25 (1972).*

25 *This body was funded by the Ford Foundation and in 1958 auspiced a 'placement' programme in which students spent time working with a variety of legal professionals within the justice system.*

26 *In 1972 the US Supreme Court endorsed this aim of clinical legal education. In* Argersinger v Hamlin, *above n 24, Mr Justice Brennan said that "law students can be expected to make a significant contribution . . . to the representation of the poor in many areas . . ."*

27 *These were the years of the Vietnam Moratorium and the protests against the South African Rugby Team, the Springboks.*

identify and address poverty through the Australian Government Commission of Inquiry into Poverty (the "Henderson Commission") and in which there were moves to simplify access to the legal system in minor matters.[28] Free legal services were established by students and radical young legal practitioners to provide advice and representation to people unable to pay for private legal services.(Chesterman 1996, 4-5) It was onto these legal services that clinical legal education was grafted.

This relationship between clinical legal education and community legal centres (as the free legal services became) and the model of basing a clinical programme in a community legal centre is a distinguishing characteristic of Australian clinical legal education (Noone 1997). Clinical programmes in Australia remain firmly entrenched in this model. The connection has been re-enforced recently by the Commonwealth Government in its criteria for receipt of funding in an initiative designed to expand both clinical legal education and the provision of legal services in areas of disadvantage.[29]

In Australia clinical legal education is still firmly linked to poverty law practice. In the United States, my belief is that despite considerable diversity in programmes, in the majority of clinics the educational process is used to provide legal services to poor people.[30] I argue therefore, that from its inception, clinical legal education in both countries has depended upon a service ideal. This took the form of a belief that lawyers have an obligation as lawyers to involve themselves in the equal distribution of legal services.

Clinical legal education and the ideals of the 'profession'

When clinical programmes are providing legal services to groups of poor or otherwise disadvantaged clients, they are using that form of legal practice to satisfy educational goals. These latter are usually many and varied. One recurring goal, however, at least in the Australian situation is a rather general one of guiding students to see a role for themselves as lawyers, that encompasses the obligation to work for access to justice. This is emphasised in the Australian situation I think by the connection between clinical legal education and the community legal centre movement discussed earlier.

The use of the educational process to provide legal services to the poor is clearly consistent with the service-ideal of a profession discussed earlier. One way of approaching the relationship between clinical legal education and notions of a profession is to see clinical education as imbued with a sense of the public service role of the lawyer. On this view, the chosen client base directly reflects an adherence to the view that lawyers as professionals have an obligation and commitment to public service absent from members of other trades or occupations.

28 *The second main report of the Henderson Commission delivered in October 1975 was entitled* Law and Poverty in Australia. *The Small Claims Tribunal was established in 1973 for consumers to take action against traders without the need for legal representation; The Small Claims Tribunal Act (Vic) 1973.*

29 *Commonwealth Government Selection Criteria contained in the Call for Expressions of Interest in funding proposals for four new clinical legal education programmes dated 24 August 1998.*

30 *I hope this belief is not misplaced. It is based on personal experience, personal and email discussions with American clinical teachers and reading of both current writing and discussion on internet lists. Clinical law teachers' involvement in social justice organisations such as Global Alliance for Justice Education and the frequency of conferences and meetings devoted to such issues reinforces this belief.*

The problem I see with acceptance of this traditional vision of a lawyer as a professional is that it is tied to other characteristics of the profession which entrench privilege and injustice - such as monopoly over delivery of legal services, self-regulation etc. It seems ironic that clinical legal education should rely on a vision of professionalism that can be seen in this alternative light. The commitment of clinical programmes in Australia to access to justice cannot be criticised. However, I suggest that clinical educators there (and probably elsewhere) have not articulated a role for lawyers and the legal profession which challenges the status quo. This failure leaves clinical legal education as ultimately accepting of that status quo. As discussed in the next section, the legal profession is under challenge in Australia in such a way that there exists the real possibility that the traditional notion of the profession must give way. Clinical educators need to be part of the process of rethinking what it means to be a lawyer and by necessity of rethinking the values of clinical legal education itself.

Challenges to the legal profession

The ability of members of the community to access the legal system has been the subject of regular inquiry in Australia during the last twenty years. The late 1980s saw an increasing concern within the broader Australian community that the legal system and the legal services necessary to use it were increasingly inaccessible to the ordinary citizen.[31] The high cost of legal services was seen to be a major contributor to this inaccessibility. Both state and commonwealth governments began to look closely at the regulation and structure of the Australian legal profession. At the same time, the Lord Chancellor's Department in the United Kingdom was examining the operation of the English legal profession (Lord Chancellor's Department (UK) 1989). The question directing these investigations was whether legal services could be provided in a more efficient and effective way by applying the principles of competition policy to the existing methods of operation. That policy could be summarised by the statement that 'restrictions on how, or by whom, services may be provided are justified only if they result in a net public benefit.' (Law Reform Commission of Victoria 1992, 5)

In May 1989 the Australian Parliament referred to the Senate Standing Committee on Legal and Constitutional Affairs the question of the costs of litigation and legal services (''Senate inquiry''). In 1989 the Victorian Law Reform Commission began work under a reference to inquire into the costs of litigation. As part of their investigations, both these bodies applied competition principles and questioned the reservation of substantial areas of 'legal work' to legal practitioners. In one discussion paper, the Senate inquiry raised the option of abolishing all legislation regulating the legal profession and opening up the legal services market to any person who wished to offer themselves to perform legal services (Senate Standing Committee on Legal and Constitutional Affairs 1992).

31 *This was not a new concern as evidenced in the establishment of the Henderson Commission. See above n 28.The 1970s had seen the introduction at both state and commonwealth level of consumer tribunals aimed at providing a cheaper, faster and more accessible dispute resolution process in their specific areas of operation. For example, in Victoria, the Residential Tenancies Tribunal operating under the Residential Tenancies Act 1980 (Vic) and the Small Claims Tribunal operating under the Small Claims Act 1973 (Vic). In 1984 the Administrative Appeals Tribunal Act (Vic) established the Administrative Appeals Tribunal.*

The two inquiries which have had the most significant practical impact on the operation and identity of the legal profession in Australia were the Trade Practices Commission study of the professions including the legal profession (''TPC'') (Trade Practices Commission 1994) and the inquiry of the Access to Justice Advisory Committee (the ''Sackville Committee'') (Access to Justice Advisory Committee 1994). Both these inquiries were national in scope and included in their considerations, arguments and questions raised in previous state and federal inquiries.

Both the TPC and the Sackville Committee recommended that the legal profession should be subject to the same competition principles as other industries. These principles were encapsulated in the recommendation of the Hilmer Report that '[t]here should be no regulatory restrictions on competition unless clearly demonstrated to be in the public interest.'[32] Each Report examined the traditional reservation of legal work to lawyers, especially conveyancing (real estate transactions) and probate. The only qualification to this broad recommendation was contained in recognition by both inquiries that there was a public interest in the proper administration of justice and the legal system.(Access to Justice Advisory Committee 1994,67) (Trade Practices Commission 1994,7) The issue for consideration then was how to balance this public interest against the public interest in competition in legal services.

In making submissions to both inquiries, the various legal professional bodies relied on their status as a 'profession' and argued that retention of lawyers' monopoly over primary legal services was a guarantee of integrity and competence in the performance of those services.[33] The independence of the profession and its characteristic commitment to public service were, it was argued, critical factors in ensuring the integrity of the legal system. With respect to lawyers' monopoly over advocacy in the courts, it is possible to infer that both the TPC and the Sackville Committee accepted these arguments. In any event neither report recommended abolition of it. Other areas of legal work did not survive the scrutiny.[34]

Of most importance to the discussion in this paper of the professional ideal of public service and its use by the legal profession to justify privilege, was the examination by both inquiries of the way in which the profession was regulated. The control by the profession of entry to the profession (through the licensing process) and of the discipline of its members in their conduct of legal practice was seen as a significant factor in the cost and availability of legal services. The outcome of the examinations was conclusive that the legal profession was not, but should be seen to be, accountable for its practices.[35]

In a sense this was another reinterpretation of the professional ideal. If lawyers hold a privileged place in the administration of justice because of their expertise and monopoly of legal work, a privilege which is granted to them by the community (via legislation), then the public must be

32 *(Independent Committee of Enquiry into Competition Policy in Australia 1993, Policy Principle I, 206). The Report examined how the principles of competition policy were and could be applied in Australia. In February 1994 the Council of Australian Governments adopted the principles that it espoused.*

33 *See, eg., The Queensland Law Society in its submission: ''[Legal] practitioners are required to maintain certain professional standards, are accountable and subject to substantial sanctions in respect of breach of those standards.. .'' quoted in the TPC Report (Trade Practices Commission 1994, 58).*

34 *In particular, conveyancing (real estate transactions) and probate and a variety of other areas of administrative and welfare practice.*

35 *Accountability emerged as the key issue in government critique of the legal profession. See, eg, (New South Wales Law Reform Commission 1993); (Access to Justice Advisory Committee 1994, Action 7.1, 210); (Trade Practices Commission 1994, 182-184).*

satisfied that the privilege is being exercised in the public interest. External rather than self-regulation was the recommendation.[36]

This recommendation, now implemented in the state of Victoria in new legislation regulating the legal profession[37], struck at the very heart of the notion of what it was to be a professional. Self-regulation and commitment to public service go hand in hand in the traditional view. The profession asks the community to trust that its members will perform their work competently and ethically and promises that the professional body will sanction any lawyer who fails to reach these standards. The profession says, 'We lawyers are special, we are not just practising for financial gain, we are serving a higher good and accept an obligation to use our skills for the good of the community. You can trust us.' For almost a century in Australia at least, governments have supported this view. Legislation has entrenched the monopoly of the legal profession over the delivery of legal services and the self-regulatory regime.[38]

Now, however, the Australian legal profession has been challenged to forge a new identity. The recommendations and principles of the Trade Practices Commission, the Hilmer Committee and the Sackville Committee have ensured that the climate in which lawyers practise in Australia is not accepting of traditional arguments supporting privilege and monopoly. In the jargon of the time, lawyers are providers of legal services and practise within the legal 'industry'.[39] In Victoria, with the second highest number of lawyers in Australia, regulation of licensing and discipline has been taken away from the professional body and authority given to independent bodies.[40] Governments are looking for ever-more cost efficient ways of administering the legal system and continue to examine ways to reduce the role of lawyers in litigation.[41]

One cannot overestimate the impact of these changes on the self-image of the legal profession and its members. When added to the ever increasing financial pressures on law firms and the impact of globalisation on traditional modes of legal practice the result is a climate of uncertainty and change in the legal profession.[42] If lawyers are merely another occupational group with no special characteristics which distinguish them from say, electricians or computer programmers, then must they still have this commitment to public service which has been so integral to their identity? What impact do these changes have on the underlying premises of ethical practice? Should these be re-evaluated? These are questions for the legal profession to consider. They are also, however, critical questions for legal educators and clinical legal educators in particular.

Where does clinical legal education fit into this new scenario?

I suggested earlier in this paper that clinical legal education in both Australia and the United States is imbued with a sense of the public service role of the lawyer. Clinical legal education has always taken this seriously. It is of course arguable that in the wider profession, this 'ideal' has been mere

36 *Ibid*

37 *Legal Practice Act (Vic) 1996*

38 *The Legal Practice Act (Vic) 1996 s.314 continues the virtual monopoly of lawyers over legal practice in Victoria. It has, however, attempted to abolish self-regulation by establishing separate and independent bodies to oversee professional conduct and the licensing regime. See Parts 15 and 18 of the Act.*

39 *(Australian Bureau of Statistics 1995).*

40 *See above n.38.*

41 *The Australian Law Reform Commission in its recently completed review of the adversarial system 1996-1998 investigated these and other issues.*

42 *Discussion of the impact of globalisation on traditional modes and structures of legal practice is ongoing in the legal profession and no doubt contributes to the 'identity crisis' I describe. There is, however, not room in this article to explore that contribution.*

cant, pulled out at convenient moments to justify retention of the overall privileges claimed as a profession.[43] In clinic, however, I think we have tried to imbue our students with the belief that they do as lawyers have obligations to serve the public interest. We have done this by encouraging our students to take a critical approach to the legal system, by mounting test cases whenever possible, by introducing students to the values of community development work or (or more usually and) by exploring what it means to be an 'ethical' lawyer.

If, however, this 'service-ideal' disappears from the ideology of the legal profession because the privileges on which it was based have also disappeared, then clinical legal educators have to make some choices about the values underpinning their programmes. Can we develop a new vision of lawyers and the legal profession which does not rely on outdated notions of professionalism, tied to restrictive practices and privileges? I think there are three general choices of direction.

First, clinical legal education could abandon any suggestion that it has a social or reformist purpose and emphasise its 'training' aspects. It could continue to develop as a method of teaching lawyering skills. This approach may or may not require clients but in any case does not require poor clients. It can be seen as a sophisticated method of professional training, with an intellectual base. It can sit comfortably with the concept of a legal industry as a provider of legal services.

A second possibility is to redefine clinical legal education as a form of 'cause lawyering' (Sarat and Scheingold 1998) in the legal/social activist model. This suggests that a commitment to the challenging of laws as a moral and political pursuit, be the **priority** of the clinic whereas traditionally clinic has operated through a more conventional commitment to the individual client's case.

A third possibility is for clinical legal educators to remain committed to a model which primarily provides a legal service to individual clients but which incorporates aspects of 'cause lawyering'. For example, clinic teachers and students might work with local communities on specific issues, or, drawing from the experience of service to individual clients, challenge systemic discrimination/ human rights breaches etc. Attempts at this model already exist in Australia in the community development work of some university clinical programmes and in other countries.

I hope that the first choice is not taken by clinical educators in Australia and other countries. If it is, the programmes should be renamed 'practical training' as in my view they would have no connection with what I have described as the original values of clinical legal education. Such an approach also appears to abandon the service ideal of professionalism in favour of a technocratic interpretation of the value of lawyers' work.

In either of the other two cases, clinical legal educators must I think articulate a new vision of the role and function of lawyers in society. This new vision should expressly challenge a notion of 'professionalism' that appears self-serving and self-interested. It can do this while supporting a special role for lawyers within the justice system, related to their knowledge, skills and ethical conduct. Such a role need not depend upon monopoly and should in my view, include a role for lawyers as critics of the legal system and advocates for the disadvantaged. This role would be in keeping with the origins of clinical legal education and also consistent with a professional ideal that values competence and ethical conduct in the service of the public.

43 It is important to distinguish between the professional ideology expounded by the professional elite in public and the ideologies and practices of individual lawyers. For a discussion of the different professional ideologies invoked see (Nelson, Trubek and Solomon 1992).

Conclusion

The legal profession in Australia and elsewhere is in the midst of constant change. If it is to flourish attention needs to be given not only to issues of commercial best practice but also to the question of identity. As legal educators I believe we have an obligation to discuss this question with our students and join with them in exploring the future. If, as legal, and in particular, as clinical educators we tie ourselves to an outdated notion of professionalism, then we are conveying a very mixed message to our students. I think we need to be frank about the implications of the legal profession's fierce reliance on these notions and strive to develop a new vision of lawyering for ourselves and our students. It should still be, I hope, possible to educate for and through service.

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Ensuring Basic Quality in Clinical Courses

*Roy T. Stuckey**

Learning the law is easy. The difficult part of entering the legal profession is learning to be a lawyer. This is because the primary function of most lawyers is to help clients resolve their legal problems, and these problems do not come in neat, tidy packages like cases and statutes in law books. Nor do lawyers have law professors by their sides to help discover the right answers; they must figure out solutions on their own. Lawyers need an in-depth understanding of law and legal institutions, but they must also have specialized skills that enable them to apply that knowledge to the resolution of their clients' problems.

As members of the legal profession, lawyers are expected to have a clear understanding of and a commitment to the values of the legal profession and the standards of practice that guide lawyers' behavior. These values and standards are only partially expressed in the formal rules of legal ethics. The rest must be learned by word of mouth or by observing and participating in law practice. Personal characteristics such as integrity and good work habits, as well as professional virtues including loyalty to clients and zealous advocacy, are also indispensable traits of competent lawyers. Learning to be a lawyer is a life long activity that begins in law school.

Clinical education courses[1] offer law students their first opportunities to discover firsthand how difficult it is to be a professional lawyer. Students can test and hone their knowledge and skills in clinical courses, but clinical education is especially valuable as a way for law schools to teach students the differences between professional and unprofessional behavior and to inspire them to become committed to the highest standards of practice. Students in clinical courses must move beyond theoretical discussions and apply their ideals about ethical standards in law practice settings. They learn about the standards of practice from other lawyers, who may or may not be members of a law faculty, and they observe the degree to which these standards are followed. One of the most valuable things about clinical education is that, unlike law practice, clinical courses allow students to discuss what they are learning and experiencing with other students and faculty, and often with practicing lawyers and judges.

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1 *Some clinical courses are entirely simulated. Students are restricted to working on hypothetical problems. Other courses involve some simulated work and some exposure to actual law practice. When actual law practice is contemplated, this exposure might be provided through an externship course or through an in-house clinic. Externships share some characteristics with in-house clinics, particularly the experience of practice. Externships, however, have two characteristics that distinguish them. First, the students' direct mentors/supervisors are not members of a law faculty but, instead, are practicing lawyers and judges. Second, students do not usually undertake primary responsibility for the representation of clients.*

This article describes some of the features of clinical course design that are essential for ensuring basic educational quality. It does not attempt to be thorough. A number of years ago, I served on a committee that began discussing whether it is possible to come up with "indicia of quality" that could be used to measure the quality of a clinical program or course. The question that framed the issue was "If someone wanted to determine whether one school's professional skills program is likely to be better than another school's program, what elements should be examined?" The committee not only guessed that it was possible to define those elements, we also believed that it could be accomplished without a great deal of trouble. Though I still think it is possible to define indicia of quality, we were wrong that it would be easy. Our initial effort foundered fairly quickly. From time to time others renewed the effort, only to abandon the project, with one exception. Sandy Ogilvy, a law professor at Catholic University School of Law in Washington, D.C., is making the most serious effort to date to describe "indicia of quality" for clinical programs.

The last time that I saw a draft of Professor Ogilvy's product was in September 1999. The document was titled *Draft Guidelines/Standards for the Evaluation of Clinical Legal Education Programs*. It was thirty-three single-spaced pages long, filled with one sentence statements of potential guidelines/standards related to educational quality and dealing with every imaginable aspect of clinical courses. It is a wonderful, thoughtfully-prepared document, and I look forward to seeing the next draft, although I think he has put the project aside for a while. I expect that it will eventually become an important document that clinical programs will use for self-evaluation purposes.

This article takes a very different approach than Professor Ogilvy's project. It describes only the most basic components for ensuring the educational quality of clinical courses. The insights in this article are neither profound nor novel, but they underscore the central elements of clinical education. The article may be useful to law schools that are thinking of establishing clinical courses, and it may help the rest of us remain focused on the fundamental reasons for law schools to offer clinical courses.

Clinical courses can take many forms and still accomplish important educational functions if they are thoughtfully designed. Various factors will affect how a clinical course is structured, most notably the preferences of the faculty and the resources of the school. Designing a clinical course provides opportunities for creative and new approaches, and very few clinical courses look exactly alike. Law schools, however, should approach clinical course design with care if they want to ensure that clinical students have the most effective educational experiences possible in relation to available resources.

It is a fair question to ask at this point why any structure is needed. Arguably, students will benefit from any chance they have to experience the real worlds of lawyers and judges, either as participants or observers. After all, it is often said that experience is the best teacher. It is probably impossible not to learn from experience, and it is equally likely that simply exposing students to the realities of law practice will benefit most of them in some way.

The real issue is not whether students can learn from unstructured clinical experiences. Of course they can. Rather, the key question is whether academic credit should be awarded to students who participate in clinical courses. The answer is that academic credit should be awarded only if a law school is prepared to establish clear educational objectives and to structure clinical courses in a way

that will facilitate the achievement of those objectives.[2] Experience acquired in a well-designed clinical course is the best teacher.

The importance of a law school establishing educational goals for clinical courses cannot be overemphasized, but it is equally important that clinical courses retain the flexibility to take advantage of unanticipated learning opportunities that arise during clinical courses. When students are exposed to the real world, they encounter things that neither they nor the faculty expects. These encounters often engage students' attention very significantly, and the structure of a clinical course should help students take advantage of opportunities to learn from unexpected and unplanned events.

Some students, either on their own or with encouragement from the law school, establish their own personal learning objectives upon enrolling in clinical courses. I view student-selected goals as supplemental to the educational objectives established by a law school, not as replacements for them. It is possible to conceive of a clinical course in which the only educational objectives are those that are set by the students. In this case, the clinical course would operate like a collection of independent study opportunities for students. There is no reason to prohibit students from pursuing personal educational objectives in clinical courses, and some good reasons exist to support them, so long as the law school ensures that the educational goals selected by the students are appropriate and that a reasonable plan and sufficient resources exist for accomplishing the student-selected goals as well as those established by the school.

I recognize that in some parts of the world, including some law schools in the United States, the primary motive for establishing clinical programs is to provide desperately needed legal services to people who cannot afford lawyers. The education of law students is a secondary consideration, although some valuable learning clearly occurs even in the most unstructured program. Providing free legal services to poor people is a worthy thing for everyone in the legal profession to support; however, I am personally critical of those who find it acceptable to put the burden of providing legal services to the poor on law students rather than on practicing lawyers. Even where service, not education, is the primary purpose of a clinical course, the essential components of structure that are outlined in this article should be employed. If for no other reason, the existence of these components will reduce the risk that clients will be harmed by the efforts of students, many of whom after all cannot be expected to render fully competent legal services because of their inexperience.

Educational goals

The educational goals of a clinical course should be determined by the mission of the law school, the interests of the faculty, and the needs of the students. Virtually any educational goal can be accomplished in a clinical course. Clinical education is a methodology, not a substantive topic of study. Clinical methods, however, are more suitable for accomplishing some specific educational goals than others. Many scholars have described the wide range of specific topics that are most

2 *For a more thoughtful and thorough discussion of the importance of setting clear educational goals in clinical courses, see Peter T. Hoffman, Clinical Scholarship and Skills Training, 1 CLINICAL L. REV. 93 (1994). Professor Hoffman criticized law school clinics in the United States for not setting clear educational objectives. In part because of Professor Hoffman's article, many clinical programs in the United States and around the world have established much clearer objectives.*

appropriately taught and learned in clinical courses.[3] The following list describes what I believe are the five most important educational objectives that can be accomplished in clinical courses:

1. **Developing problem-solving skills.** A fundamental purpose of legal education is to teach students how legal problems are resolved through legal processes and to teach them what lawyers, judges, and other legal professionals actually do to help resolve them. Clinical courses can effectively help law schools achieve this central goal. Students in clinical courses, especially those involving actual law practice, experience the multitudes of factors that affect decision-making, and they begin to understand the relationships of the factors and how they can help or hinder problem-solving. They begin to see how the pieces fit together, and they begin developing legal problem-solving skills.
2. **Becoming more reflective about legal culture and lawyering roles.** Students in clinical programs develop a better sense of their strengths and weaknesses as lawyers. They also become more aware of the social experience, institutions, and interactions that comprise the legal culture. Students' clinical experiences form the basis for insights into the functioning of the legal system and raise questions about the legal system's capacities and limitations. Clinical students also learn how the law in action actually operates and what lawyers can accomplish in the world and what they cannot.
3. **Learning how to behave as well as how to think like a lawyer.** Clinical courses give students opportunities to perform in professional roles or to observe lawyers practicing litigation skills or pretrial lawyering skills such as interviewing, counseling, negotiating, and drafting. Students in clinical courses are confronted with professional responsibility issues that must be resolved, not just discussed. Thus, clinical courses increase students' sensitivity and awareness about ethical and moral dilemmas that lawyers regularly face and resolve, and they begin developing personal systems of professional values and responsibility.

   Clinical courses expose students to the demands, constraints, and methods of analyzing and dealing with unstructured situations in which the issues have not been identified in advance. They learn how to transform the analytical aspects of lawyers' work into predictive decision-making capabilities for counseling clients and resolving clients' problems in a manner that is consistent with the relationship, role, and responsibility of the lawyer to society, clients, and the legal process.

   Clinical students begin to understand the difference between professional and unprofessional behavior. They learn the importance of the following characteristics of professionalism, to name only a few: client-centered practice; civility and fair play; doing good and doing well; honesty, diligence, perseverance, creativity, hard-work, adaptability, responsibility, toughness, timeliness, character, good judgment, and honor.

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3 *See William P. Quigley, Introduction to Clinical Teaching for the New Clinical Law Professor: A View from the First Floor, 28 AKRON L. REV. 463 (1995); Report of the Committee on the Future of the In-House Clinic, 42 J. LEGAL EDUC. 508 (1992); Carrie Menkel-Meadow, Two Contradictory Criticisms of Clinical Education: Dilemmas and Directions in Lawyering Education, 4 ANTIOCH L.J. 287 (1986); Frank S. Bloch, The Andragogical Basis of Clinical Legal Education, 35 VAND. L. REV. 321 (1982); Committee on Guidelines for Clinical Legal Education, AALS-ABA, Clinical Legal Education (1980); E. Gordon Gee & Donald W. Jackson, Bridging the Gap: Legal Education and Lawyer Competency, 1977 BYU L. REV. 695.*

4. **Understanding the meaning of justice and the responsibility of all lawyers to strive to do justice.** Clinical students learn more about justice in their society from their clinical experiences than any book could teach them. They gain insights into what justice is, why it is important, what systems exist for adjudicating disputes, and the roles and limitations of lawyers and judges in securing justice. They learn to appreciate the importance of the rule of law for ensuring justice in a society.

   In 1990, Professor David Barnhizer called on law schools to conceive of clinical programs as symbols and models of justice in action:

   "Law faculties have the obligation to insist that students pursue the concerns of justice and their professional responsibility because justice is not simply an intriguing intellectual issue, but is a fundamental part of stability of any society. Force can substitute for justice to some extent in dictatorial or autocratic societies, but in democratic societies it is not the sterility of law or the reality of brute individual power, but the viability of justice that determines these societies' ultimate quality and fairness. Failing to confront people and institutions who are responsible for injustice shirks the central responsibility of the modern intellectual, that of "speaking truth to power." Unwillingness to develop such fundamental issues with law students, both in traditional courses and in clinical courses, undermines . . . society's ability to deal with difficult questions."[4]

   If a law school wants to teach students about justice, clinical courses can play a major role by focusing on the processes, values, and actions involved in "doing justice."

5. **Discovering the human effects of the law.** Clinical courses allow students to begin examining the interaction of legal analysis and human behavior, including interpersonal dynamics and communication. They learn how the law affects people's lives by bringing hope or fear, sadness or joy, pain or relief, frustration or satisfaction. They learn that the actual results of legal processes are often not the same as predicted by an objective analysis of the facts and law because of the biases and perceptions as well as the relative skills and knowledge of lawyers, judges, clients, and witnesses.

Many clinical students observe the realities of poverty through clinical programs. They learn to serve the unmet legal needs of the poor, and they develop an appreciation of the importance and benefits of providing pro bono representation to those who would not otherwise have access to the legal system.

The remainder of this article discusses how clinical courses can be structured to achieve these basic educational objectives consistently.

Structuring Clinical Courses to Achieve Basic Objectives

The structure of a clinical course is shaped by the specific educational goals of the course. Like any other course, the objective in designing a clinical course is to provide students with an organized and focused, not a haphazard, learning experience. It is beyond the scope of this article to discuss how a specific clinical course should be structured. There are simply too many potential educational goals to consider and too many potential ways to deliver instruction about them.

4 *David Barnhizer, The University Ideal and Clinical Legal Education, 35 NYLS L. REV. 87, 112-113 (1990).*

Two components must be in place, however, to accomplish consistently the educational goals of clinical education that were described earlier. These are effective instruction in problem-solving and guidance by qualified mentors and faculty.

Effective instruction in problem-solving requires first and foremost that students be given opportunities to engage in problem-solving in context. Problem-solving skills are developed by actually working through the process of resolving problems. Repetition and learning in context are essential ingredients for becoming an expert problem-solver. Law students begin law school with innate problem-solving skills that were acquired throughout their lives. Legal problems, however, present new challenges that require law students to acquire and apply different forms of analytical skills than nonclinical law school courses teach.[5] Novice problem-solvers approach problem-solving differently than experienced problem-solvers, and students can only become expert problem-solvers through repeated efforts to resolve law-related problems.[6]

No single course during law school can turn a novice problem-solver into an expert problem-solver. It is unlikely that many students will graduate from law school as expert, or even competent, problem-solvers. They simply do not have enough time to refine their skills during law school. However, they can graduate with some experience in legal problem-solving and become closer to the goal of mastering the skill. It is important, though, that students begin honing their legal problem-solving skills during law school, and that they at least become familiar with the four phases of problem-solving: (1) determining exactly what the problem is that needs to be solved and identifying alternative solutions that might resolve the problem and the potential consequences of each (diagnostic or analytical phase); (2) deciding which alternative solution, or prioritized series of solutions, to apply to the problem and how to do so (prescriptive or planning phase); (3) executing the plan (treatment or action phase); and (4) reflecting on the process and results and determining whether additional work is needed (follow-up or reflective phase).[7]

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5 *Tony Amsterdam points out that legal education traditionally taught six or seven kinds of analytic reasoning to the exclusion of fifteen or twenty others. He describes three that were traditionally taught (case reading and interpretation, doctrinal analysis and application, logical conceptualization and criticism) and three that were not traditionally taught before clinical courses were introduced into the law school curriculum (ends-means thinking, hypothesis formulation and testing in information acquisition, decision making in situations where options involve differing and often uncertain degrees of risks and promises of different sorts). Anthony G. Amsterdam, Clinical Legal Education - A 21st Century Perspective, 34 J. LEGAL EDUC. 612, 613-614 (1984).*

6 *For an extensive discussion from a behavioral science perspective of the problem-solving process and how novice problem-solvers become expert problem-solvers, see Gary L. Blasi, What Lawyers Know: Lawyering Expertise, Cognitive Science, and the Functions of Theory, 45 J. LEGAL EDUC. 313 (1995).*

7 *This particular description of the problem-solving process is the author's own formulation. Stephen Nathanson's adaptation of generic problem-solving theory to legal problems produced a five step description of the problem-solving process: problem and goal identification, fact investigation, legal issue identification and assessment, advice and decision making, planning and implementation. Stephen Nathanson, The Role of Problem Solving in Legal Education, 39 J. LEGAL EDUC. 167, 172 (1989). The MacCrate Report uses a slightly different description of the problem-solving process: identifying and diagnosing the problem, generating alternative solutions and strategies, developing a plan of action, implementing the plan, and keeping the planning process open to new ideas. TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP, ABA, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT: AN EDUCATIONAL CONTINUUM (MacCrate Report) (1992) at 138, 141-148. Neither Nathanson nor the MacCrate Report includes reflective evaluation in their descriptions of the process, but cognitive scientists stress its importance for developing problem-solving expertise. Blasi, supra note 6, at 360.*

The second essential component of every clinical course is the participation of qualified teachers or mentors who guide the students' work. For example, instruction in problem-solving skills cannot be effective, unless one or more qualified people are responsible for (1) selecting and assigning the problems that students will be asked to solve, (2) ensuring that students have sufficient knowledge and skills to solve the types of problems being assigned, (3) helping students figure out during the problem-solving process how to resolve aspects of the problems that are beyond their abilities, and (4) facilitating reflective thought by students about the process and results. These tasks might be accomplished by a single teacher or by a team of teachers, including law school faculty and practicing lawyers and judges. While the degree of direct involvement may vary, the ultimate responsibility for the achievement of the educational goals should always remain with the full-time faculty.

In all aspects of a clinical course, students need access to people who can help them learn what it means to become a member of the legal profession. Thus, the lawyers, judges, and faculty who work with clinical students must understand and adhere to the values of the legal profession and the standards of practice that guide the behavior of lawyers. It is critically important that the people who are responsible for directing students in clinical courses model personal characteristics such as integrity and good work habits. They should also be able to explain the importance of professional virtues such as loyalty to clients and zealous advocacy and how these and other professional virtues affect the decisions of lawyers who are trying to resolve problems that are similar to those the students are encountering. If a law school wants its students to become committed to doing justice, or to pro bono representation and public service activities, the law school must ensure that the people who guide clinical students' activities share those commitments.

Conclusion

Law schools throughout the world are increasingly recognizing the importance of providing more well-rounded programs of instruction to improve the readiness of law students to enter the legal profession. Given the limited amount of time that students attend law school, law schools must make difficult choices about the allocation of resources and the types of educational opportunities that will be provided to students. Clinical legal education is an effective, efficient method for delivering instruction that complements the traditional curriculum and eases students' transition into law practice. The basic educational quality of clinical courses will be ensured if law schools establish appropriate educational goals, give students opportunities to engage in problem-solving in context, and involve lawyers, judges, and faculty who are qualified to help students learn what it means to be a professional lawyer.

Clinical Practice Profile

It is intended that the journal will provide a channel for communication between those involved and interested in clinical legal education across the world. Given the huge diversity of clinical projects, the aim of this section is to provide a descriptive piece concentrating on the development and practice of law clinics in different countries, areas or institutions.

The first profile concentrates on Clinical Education in the UK. It is supplemented by extracts from reports prepared by students participating in the Clinical programme at the University of Northumbria.

We welcome descriptive pieces from other institutions for future editions.

Learning law by doing law in the UK

*Richard Grimes**

Using hands-on experience as a basis for learning has long been a feature of programmes in higher and further education in the UK. Medics, scientists, linguists, mechanics and beauty therapists, to name a few, are exposed to real life situations in which the opportunity exists for theory and practice to be studied and applied.

Would-be lawyers have traditionally undertaken a period of apprenticeship during which knowledge and skills are honed in the work place. As valuable as learning on the job may be in this context, the effectiveness of such a system may rely more on the attitude of the apprentice's principal than on the structure and design of the apprenticeship. The use of a clinical methodology, under which students apply the law to real or realistic situations and then analyse what has happened and why, sees the introduction of an overtly reflective component in the study process. This approach has been slow to feature at the so-called 'academic' stage.[1] Even on the post-graduate vocational courses, clinical legal education has yet to form an integrated part of the curriculum.

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1 *There is still a clear divide in the UK between the study of law at undergraduate level and the more overtly vocational programmes and apprenticeships for would-be practitioners. (The only exception to this is the four-year exempting degree at the University of Northumbria which integrates the vocational stage of the LPC or BVC with the 'academic' stage.) In England, graduates who do not have a first degree in law can take a conversion course leading to the Common Professional Examination (1 year full-time, 2 year part-time). Successful candidates can then join the vocational programmes for solicitors or barristers.*

Past

In the early 1970's, following the pioneering work of some US law schools, clinics did spring up in universities in the UK. They were driven both by the recognition of the pedagogic value of this approach to study but also by the focus of the law schools concerned on the importance of studying law in its political, social and economic context.[2] Although these early domestic programmes were often welfare oriented in terms of the substance of their casework, providing a service to meet legal need was not the driving force.[3] This stands in contrast to the origins of many of the US law school clinics.

In these early years, the clinical movement in the UK did not prosper, certainly not when compared with what happened in the USA. The Kent clinic had to close its doors in 1976. The Legal Practice Programme did develop at Warwick, but the University there remained very much the exception to the rule. It has taken other law schools in the UK over 20 years to push for and secure clinical programmes. Of course gauging progress against the US position is not necessarily comparing like with like. The fact that there is no apprenticeship stage in US makes the case for a hands-on input at law school compelling. The resource base in many American universities is more substantial. Given the value of experiential learning in other contexts however, it is perhaps surprising that clinical legal education in the UK has been so slow to emerge into the educational light of day.

In the early 1990's there was a flurry of activity on the clinical front. This was led by what is now the University of Northumbria at Newcastle (UNN) and followed by Sheffield Hallam University. Both of these 'in-house' clinical programmes are still flourishing. The UNN programme is undertaken by all students for two years on the four year Exempting Degree and at Sheffield Hallam the clinic is available as an option on the qualifying degree. Kent reopened its clinic and Queens University (Belfast). The Universities of Plymouth and Central England, also established real client clinics. The Inns of Court School of Law introduced a Free Representation Unit module on the Bar Vocational Course. The Clinical Legal Education Organisation (CLEO) was formed and two conferences were held (1994 and 1995).

Research published in 1996 revealed that in the academic year 1994-95, 23% of new universities (former polytechnics and colleges of higher education that were given university status since 1992) offered real client clinics with 5% of old universities doing the same. Eight institutions in all were involved. Two of these offered a full representation service to clients. Three limited their work to advice and assistance only and three focused on tribunal representation (principally small claims in the county court and employment tribunals).[4] Performance by students in all but one of the clinics was assessed.

2 *The University of Kent at Canterbury ran a real-client clinic from 1974 - 6 but faced substantial opposition largely from outside the University. It was not until 1994 that the Kent Law Clinic re-emerged. The University of Warwick established a clinical programme in 1975. This operated with a real-client base until 1991. Warwick still uses a clinical approach but now on simulation basis.*

3 *For a description of the Kent and Warwick schemes see: Clinical legal education at Warwick and the skills movement : was clinic a creature of its time?, Avrom Sherr, in Frontiers of Legal Scholarship, Wilson G (ed), Wiley, 1995, Chapter 8 and Clinical Legal Education: an analysis of the University of Kent model, William Rees, The Law Teacher, 1975 (2), 125*

4 *For details of the survey and its results see: Legal skills and clinical legal education - a survey of undergraduate law school practice, Richard Grimes. Joel Klaff and Colleen Smith, The Law Teacher, 1996 (1), 44*

The same survey revealed that a much larger percentage of institutions offered some form of work based placement to students (56% of new universities and 24% of old). The perceived academic value of the experience is underlined by the fact that 75% of the placements were assessed.

Clinical education was emerging as a significant, if yet relatively underdeveloped, feature of legal education in the UK.

What of the present?

Present

According to recently conducted research, students at 30 (out of 80) law schools in England and Wales are involved in *pro bono* schemes with a further 13 other institutions planning similar projects in the course of the coming academic year. The pro bono focus does not necessarily equate to clinical provision (experience without structured reflection may be valuable but does not meet the definition of clinical legal education that is in current use[5]) but of these schemes 12 in-house clinics now exist and a further 9 are planned. Sixteen law schools work in partnership with other advice and representation organisations. Students are assessed in 9 of the clinics, as part of their programme of study.[6]

Interestingly the research asked lecturing staff what, in their views, were the principal obstacles to establishing clinical legal education programmes. Those who did not run clinics thought that set up and running costs would be the principal difficulty. Those that did have clinics operating saw the amount of staff time as the major cause for concern. Neither group appeared to doubt the value of clinical legal education at the academic or vocational stage. This may represent a significant shift in attitude. The hard fought battles over the pedagogic relevance of clinical education may now be largely a thing of the past. The debate seems to have moved on to resources and funding issues and to ensuring that the maximum benefit is extracted from clinical activity for all relevant stakeholders.

Current clinical activity in the UK appears to feature a variety of models ranging from advice-only schemes to full representation before courts and tribunals. Clinics are to be found in-house and through co-operation with other, community-based, organisations. *Street Law* (legal literacy) clinics are also an increasingly popular method of linking clinical work with pro bono activity. The College of Law has been designing and piloting advice-only clinics and has plans, which are at an advanced stage, for full representation and *Street Law* clinics as an integral feature at all of its branches.[7] The Inns of Court School of Law intends to run a comprehensive advice clinic from September 2000. The University of Manchester launches its advice clinic in November 2000. Clinics are either up and running or planned at Liverpool John Moores, Wolverhampton, Birmingham, Oxford, Westminster, West of England, Greenwich, Hull, Sheffield and Guildhall.

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5 *see Hugh Brayne, Nigel Duncan and Richard Grimes (eds) Clinical legal Education - Active learning in your law school, Blackstone Press, 1998, in particular Chapters 1 and 2*

6 *The research was conducted by Sara Browne, who is associated with the Hampshire law firm Daltons. The research was carried out on behalf of the Solicitors' Pro Bono Group (SPBG) and as part of a postgraduate programme of study. A report based on the research - A survey of pro bono activity by students in law schools in England and Wales, SPBG, July 2000, is now available from SPBG (1 Pudding Lane, London, EC3R 8AB.*

7 *The College currently has 4 branches at Chester, Guildford, London and York, with a 5th branch opening in Birmingham in 2001.*

Future

The most recent research not only suggests that more universities and colleges are engaging in clinical legal education but that many others are considering moving in this direction. By September 2001 60% of the institutions surveyed intend to have *pro bono* activity operating within the law school. A substantial proportion of these are likely to have a clinical component. If the argument is accepted that students stand to benefit in terms of the advancement of their knowledge and skills, then this is good news from the educational perspective. It may also have implications for clients. Even though the rationale of UK clinicians remains firmly rooted in improving the quality of teaching and learning, the value for those in need of free legal advice and assistance is potentially considerable. The future, in terms of access to legal services, may well be affected in part, by law school driven and student supported clinical programmes. The profession, the judiciary and government are also now lending their support to the development of pro bono and clinical services.[8] Partnerships across the demand and supply sectors will be necessary if clinical legal education is to expand and prosper.

Many issues remain to be addressed in particular the integration of clinical activity across the wider curriculum and the award of academic credit for student performances in clinics. A conference, organised by CLEO, is set to take place on 4th January 2001 at the University of Warwick at which many of these issues will be discussed. Conference details can be obtained from UK Centre for Legal Education, University of Warwick, Coventry, England.

8 *See the quotations from the (then) Lord Chief Justice, a senior partner of a city law firm, the Chair of the Law Centres' Federation and the Permanent Secretary at the Lord Chancellor's Department as cited in Peta Sweet and Richard Grimes, Educating Lawyers in the 21st Century - Pro bono activity and pro active learning , The College of Law, 2000*

Student Contributions

We hope to encourage participation in the journal from those on the receiving end of clinical legal education as well as from providers. To this end we invite contributions for future editions both directly from students and through providers.

The following extracts are from reports by students participating in the Student Law Office programme at the University of Northumbria. The four year Exempting Law Degrees at this university integrate academic study with legal practice. The clinical education element of the course commences in the third year with work on a simulated case study and progresses in the final year of the degree when students advise and represent real clients in the Student Law Office.

The clinical programme is a compulsory element of the exempting degree and both the third and fourth year programmes are assessed and contribute to the students' final degree classification.

Extracts from student reports prepared as part of the assessment for year four of the 1999/2000 Student Law Office programme.

For students on the four-year Exempting Degree at Northumbria, the Student Law Office (SLO) is a compulsory part of the Degree. As a student at Northumbria I have had the benefit of being able to acquire practical experience in the University setting.

Preparation for the live client work starts in Year 3, when the students work on a simulated case. This involved interviewing the client, legal research and drafting legal proceedings. Students learn about the importance of adhering to SLO procedure and the rules of professional practice.

The simulated exercise is a useful experience. However, from personal experience I have found that it does not fully prepare you for the real client work. You do not feel the same sense of responsibility for a simulated client and the two-hour time-tabled workshop is a far cry from the number of hours required in the SLO. This is not to say that students put in the hours grudgingly. Although there are the occasional complaints that the SLO takes up too much time, when it comes down to it, the majority of students are more than willing to give up more time when their case requires it because of the resulting sense of achievement.

During the final year of the Degree, students are divided into 'firms' which specialise in different areas of law. Real cases are allocated to the students, who work either individually or in pairs, and the progress of the case is discussed in weekly firm meetings. In this way the SLO provides an opportunity to develop the ability to work independently and also as part of a team.

The work of each firm is overseen by a supervisor who holds a current practising certificate. Obviously there is some element of risk for the supervisor working in this environment. However, students are aware of the importance of following procedures and, in particular, that they do not give any advice without first consulting their supervisor.

A criticism which has been levelled at live client clinics is that they are not integrated with other

1 *The Clinical Legal Education Organisation (CLEO) believes that to be successful, clinical education must form an integrated part of the course.*

parts of the Degree and therefore they are failing to achieve their aim[1]. In the case of the SLO at Northumbria this is not so[2]. There have been numerous occasions throughout the year where I have been required to use information taught earlier in the course. I have surprised myself sometimes in my ability to recall information which I did not realise I had, and I have found that the experience of working with real clients encourages you to relate legal knowledge to the facts, thereby increasing your understanding of the law and how it works in real life.

I have found that the SLO has benefited my work in other subjects. Areas of law which were slightly hazy have become much clearer, and I find that by relating new knowledge to a practical example, my ability to understand new concepts has improved. I have also developed the confidence to ask "What if?" questions. By this, I am referring to the fact that in lectures and seminars we are more likely to concentrate on examples which fit neatly into categories. I have now developed the ability to see beyond these categories and question whether the law can be applied so precisely in every case.

Support for the proposition that working in the clinic benefits other areas of work is also found in an analysis by Sheffield University. They discovered that students who had taken part in the clinic did better in other areas of study than those who had not taken part. The Quality Assessment Report on Northumbria University[3] notes that the LLB full-time course had a high pass rate of 97%, much higher than the national average. Although they did not explicitly attribute this to the development and integration of clinical education, the rest of the report provides a favourable opinion on the forms of legal education used in the University, with particular emphasis on the SLO.

Louise Middleton

It is at this point, as a fourth-year student, I can see the parallels between working in the SLO and my past experiences at the Citizens Advice Bureau. On a personal note, I am a mature student and am well aware that I am considerably older than the majority of the other students in my year. As we grow older, we each develop over the years our own ideas and form our own opinions, attitudes and assumptions and usually have a whole set of ideas about what we believe is 'right' or 'wrong'. Clients do come from a variety of backgrounds/cultures, live different lives and may not have the same attitudes as yourself, and for these reasons, I think it is extremely important that all students, no matter how old they are, before they start taking instructions and interviewing clients in the SLO, they should explore their own attitudes and ensure that they will be able to understand the client's problem from their point of view. This can only be done by developing awareness of your own attitudes and the service you give. This concept of 'attitude' is something I learnt to address whilst working at the CAB, and have carried it forward into my work within the SLO. This I believe is the foundation in the relationship which will develop between students (whom, we must not forget, will one day qualify as solicitors), and their clients.

Brigid Ivory

2 *The Quality Assessment Report by the HEFCE for University of Northumbria at Newcastle, October 1993, found that the Law Office had succeeded in integrating the theory learned earlier in the course with practice.*

3 *Quality Assessment Report by the HEFCE for University of Northumbria at Newcastle, October 1993.*

The excitement in the Student Law Office, for myself anyway, gathered pace when my partner and I had our first interview with our client, Mr G. Mr G had come to the Student Law Office because he believed his payment in lieu of notice had been incorrectly calculated, he estimated that it was approximately £500 less than was due to him. In our first interview with him, he informed us about this, and also mentioned the words 'unfair dismissal', which he felt he might have suffered.

Although I had some notion of what unfair dismissal was, I did not know any of the strict requirements for proving its presence, or other details such as the relevant limitation period for issuing proceedings in such a claim. Mr G had been dismissed nearly ten weeks before that first interview, leaving my partner and I only two weeks before the expiry of the limitation period.

In that two weeks I had to acquaint myself with the law in relation to unfair dismissal, complete research on whether Mr G's original claim for the extra money was valid, and also issue proceedings at the Employment Tribunal, on the basis of the research.

This is where I found myself on an even playing field with those in my firm who had already studied employment law. They all knew the theory and the law, but none of them had drafted any pleadings in relation to employment law, and, further, unfair dismissal. This is where my prior knowledge, based on my experience on the LLB Barristers Exempting route, of legal drafting became incredibly useful. Having drafted Particulars of Claim before, the ET1 form (used in Employment Tribunals) is set out in a pro-forma style, and is therefore relatively simple to follow. The key reason, in my opinion, why these forms are simple is that members of the public who cannot afford legal representation in employment matters (bearing in mind that legal aid does not apply to employment claims) are able to submit the documents and claim themselves.

This is where the set up of the Student Law Office is beneficial, as during the firm meetings all of the other advisers within the firm are invited to give opinions, or advice to the other advisers. These were conducted professionally, but at the same time there appeared to be a relaxed attitude in the firm meetings and anyone could chip in with ideas at any time. The help that I received during firm meetings enabled me to develop my knowledge of employment law quicker than if I had merely been asked to research a specific area.

During firm meetings, which I suppose could be analogous to seminars in the normal teaching schedule, I gained a lot of confidence in my own ability to simultaneously learn and apply employment law. It also provided a sort of safety net for me if I needed any help. This is not where the help from others finished. The Student Law Office, being a large open plan office, is ideally set up to allow students participating in the Student Law Office programme to discuss issues and put questions to their peers whilst remaining within the bounds of professional conduct. This part of the Student Law Office is not open to other students or the public and thus issues of confidentiality do not arise.

Another safety net offered by the Student Law Office was the presence of the supervisors. These individuals give the last word on every letter sent from the Student Law Office, advise on the content and layout of pleadings and provide students with an (almost) ever-present bank of legal knowledge and procedure. This is something that one does not have when studying an option on the LLB course. Although it is fair to say that tutors would offer help and assistance to students with legal or procedural queries, the nature of 'academic' supervision is different. In the Student Law Office, it is the supervisor's practising certificate which is on the line if anything goes wrong, so understandably, they demand near perfection from their teams of advisers.

This is another key difference between studying an option on the LLB and tackling it in the Student Law Office. Whereas one may be forgiven for not fully preparing for a seminar or workshop, an adviser in the Student Law Office feels bound to complete the work and research. The obligation contained in the Solicitors' Practice Rules 1990 is as follows:-

"A solicitor shall not do anything in the course of practising as a solicitor, or permit another person to do anything on his or her behalf, which compromises or impairs or is likely to compromise or impair any of the following:-

(a) the solicitor's independence or integrity;

(b) a person's freedom to instruct a solicitor of his or her choice;

(c) the solicitor's duty to act in the best interests of the client;

(d) the good repute of the solicitor or of the solicitors' profession;

(e) the solicitor's proper standard of work;

(f) the solicitor's duty to the Court[4]".

Unfortunately, there is no elaboration provided on what the "proper standard of work" is, but no doubt it is higher than that required of a law student in preparing for seminars and workshops. This links in another difference between studying an option and selecting it in the Student Law Office.

There is a possibility that the client that you are performing research for may use this in court to win anything from his freedom (in criminal matters), to custody of his child (in family law), to compensation (in both civil litigation and employment law), to reinstatement at work (employment law). Because of this possibility, it is vital that any research performed is done accurately and using the most up-to-date information available.

Mr G happened to have such ambitions, in his case to receive compensation for unfair dismissal as well as the payment that he should have earlier received. The issue went to a hearing on 6 April 2000, where my ability to handle employment law issues without having studied employment law was truly tested.

My preparation involved re-acquainting myself with the research I had already undertaken on unfair dismissal, and performing wider research on unfair dismissal beyond the narrow area which was involved in Mr G's claim. I did this in case the Chairman of the Tribunal asked any questions relating to unfair dismissal generally.

I was more worried about my knowledge of the law than actually performing the advocacy at the Tribunal, as I had had extensive experience of advocacy gained from both mooting and advocacy exercises compulsory to the Bar course. This made the whole experience of the hearing an easier one to come to terms with, as I knew the basics about courtroom manner and etiquette. The only problem being that my experience of advocacy involved mainly criminal matters, and I was unsure about the procedure at the Tribunal.

As it turned out, the Tribunal Chairman did not attack my submissions with any 'difficult' questions and I was able to set out my case. The day went very quickly, and within half an hour of starting I felt surprisingly relaxed and comfortable in the settings of the Tribunal.

The hardest part of the day was explaining to Mr G at the end of the hearing what was meant by

4 *Solicitors' Practice Rules 1990, rule1.*

a reserved judgment and the fact that we would probably not know the outcome of the hearing for a few weeks.

After waiting four weeks, we received the judgment, and the unfair dismissal claim had been successful, whilst the original claim for the extra sum of payment in lieu of notice was unsuccessful. It was a pleasing feeling to know that the research that my partner and I had done, and my representations at the Tribunal, had defeated the research and arguments of an experienced solicitor who represented the respondents. It seemed a fitting end to my year in the Student Law Office.

So, would I recommend this as a good way of learning an area of law? Well, that all depends on the level of knowledge the particular individual requires. I have finished the year with a basic working knowledge of redundancy and unfair dismissal. Had I studied employment law as an LLB option I would have a much wider knowledge, embracing subjects such as discrimination (of race, sex or disability), and wages (including minimum wage and unlawful deductions). I would also know a bit more about the principles of equal pay and the employment relationship and the duties involved in that relationship.

For my purposes in the Student Law Office I did not require such a wide knowledge of employment law. However, this may not be a true reflection of practising employment law, since the Student Law Office deals with a relatively small number of cases and can pick and choose which to take on. Although I did not personally handle cases in areas of law such as transfer of undertakings, one of the pairs of advisers in my firm did, and as such we shared collective knowledge of the subject and all benefited from the research report that that pair completed on the subject and from reflecting on our casework. I would say that in choosing an unfamiliar area of law to practise in the Student Law Office, I have added a string to my bow.

It is important to remember the purpose of the Student Law Office from the point of view of the student adviser. The Student Law Office provides invaluable experience of dealing with clients and of good practice. Students are able to enhance skills such as interviewing, oral and written communication with the client and the other parties to the claim, legal research and drafting, and in some cases advocacy. These skills are the core skills of the lawyer and if someone has these then in my opinion they would be able to advise on any area of law in the Student Law Office.

The Student Law Office has been a good experience for me as it has given me the opportunity to learn the basics of another area of law in which I would now feel comfortable to specialise.

Richard Newman

Report on the inaugural conference and workshops of the Global Alliance for Justice Education[1]

Thiruvananthapuram, Kerala, India

8-17th December 1999

Introduction

The inaugural conference of the Global Alliance for Justice Education (GAJE) took place in Kerala, India from 8-17th December. This report outlines the content of the plenary, breakout and workshop sessions and summarises the themes that emerged and the decisions that were taken.

It is perhaps worth pointing out at this stage that the events that took place happened with no formal institution ever having been created. To date GAJE has no constitution nor imposes conditions or fees for membership. The unifying characteristics of this otherwise non-existent organisation are; an internationally shared commitment to introducing and sustaining an overtly 'justice' agenda in legal education, the wonders of new technology (especially e-mail) and a personal aptitude, on the part of many, for hard work!

To make sense of what GAJE stands for and the significance of what has been achieved so far, a little must be said of its history.

History of GAJE

An informal meeting in early 1996 at an American Association Law Schools' conference in Miami, USA led to a gathering of lawyers, teachers, judges and activists in Sydney, Australia, in September 1996. At the Sydney meeting there was general consensus that a need existed for the promotion of

1 *This report was prepared by Richard Grimes with contributions from Frank Bloch, Hugh Brayne, Kim Connolly, Nigel Duncan, Ken Gallant, Bob Golton, Beth Lyon, Les McCrimmon, David McQuoid-Mason, Ed O'Brien, Jane Schukoske*

socially relevant legal education. It was agreed that an internationally active network should be created with a view to exchanging information and ideas on justice education. A conference at which such issues could be debated was identified as an important goal. This was to be held in a location that best enabled attendance by delegates from 'developing' countries. The conference was linked to a training workshop so that theory and good practice could be shared. Central to the discussions was the recognition that justice education concerned both form and content - about what is taught and learnt and how that education is delivered. Hands-on or clinical methods were seen to be a vital component in the justice education context.

The participants at the Sydney meeting did not meet again, face to face, until the conference itself took place. Volunteers allocated themselves to a variety of groups to work on different organisational issues. Between September 1996 and December 1999 plans were made, tasks were allocated, and the work was done. The acronym GAJE was adopted. Although somewhat unwieldy the name does accurately convey its primray purpose - an international alliance of those committed to achieving justice through education.

A list serve was created and a web site organised (details at: http://ls.wustl.edu/Academics/Faculty/Activities/Global). Following consultations the Southern Indian State of Kerala was chosen as the conference venue. A steering committee, with international representation, was established and a local organising committee was formed. Modest (but gratefully received) funding was secured from a range of organisations (donors are listed in the appendix to this report) to subsidise the cost of conference attendance where appropriate. A conference programme was formulated aimed at providing the maximum opportunity for discussion and participation. We were ready to go.

Conference - organisation and participation

The conference was attended by 125 delegates from 19 countries. Both the common and civil law worlds were represented. Delegates included teachers, judges, trainers, activists, and practitioners. Students from local law schools also attended and contributed. The conference was preceded by a one-day workshop and followed by a 5-day training event with 75 attending the former and 50 latter. The details are as follows:

Pre-conference workshop -

8th December

Victoria Jubilee Town Hall

Transforming Legal Education into Justice Education

The purpose behind this one day workshop was twofold: first to set the stage for the main conference by encouraging cross-cultural interaction between the participants and secondly to address the practical as well as theoretical issues of how a justice dimension to legal education can be practically achieved. After introductions delegates were allocated to groups each of which was charged with the task of designing an institution or structure that would advance justice education in a global context. For the purposes of the exercise it was given that a generous budget was potentially available for the project. Each group had to discuss and formulate a proposal and then

had to make a presentation to the supposed funding body. A decision then had to be taken by the funders as to which proposal(s) would be supported. The panel who organised the workshop formed the funding committee.

The objective of getting people from a variety of backgrounds and cultures working together was a success. Half a day passed almost unnoticed as participants grappled with complexities such as programme outcomes, curriculum design and cultural applicability.

The final presentations fell into two camps. One (the majority) took as its starting point the desirability of a new law school that would have 'justice' as its central theme. Courses on justice would be offered. Ethics and professional responsibility would form a pervasive part of the curriculum. The institution would offer a facility for teaching and student exchange, enabling colleagues from all over the world to spend time in the law school exploring justice issues and sharing knowledge and experiences. Through such interactive ventures participants would hopefully return to their countries better equipped to continue to develop justice education. In each of the models proposed the active involvement of students in their studies, through the use of clinical methods, was recommended.

The other presentation took a different approach by concentrating on the global concept without, necessarily, having a defined institutional base. This proposal focused on a number of specific projects in different parts of the world, including an environmental clinic in Eastern Europe, a programme addressing domestic violence in India and a law reform project in Africa. The venues chosen were taken from the suggestions made by delegates from the countries or regions specified. The work on each project would be monitored through a virtual office. Site visits and outcomes would be shared globally amongst those interested.

The judging panels reported back on the presentations and funds were 'awarded' in principle, if not in kind.

Prize winners apart the exercise had several benefits. It raised at the outset of the conference the concept of justice. There were several different views on what this meant and how any programme might introduce and develop a justice agenda. It provided a real icebreaker - not just in terms of getting to know each other but more substantially - helping participants to take on board the cultural and political dimensions involved on the global stage. Judging by the reluctance of some to finish their discussions it inspired constructive debate.

The inaugural conference

Conference session 1 -

9th December

A Global Perspective on Justice Education

The first day of the inaugural conference was devoted to introductions and welcomes.

Welcome plenary - Victoria Jubilee Town Hall

N R Madhava Menon, formerly of the National Law School of India (Bangalore) and member of India's Law Reform Commission (and chair of the local organising committee) gave the initial

plenary address. He stressed the importance of siting legal education in a justice context - justice for students, clients, and society at large. 'Justice' could not be achieved without making this a central feature of the law school curriculum.

To this end, in his new position as Vice-Chancellor of the National University of Juridical Science (Calcutta) he invited comments on a paper contained in the conference programme which proposed a radically different law school in which multi-disciplinary study was seen as a cornerstone for promoting justice education. The proposal would see a range of programmes established with human rights, good governance, sustainability, professionalism and active learning as central tenets. This concrete proposal followed usefully from the practical exercises of the pre-conference workshop and gave both context and reality to the previous day's proceedings. With this exciting venture unveiled the conference was launched.

Opening session - Nishagandhi Auditorium

In keeping with the cultural traditions of the country (India) and state (Kerala) the conference was then formally opened in a colourful and interesting ceremony at a local open-air auditorium. Delegates entered in formal procession accompanied by drummers and treading on a carpet of petals. Each delegate was presented with a garland of jasmine flowers and a *bindi* of sandalwood. The opening event consisted of addresses by several distinguished guests including Frank Bloch (on behalf of GAJE), Madhava Menon, Mr Fali Nariman, Senior Advocate and President of the Bar Association of India and Justice Sukhdev Singh Kang (retired), Governor of Kerala. Each in turn stressed the timeliness of the conference in both a local, national and international setting. Reference was made on several occasions to the role of lawyers in ensuring social justice and the need for lawyers at all levels to practice ethically and to be accountable to those whom they serve. The law school's position in this scenario is of crucial importance and educating lawyers in ethics and professional responsibility should begin at the very earliest stages of their education and feature throughout their studies.

A presentation was then made to the winners of the National (India) Client Interviewing Competition by Justice V R Krishna Iyer (retired). The competition, the first of its kind to be held in India, was sponsored by GAJE . Conference delegates from the USA and Australia had assisted in the judging.

The audience was then treated to a presentation, through music, dance and poetry, to a *Keraleeyam*. This elaborate presentation depicted the history and culture of, what is now, the Indian State of Kerala. As well as being enormously enjoyable as a spectacle, the display served as a powerful reminder of the importance of culture and tradition (in whatever country or locality). Justice must, if it is to mean anything in practice, be seen and applied against such a backdrop.

The dancers, musicians, poets and presenters made this a memorable occasion - one for which the participants and local organising committee must be thanked. The event was not only enjoyed by the conference delegates but by a large gathering of local residents.

The first of two conference dinners was then held providing the opportunity for old friendships to be rekindled and new acquaintances to be made.

Conference session 2 -

10th December - morning

Victoria Jubilee Town Hall

Law, Development and Social Justice

In order to facilitate maximum levels of delegate participation and to share as much information as possible the conference sessions were organised into two component parts - plenary meetings at which short (10 minute) presentations on chosen themes were given and breakout groups on identified topics within the theme areas. The first of these sessions concerned law, development and social justice.

Presentations were given on:

Community-Based Justice Education

Advancing Women's Rights

The role of legal education in the community and equality issues, particularly from gender and cultural perspectives, were raised here (and subsequently throughout the conference). Delegates were informed about a range of projects in Africa, India and the USA in which community initiatives and women's rights were advanced with input from law schools and NGO's.

The gathering was also addressed by Justice Krishna Iyer (retired). His comments were frank and hard-hitting. Justice Iyer made it very clear that professional standards and attitudes were, in his experience, often unsatisfactory and that law schools, the profession and the wider public had the right and responsibility to make greater demands of all concerned. He also made reference to the role of the judiciary saying:

"A *person who cannot weep at the sight of suffering should not be considered for appointment as a judge.*"

His contribution made a profound impact on all who heard it.

Hotel South Park

Three breakout sessions were then held under the titles:

Taking Sides: Whose interests and what Issues to Advocate?

Working with NGO's: Legal Interventions and Community Development

Integrating Gender into Justice Education

The *Taking sides* discussion looked in detail at the role of lawyers in the community and the potential conflicts that can emerge when such professional involvement arises. After introductions and a brief overview of the topic from session facilitators, delegates split into smaller groups for detailed discussion. Interesting debates ensued in which the contrasting positions of the lawyer as hired gun and the lawyer as guardian of the public interest were examined. There was a widely held view in the group that the involvement of professionals, such as lawyers, raised issues of use of power. The potential for lawyers to empower clients, students and the wider public was recognised. For legal educators this had particular resonance in the community context and clinical education was seen as an actual or potentially important contributor in the empowerment stakes. Interesting

concerns were raised about the possibility of involving the community in the workings of the law school especially in terms of service provision and curriculum development.

Details of the *Working with NGO's* group are to be posted on the GAJE website (www.gaje.org).

The session devoted to *Gender integration* explored the status of women and gender-focused curricular content in the 26 participants' home institutions. The spectrum of experiences brought to the meeting ranged from places where women faculty members have no restroom facilities to a university where 6 of the 7 tenured members are women and where the directors are anxious to integrate gender issues into the curriculum. One participant observed that the workshop was an important opportunity to discuss such matters as she had up until now felt isolated. There was a commonly held view that there was a need for a support network on gender issues for teachers and administrators and that, particularly in the South Asian context materials advancing gender integration could be shared. The breakout group then engaged in a brainstorming sessions designed to support women's full participation in GAJE governance. The decisions of delegates at the final conference session (see later in the report) perhaps bears witness to the success of this strategy.

Conference session 3 -

10th December - afternoon

Victoria Jubilee Town Hall

Legal Services and Access to Justice

Held appropriately on International Human Rights day, this session was devoted to promoting and achieving human rights, by improving access to law and legal services.

The same format as used in the first session was followed - short presentations and breakout discussion groups. During lunch an icebreaker had been used in which pairs of delegates utilising their artistic skills drew pictures of the human body and then labelled various parts of the anatomy with appropriate human rights facets. Few parts had been left untouched! The range and depth of human rights issues revealed led usefully into the plenary session.

The plenary presentations covered:

Teaching Legal Skills and Social Justice Through Street Law

Law Clinics in Developing Countries: Doing More with Less

Through some visually energetic direction and timekeeping, contributions from 8 delegates were presented, each focusing on how legal education can amount to justice education in a legal service context. The Street Law session started with more interaction followed by a description of Street Law programmes used in the USA, and South Africa. Here legal literacy classes are provided - for schools, prisons and community groups - with the teaching being led by law students. The students of course had worked with the law teachers in the preparation of the material used. The content covered a wide range of substantive issues including concepts of justice, civil and political rights, housing, employment, social welfare, education and consumer law. In some of the programmes, notably in South Africa, students were exposed to this hands-on education approach at a very early stage in their own education - from first year undergraduates through to post graduate students.

Projects on using experiential teaching methods and on using students in a supervised legal service

capacity were then described in a number of different jurisdictions including Bangladesh, China, Poland and Slovakia.

Hotel South Park

Breakout sessions then followed on:

Street Law Projects as Justice Education

Legal Clinics as a Resource for Service Delivery

The *Street Law Projects as Justice Education* discussion group witnessed GAJE becoming ENGAGE. Participants became actively engaged in learning and teaching methods that could be used in their own working environments and in the street law context.

Two demonstrations of Street Law as active learning were then given. The first involved a newspaper article on a contemporary justice issue before the Indian parliament. Three volunteers were used. The first described the content of the article to the second, who then relayed this to the third, who reported back to the group. Each time the story was retold it became shorter in length and detail. Apparently the exercise had been devised to demonstrate the common law principles of hearsay evidence but it served here as a clear example of how much can be lost between hearing information for the first time (for example in a lecture) and recalling the important details. Street Law programmes bring home to tutors and students the limitations implicit in the lecture format and the importance of maximising participatory techniques.

The second example, also based on a newspaper report, looked at the comments of a city mayor who described the actions of an environmental pressure group in highly derogatory language. Group members were asked to look at the law (in this instance a section of a civil code) and place themselves in a line indicating (from one extreme to the other) at what point on that line they stood on the issues involved. Was the mayor right? Was the pressure group wronged? Was there something to say in favour of both? Individuals were then asked for reasons for their positions. The session produced a great deal of interaction. It addressed some fundamental issues of justice (free speech, social, political and legal accountability and the role of law as regulator). It showed the value of active rather than passive learning. The group expressed the common view that learning can also go beyond engaging in the activity and can provide an opportunity for students to teach each other about law and justice issues thereby reinforcing their own learning.

The session concluded with guidance on setting up Street Law programmes. A written guide, containing details, can be obtained by emailing eobrien@streetlaw.org .

The breakout group on *Legal Clinics as a Resource for Service Delivery* report will also appear on the website, www.gaje.org.

In the evening a further opportunity for delegates to enjoy indigenous culture, this time in local homes. This was a very special occasion; one which allowed guests to become better acquainted with their hosts and families not to mention the culinary delights that were produced. The host families and local organising committee must be thanked for their kindness and hard work.

Conference session 4 -

11th December - morning

Victoria Jubilee Town hall

International Collaboration in Promoting Justice Education

The third day of the conference began with a plenary session looking at working together across national and regional divides. The collaboration between lawyers, institutions, organisations and governments is a central concern to GAJE members maximising the impact of effort and resources in pursuit of the justice goals.

Presentations were on 3 themes:

Working Together: Collaborations between Law teachers and Activists

Collaborative Research and Justice Education

Using Technology for Cross-National Collaboration

The session began with a description of various forms of cross-national collaboration in justice education, based in part on a recent survey of lawyers and law teachers in the field. This was followed by two presentations on collaboration aimed at improving teacher/student communication through the use of new technology including the internet and video-conferencing. Delegates were told of: work in Ghana and Uganda with women's groups; collaborative work between US law schools and programmes in Africa and Eastern Europe (The Soros Foundation and Colombia Law School's public interest law initiative have helped fund 40 clinical programmes in the former eastern-bloc); a pilot programme in Australia using the internet on remote external placement sites; and, an international research project which originated in Australia and was now expanding to include countries in North and South America, Africa and Western Europe. The research is on ethics and professional practice and, in particular, on values held by lawyers at different stages of their education and careers.

Hotel South Park

Breakout sessions followed on the following topics:

Developing Model Teaching Materials and Teaching Methods for use in Multiple Countries

Expanding Opportunities for Collaboration in Justice Education

The *Developing Materials and Methods* group was heavily subscribed indicating perhaps the perceived need for concrete assistance in providing tried and tested material and programmes. The cultural applicability of such aids to effective teaching and learning was discussed at length but the generally agreed position was that these developments should be shared and the decision about use and adaptability made by the utiliser. GAJE was seen as an ideal vehicle for the collation and dissemination of teaching material and methods. Many participants wanted information on how clinical programmes could be established. The issues raised in this session fed usefully into the training workshop planned for the following week.

The report on *Expanding Opportunities for Collaboration* will be posted on the GAJE website.

Conference session 5 -

11th December - afternoon

District Court premises, Thiruvananthapuram

Site visit to Lok Adalats

The afternoon of day 3 was devoted to a visit to the Lok Adalats, or People's Court, in Thiruvananthapuram. Delegates were briefed before the visit and the programme contained a detailed explanation of the history and role of these tribunals. Essentially the Lok Adalat is the result of an attempt to create (and indeed in part to revive) a means of resolving disputes without recourse to the rigour and expense of the courts. They have been operative since the mid 1970's. The Lok Adalats are now regulated by statute and aim to resolve disputes in an appropriate, efficient, timely and just manner. A panel consisting of a judicial officer (often retired), a lawyer and a social worker meets with the parties in dispute and, under its own adopted procedures, assists the parties to reach a resolution of their dispute. Although few studies seem to have been carried out on the workings of the Lok Adalats, academics and practitioners at the conference suggested that they were popular with the parties using them and did reach settlements that appeared to be workable. They effectively removed the delay and expense associated with formal court proceedings and were a significant contribution to meeting otherwise neglected legal need.

The visits were facilitated by the Kerala State Legal Services Authority who were extremely helpful to delegates - ensuring that each could witness a Lok Adalat in action and in engaging in discussion afterwards. A question and answer session followed between delegates and members of the Legal Services Commission. Some concern was expressed that as valuable as the Lok Adalats were reliance on them might lead to a two-tier justice system with the 'cheaper' version for the poor.

Delegate reaction to the visit was interesting. All who attended were fascinated by seeing 'justice' in action in such a specific cultural setting. Our physical presence in the rooms where the hearings were taken place was potentially (and perhaps actually) intrusive - although no objection seemed to be raised by anyone directly involved in the hearing. For those from other jurisdictions, notably the US, the UK and Australia, the proceedings were seen to be very similar to a court hearing other than the latter would normally be more formally conducted. It was somewhat different from a mediation model as understood in the West. To unfamiliar eyes it seemed to retain an adversarial feel. However, as a means of addressing disputes that the parties may otherwise never have had the opportunity to discuss and possibly resolve, it appears to be a success. Delegates were privileged to have the opportunity to see and talk about the experience and thanks must go to the Legal Services Authority, the panel members and disputants. Thanks must also go to local law students who acted as guides and translators.

Conference session 6 -

12th December - morning

Where to from here?

Hotel South Park

From the very inception of the conference GAJE activists had struggled with what the role of the organisation (such as it is) should be. Having had 4 days of absorbing and challenging work the question had to be addressed - where to from here?

For a couple of days before the final conference sessions a notice had been placed in the conference hotel asking delegates what they wanted to flow from the event? Was there a need for a formally constituted body? If so what form should it take? What would its functions be? In the space allocated on the notice for responses various suggestions were made. A session was arranged on the morning of 12th December to talk this through and, hopefully, agree a course of action.

About 90 people gathered, despite the early hour and it being a Sunday, with virtually every GAJE delegate still in Thiruvananthapuram coming to the meeting. The meeting was opened by sharing a summary of the main topics for discussion that had been in circulation during the GAJE conference. These topics were:

- Steering Committee
  - Balance (both gender-wise and region-wise)
  - Steering Committee election/selection process
  - Size?
- GAJE structure
  - Constitution and its drafting
  - Membership
- The Future
  - Next conference
  - What to do between now and then

The first order of business was seeking views as to whether it was appropriate to engage in a discussion regarding GAJE's future. There was immediate and unanimous consensus that the work of GAJE should continue and a future conference should be scheduled. Based on that agreement, a brainstorming session regarding what GAJE should do between December 1999 and the next conference ensued. Following an early suggestion that national or regional groups meet once a year, the group determined it appropriate to agree as to what GAJE's regions should be for the foreseeable future. After input from a number of delegates, the following eight regions were identified: Africa, South Asia, Australasia, Southeast and East Asia, North America, South America, West Europe, and East Europe. The only human-populated region without current representation is the Middle East, and accordingly it was agreed that, as and when necessary it could be considered as an "official" GAJE region but in the short term this was not required. On the subject of regional meetings, several delegates suggested attending/supporting existing regional meetings, and/or providing trainers for such conferences, rather than holding separate GAJE meetings.

Concern was expressed regarding over-emphasis on "regionalization," and it was suggested that a way to avoid some problems in this area might be to have "at-large" members of the Steering Committee. Other delegates suggested that it might be appropriate to appoint another Temporary Steering Committee, and leave any decisions with respect to a permanent structure to a later time when, perhaps, a constitution might be in place. That led to a discussion of whether there should be a constitution committee, and then a more general discussion of whether creation of multiple committees might be an effective way to ensure that meaningful work got done before the next full conference.

Seven committees were eventually agreed to: (1) Next GAJE Conference; (2) Constitution; (3) Subject Matter; (4) Membership; (5) Regional Training; (6) Communication; (7) Thiruvananthapuram (Trivandrum) Conference Report.

Then followed discussion about options that would be within the purview of such committees, in part acknowledging the importance of ensuring that people not at the conference had a chance to get fully involved in the work of GAJE. It was agreed that each committee should be empowered to decide independently how to organize and administer itself within this general framework. Tentative tasks and "convenors" for the initial GAJE committees were identified as follows:

1. Next GAJE Conference - a committee to plan for the next conference, anticipated to be held in 2001 in Durban, South Africa (convenors: Asha Ramgobin, ramgobina@mtb.und.ac.za and Lillian Tibatemwa-Ekirikubinza, lawdean@imul.com);
2. Constitution - a committee to draft a proposed constitution for GAJE (convenor: Clark Cunningham, cunningc@law.wustl.edu);
3. Subject Matter - a committee to share information and ideas regarding different subjects related to justice education (convenor: Ved Kumari, vedk@satyam.net.in);
4. Membership - a committee to solicit members and consider ways of including more people in the work of GAJE (convenor: Monika Platek, platek@atos.warman.com.pl);
5. Regional Training - a committee to co-ordinate with training opportunities in the various regions around the world (convenor: Marlene LeBrun, m.lebrun@mailbox.gu.edu.au);
6. Communication - a committee to work with the GAJE web site, listserv, etc. (convenor: Frank Bloch, frank.bloch@law.vanderbilt.edu);
7. Thiruvananthapuram (Trivandrum) Conference Report - a committee to put together a report on the December 1999 conference (convenor: Richard Grimes, richard.g@virgin.net)

Participants then selected a geographically-balanced nominating committee to nominate the next Temporary Steering Committee. It can be inferred from various conversations over the course of the Where Do We Go From Here gathering that many delegates expected the Temporary Steering Committee to be limited in number and balanced along regional and gender lines, though a detailed discussion of this matter did not occur during the process of actually identifying members of the nominating committee.

The nominating committee members were agreed as follows:

- Africa - Dora Byamukama, dorabyam@infocom.co.ug
- South Asia - Nagaraj, V., nagarajv@nls.ernet.in
- Australasia - Judith Dickson, j.dickson@latrobe.edu.au

- Southeast and East Asia - Titi Liu, titi_liu@yahoo.com
- North America - Ken Gallant, ksgallant@ualr.edu
- South America - Martin Bohmer, bohmer@giga.com.ar
- West Europe - Hugh Brayne, hugh.brayne@sunderland.ac.uk
- East Europe - Katerina Shugrina, kat@alt.ru

In addition to the discussions leading to the decisions set out above, during portions of the meeting the topics listed below were brought up by one or more delegates. The discussion in Thiruvananthapuram was dynamic and fluid. For purposes of this report however comments or issues have sometimes been artificially combined. No attempt however has been made to "organize" the report of that meeting into topic areas, because this might detract from the sense of how the conversation developed. Further, many comments could be important to the work of more than one committee, and imposing categories might impact on whether topics were to be explored by all appropriate committees. Note that, in most cases, detailed or lengthy discussion and decisions of anything mentioned below were deferred either to an appropriate committee or to a later time. GAJE and its committees have plenty of work to do! The issues raised were:

- Does justice education mean (or require) institutional change?
- How can concepts of education about justice be translated into meaningful training for teachers as to how best to communicate justice concepts with students? Is there any realistic way to do this other than regionally (based on cost, cultural barriers, etc. limits)?
- What is GAJE's responsibility to the "next generation" (students in law school, young practitioners and activists)? Is there a way to honour the work of the students in law school in Thiruvananthapuram and to create a more concrete method to empower students at future conferences?
- Should and, if yes, how can GAJE connect with others in other parts of the world focusing on similar issues?
- Should those who teach law outside of law schools be included (eg social science schools)? Should para-legals, students, others be included? Is that realistic (it was a stated goal of the inaugural conference)? Might it be appropriate for involved parties to differ by region? Is it too much too soon? What about including judges?
- The evolution of clinical legal education in the U.S. may be an appropriate subject for justice education, since while clinics are widespread around U.S. law schools, they are often not well integrated into legal education as a whole.
- Is it important to develop a dynamic web site? If yes, probably need funding (grant for full-time person?). What should the web site's purpose(s) be (e.g. exchange curricular material? not just limited to legal education? use for "shaming" schools and communities demonstrating injustice?) If resources are put into a web site, a reliable alternate distribution system for communities without direct access must be created and maintained.
- What should happen to the report on the Thiruvananthapuram (Trivandrum) conference. Should GAJE seek to get it published? How and where? What is the purpose(s) of such a report? To concretise achievements, create/enhance publicity, and/or increase sense of accomplishment? Are there tensions between community-centered publicity and "academic" report?

- A separate, concise report for potential funders (such as the World Bank) is probably important.
- Demonstrated post-conference/workshop follow-up may be key to securing funding from many sources for interim work and future conferences. How is that best achieved?
- How can all justice "stakeholders" get access to information about and through GAJE?
- Should one of GAJE's focuses be on bringing advocates into law schools and increasing cross-fertilization between successful activists and clinical legal education?
- Language barriers: is there a need to translate all reports as well as other significant communications? How can we access translators? What languages should be targeted?
- Delegates from nations in the 'developing' world shared some aims from their perspective:
  - need to get help advocating for clinical legal education world-wide, and for seeing that such advocacy includes a sustainability focus so that programs are long-term (may counsel for regionally-based strategies). GAJE may be able to play a role in creating a newsletter, sharing materials, holding workshops, and recognising/supporting innovative programs.
  - increase access for activists and educators in developing world to hear "success stories" in justice education from those of a shared or similar gender, cultural, class background.
  - support efforts to have developing-world law students "practice" through clinical education rather than serve in a "paralegal"-type capacity.
- Should and how can efforts extend appreciably beyond countries with legal systems based in common-law?
- Should and how can GAJE offer meaningful exchange of research in related areas?
- Should a major component of the next GAJE conference be "skills sharing" - discussion of how particular, potentially shared issues have been dealt with by other members?
- What is the personal responsibility of delegates, once home from Thiruvananthapuram (Trivandrum), to publicise GAJE?

If possible, delegates appeared to leave the GAJE - *Where Do We Go From Here?* meeting with even more enthusiasm about the conference and the work of this new endeavour.

Post-Conference Workshop -

12th - 17th December

Training Trainers for Justice Education

As indicated above it was always the intention to link the inaugural conference with a training event that would provide the opportunity for imparting ideas and sharing experiences, with a view to capacity building in countries across the world. The workshop was designed to provide a flexible framework in which such an exchange of knowledge and experience could take place. Inevitably, in dealing with such diversity of experience as represented by the workshop delegates, an on-going review of both form and content of the workshop was needed. The workshop committee did sterling work in keeping the agenda responsive to needs.

Opening session -

12th December - afternoon

British Council Library

Representatives from the GAJE workshop committee on Training the Trainers (Clark Cunningham, Neil Gold and Marlene LeBrun) introduced the concept of the workshop. Justice K.G. Balakrishnan, Chief Justice of the State of Tamil Nadu formally opened proceedings emphasising the importance of education and training and the need for training to become a permanent and on-going feature, to ensure continued development. As this was a Sunday delegates were then excused for the rest of the day (part of an afternoon and the evening!) to discover more Keralan cultural delights.

Day 1 -

13th December

Putting training in a justice context

Around 50 participants stayed for the training workshop. Again a wide spread of countries and regions were represented. Through the use of brief introductory comments, practical exercises and plenary feedback sessions, participants worked through a suggested number of topics beginning with the broad issue of training and justice.

The first exercise required discussion, in pairs, on what the main conference had achieved on the justice front. This was a lead in to the main task of the workshop - the design of a training programme to improve teaching and learning at delegate's own institution having, as its central focus, issues of justice - either in terms of substantive law (for example: human rights; anti-discrimination provisions) and/or in the method and basis of delivery (for example: justice for students; clients; the public at large). From what was said, delegates clearly found the conference stimulating and valuable but were now enthused about trying to put 'justice' in action.

As in all good teaching practice a variety of methods were used to present ideas and foster discussion. On the first full day of the workshop a video was shown illustrating how training methods might incorporate audio-visual facilities - in this instance using a recording of interviews with clients. Considerable debate followed on the cultural suitability of such material (the videos used were from an international interviewing competition) and on the level of complexity (or controversy) necessary or appropriate to achieve the learning outcomes anticipated.

Day 2 -

14th December

YMCA

Justice and learning - theory and practice

Bearing in mind that the outcome for the whole workshop was a training model that could be used in the delegates' own institutions, day 2 was devoted to some theoretical and practical perspectives. Participants were asked - in brainstorming fashion - to identify words that encapsulated justice and learning. These included: fairness, equality, inclusiveness, accountability, respect, accepting, caring, sharing, pervasivness, clarity, expectations, evaluation, transferability, transparency, and resourcing.

Bloom's taxonomy was then discussed to illustrate the stages of learning and understanding. Reference to Kolb and Schon followed.

How did this relate to the training task in hand? The point was made that unless objectives are understood or at least identified at the outset - in the sense of being clear about what you really want the learner to be able to do at the end - it is difficult, not only to structure an effective programme but to evaluate whether those objectives have been reached.

Through the use of a series of practical exercises the delegates, in small groups, began to formulate the broad aims of their justice-training project.

Having looked at concepts of justice and training and with a theoretical framework to work with, participants then began to discuss teaching and learning techniques - how to deliver what was being planned. The virtues, difficulties and challenges of a variety of techniques were examined ranging from lectures (widely and sometimes exclusively used as the base for teacher/student contact) to smaller group work (seminars and tutorials). The use of highly interactive forms of learning such as real-client clinics were also considered. The use of video ('eyes memory'), simulation and demonstration were all discussed. Although lectures are widely and traditionally used as a means of teaching (and often presumed to be learning and cost effective) the workshop quickly identified that lectures often did little to involve, excite or empower students. However, recognising their traditional place in the classroom, techniques were then discussed on how to use lectures more creatively.

A presentation was then given by Professor Kumar, a medic and academic from the teaching hospital in Thiruvananthapuram. Professor Kumar drew parallels between medical and legal education, including the ethical dimension in both, and gave the workshop further food for thought.

The day's sessions finished with two presentations both of which addressed feedback. The first looked at what makes a good teacher. A feedback session was given following a presentation and delegates had to give feedback on the feedback. This resulted in the initial presenter getting critiqued (in the nicest and most constructive possible way) and by the critiquer receiving similarly constructive feedback from the delegates as a whole. This exchange produced a large number of comments on the problems of giving feedback, especially if that process identifies areas for improvement. Suggestions were shared as to how the feedback process can be made a positive learning experience. All contributors emerged unscathed and wiser.

The second consisted of video taped student interviews with a 'client' in a suspected theft case.

The group was asked to provide feedback on those performances. It was useful for delegates to see material actually used in teaching in a particular institution and to have a staff member from that College present to discuss context and content. Delegates were quick to identify strengths and weaknesses in the student performances and agreed that the use of video taping as a means of reflective learning was valuable.

Day 3 -

15th December

YMCA

Teaching and learning strategies

Bolstered by discussion of further principles of teaching and learning - in particular the need for clearly established learning outcomes and the linking of those outcomes to assessment criteria and evaluation strategies - the workshop moved on to more practical exercises. All were designed to assist participants in producing their own training plans.

The first asked fundamental questions about assessment and evaluation and asked participants to create their own assessment criteria in the context of the training project they were working on. In addition, how would they establish whether the criteria had been met and evaluate whether the assessment has been a success in learning terms. One highlight of the day was the involvement, in this exercise, of two students from the local law school. They conducted the brainstorming part of the exercise. If ever a demonstration of student power was effective it was here. Many thanks to Julie and Lina and best wishes to them in their own now justice oriented careers!

The workshop then moved on to the hard work - designing the training programme for the delegates' own needs.

Day 4 -

16th December

YMCA

Moving towards a training model

Delegates were allocated a day in which to work on and produce their specific training schemes. In each case they had to identify the group they were going to be working with (colleagues, students, community) and the learning outcomes that were to be achieved in that programme. Then teaching and learning methods had to be selected that would be suitable for the targeted group and local circumstances. This necessarily involved a consideration of materials that might be used and resources that would be available. Each plan had to then address assessment in terms of both means and criteria. Finally each programme had to indicate the evaluative scheme that would be used to determine the level of success.

The proof of the pudding!

Late that day, with preparations complete, delegates moved on to begin their presentations. Projects were presented in turn to the whole group. As might be expected the schemes were diverse and included:

- A course in basic law and procedure for para-legals
- A clinical programme in a University with several thousand law students and no permanent, full-time, staff
- A short course for judges on the sensitivity of dealing with children in judicial and related proceedings

Day 5 -

17th December

YMCA

The final day of the training event was devoted to completion of presentations of the training projects.

The learning was a two way process. Non-presenting participants had the opportunity to witness the presentations complete with explanations of why and how each scheme was designed and structured. The presenters were able to field questions and reconsider their plans in the light of constructive criticism. The presenters and their audience were also able to take turns to put into practice much of the content of the previous four days.

A general discussion followed on the implementation of justice education projects focusing on obstacles that either had arisen or were likely to arise for particular participants, together with strategies for addressing them.

The workshop concluded with a final round of thanks to the organisers and local team who supplied so much support. Everyone left determined to maintain contact and to tell each other how the projects, which had been designed at the workshop, were actually working out on the ground.

Two memorable features of the last day stay in the mind - the first, a description of participants as JETS (Justice Education Trainers) and the second a tuneful rendition from West Side Story!

Conclusions

The GAJE conference and workshops were extraordinary in many senses. The whole happened with relatively few resources and with virtually no face to face contact (other than at a local level). It brought together colleagues from all over the globe and from both common and civil law jurisdictions. We met, worked and co-existed for 10 days all leaving very much enriched by the experience and hopefully taking with us knowledge, experience, ideas and enthusiasm with which to take legal education forward into the new millennium. Most of all, it might just be that the cause of justice was furthered.

Of course there is much that can be learnt and improved upon - in terms of structure and content if not climate and hospitality. One matter that colleagues might care to deliberate on is how we can be more inclusive of students at any future event.

As the old saying goes 'so much is owed by so many'. Perhaps what is owed is not just 'to so few' - although there are those, notably Madhava Menon and Frank Bloch who merit particular mention, without whom the conference might not have taken place at all. The local organising committee, with the highly efficient input of Dr Sivakumar, must also be thanked. All delegates contributed to the success of the conference and workshops. The strength in GAJE is its democratic and open nature. Justice of course begins at home!

Announcements

Fifth International Conference on Clinical Education and Scholarship

"Problem Solving in Clinical Education"

The UCLA School of Law and the London Institute of Advanced Legal Studies are delighted to announce the Fifth International Conference on Clinical Legal Education and Scholarship to be held at the beautiful UCLA Conference Center at Lake Arrowhead, nestled in the San Bernadino mountains near Los Angeles. The dates are Thursday, November 8 to Sunday, November 11, 2001. The purpose of this conference is to explore the teaching of effective problem-solving models. The conference will proceed on the basis that problem-solving skills are crucial to competent lawyering and that clinical programs ought to provide students with a conceptual basis for developing those skills.

Details about the conference can be found on the UCLA Law School Web Page at http://www.law.ucla.edu/media/CallforPapers3.html.