

New Beginnings

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First and foremost, I would like to commend International Journal for Public Legal Education (IJPLE) co-founder Richard Grimes (and the rest of the editorial board), for the vision to create the first academic journal to provide an international platform for public legal education (“PLE”). Included in the PLE universe are programs that have been called law-related, legal literacy, civic or citizenship education or Street Law, all terms practitioners seem to use interchangeably. This inaugural issue and those that follow will hopefully document best practices from some of the original leaders of the PLE, Street Law, legal literacy and law related education movement and also be a clearinghouse where educators can share some exciting new teaching methodologies, trends and research ideas and evaluate what works. My own hope is that it also will become a community-building institution where educators can learn from each other. At its core, this journal can serve to advance the reach of the public legal education programs worldwide while furthering access to justice, democracy and human rights.

Here begins the task of documenting and evaluating the impact of law related education programs like Street Law. Since PLE programs are so extensive and as boundless as their settings – from its origins in high schools, the courts and correctional institutions to Street Law for farmers in Kathmandu, I leave it to contributors to this journal to document, research or discover how educators, trainers and coaches have developed and imagined their courses and to distill the best practices culled from their particular programs, which are remarkably distinct, experimental, or even one-off. Perhaps this journal will begin to evaluate these disparate and widespread programs and project what lies ahead to expand and sustain public legal education programs, such as Street Law, into the future. In this preface, I would like to talk a little about Street Law and why public legal education is needed in America. Then, I would like to identify two examples where those who have experienced PLE have gone on to have significant impact and become influential leaders in the field. Finally, I would like to end with a personal remembrance of co-founder of Street Law, Ed O’Brien.

I. Street Law and Unmet Legal Needs of the Public

I come from the perspective of Street Law, which has become an ubiquitous moniker to cover all sorts of programs to educate the public about the law and how the law affects them. Street Law had its origins at Georgetown University Law Center in 1972 when my husband Ed O’Brien and a bunch of other law

students were invited by Professor Jason Newman to launch a pioneering program in some of the poorest neighborhoods in Washington, D.C. whereby law students were tasked with teaching “every day law” to high school students. Since that propitious beginning, the Street Law model has grown into a vast array of programs spanning the world from Dublin to Chang Mai and has inadvertently spear-headed a social movement.¹

Through its innovative interactive methodologies, Street Law has rarely strayed from its roots of empowering students to embrace their rights by participating in exercises that illustrate practical aspects of the law and how the legal system might affect them personally. Part of the original features of Ed’s program was its emphasis on classroom debates examining current cases in the local or national news to bring it back home to students. Moreover, students learned that they have rights, that they can choose to exercise their rights under law and witness the process of balancing the protection of rights with real time justice or of advancing those rights through advocacy or public policy. While arming students with knowledge of the law, the court system, the workings of the institutions of government and the skills to interact with the legal process, they are encouraged to become full participants in civil society.

¹ Richard Grimes, David McQuoid-Mason, Edward L. O’Brien & Judy Zimmer, *Street Law and Social Justice Education*, in *The Global Clinical Movement: Educating Lawyers for Social Justice* 225-40 (Frank S. Bloch ed., Oxford University Press, 2011).

In America, we need only to turn on the evening news to understand why the most basic of these programs need to be part of the core curriculum of every school and law related educational setting – since we apparently seem to be experiencing a dearth of knowledge about basic democratic values and institutions at all levels of society. In the United States, according to *The 2017 Justice Gap Report*, access to justice is not generally available to 86 per cent of low-income Americans, who on average receive limited or no legal representation in civil matters.² Moreover, about 40-60 percent of middle income Americans have unmet legal needs.³ If more citizens understood that they are protected under law and have unmet needs, perhaps we might find a more compassionate world and a fairer justice system; public legal education programs could help ameliorate this challenge.

Educators should take note of one potential new technology breakthrough that might be successful in addressing this need. Microsoft in partnership with the Legal Services Corporation and Pro Bono Net recently announced it is developing an online voice-activated portal to address the basic legal needs of the public. Microsoft is expected to launch the portal in 2018 in the pilot states of Alaska and

² Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans* (Washington, DC, 2017).

³ Roy Stuckey et al., *Best Practices for Legal Education; A Vision and A Road Map* 18 (2007), quoting Deborah Rhode, *Pro Bono in Principle and in Practice* 20 (2005).

Hawaii.⁴ Providing education about the law online like Amazon’s Alexa could possibly impact the evolution law related education and may deconstruct some notions of how legal services are delivered.

There is more to come, and, surely, we will watch it unfold in the IJPLE.

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II. PLE Impacts – Two Examples

Notwithstanding Ed’s many long-standing friends and colleagues who have contributed mightily to Street Law, whom Ed might like to highlight here, I chose two individuals who represent much of what Ed might be proud to point to as examples of how a program like Street Law can make a difference in the world. How we measure PLE impacts remains to be seen, but these two extraordinary leaders, in the face of enormous challenges, have made a difference in the areas of public legal education, democracy and human rights.

South Africa: Human Rights Commissioner Mohamed Shafie Ameerma

How did a kid from Limpopo, one of the poorest provinces in South Africa, grow up and win the prestigious Robert G. Storey International Award for Leadership

⁴ Richard Acello, *Easy Access: Legal Services Corp., Microsoft plan voice-response portals for legal advice*, ABAJ (September 1, 2017).

in June 2017 in America? The award is given to a leader who exemplifies Dean Storey's *"dedication to peace, justice, and the rule of law in the international community."*⁵

That kid who loved constitutional law was a student in Street Law's first international program in South Africa over 30 years ago. His name is Mohamed Shafie Ameermia. Today he is a human rights advocate serving as a Commissioner in the South African Human Rights Commission. After studying law at Wits University, he has had a storied career in municipal and regional government. He has stated that *"his biggest challenge was to make the Constitution and the Bill of Rights a living reality in South Africa and make legal services accessible and real for the poor and vulnerable members of society."*⁶

Commissioner Ameermia has used all the enforcement tools provided him under law to take an activist role in pursuing human rights abuses in South Africa. In spelling out his vision for his access to justice portfolio for the South African Human Rights Commission, the Commissioner set forth the goals he hopes to achieve during his tenure:

⁵ *Storey Award*, The Center for American and International Law, Southwestern Institute for International and Comparative Law, www.cailaw.org. Dean Storey served as Executive Trial Counsel at the Nuremberg Trials, Dean of SMU School of Law in Texas, and President of the American Bar Association.

⁶ Anton van Zyl, *International recognition for former town secretary*, Limpopo Mirror (May 21, 2017), <https://www.limpopomirror.co.za/articles/news/42208/2017-05-21/International-recognition-for-the-former-town-secretary>.

Through the access to justice program, the equality courts must be made to effectively work in ensuring that all . . . rights enshrined in the Constitution are not only protected, but that they are promoted and advanced to ensure that access to justice in the interest of the poor, marginalized, the downtrodden, the destitute and the weak and disabled are advanced and championed, so that we can achieve the egalitarian and noble ideals we set out for ourselves in the Constitution become a living reality.

In sum, my vision as a Commissioner on the South African Human Rights Commission, is to translate the Bill of Rights into practical action. I realize this is an enormous task, but I am of the view this it is necessary for:

Without Rights there cannot be freedom

Without freedom there cannot be development

Without development there cannot be transformation.⁷

As the keynote speaker at 2016 Ed O'Brien International Street Law Conference in Durban, South Africa,⁸ Commissioner Ameerma urged participants to advocate for human rights education as an underlying objective of the 2030 United Nations

⁷ Profile: Mohamed Shafie Ameerma, South African Human Rights Commission, sahrc.org.za.

⁸ The 2016 Ed O'Brien International Street and Legal Literacy Best Practices Conference was organized to celebrate the 30th anniversary for the very first international Street Law program at the University of KwaZulu-Natal (formerly the University of Natal) in 1986 and convened by the Dean of the Law School, David McQuoid-Mason, a life-long friend and collaborator of Ed's and one of leaders of the Street Law Global movement along with Richard Grimes of the UK.

Sustainable Development Goals, which *inter alia* seek to improve peace through access to justice by building effective, accountable and inclusive institutions.⁹ He also stated a wish to see the Street Law programs started over 30 years ago in law schools throughout South Africa be revived or expanded – suggesting that public legal education is needed more than ever to teach high school youth how the law can affect and can empower their every day lives. Such programs could serve as measures or effective indicators for achieving the SDG objectives.

Ed O'Brien always taught that one person can make a difference. In a remarkable coincidence, Ed and I ran into Mohamed at the airport in Marrakesh at the World Human Rights Forum in November 2014. He was one of 5,000 people from 94 countries attending. We were both looking for the driver assigned to take us to our hotel and, since he appeared to be a fellow attendee, we invited him to join us. It was then he pointed to Ed and exclaimed, *"I know you! You were my teacher at the first ever Street Law program in South Africa!"* After almost thirty years, Ed laughed and thought this must be destiny! Two years later, Mohamed accepted Street Law Global's invitation to speak at the first Street Law best practices conference

⁹ For example, U.N. Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. *Independent national human rights institutions play an important role in ensuring that States deliver on their human rights obligations and that no one is left behind.* . . . United Nations, Economic and Social Council, Progress towards the Sustainable Development Goals; Report of the Secretary-General, U.N. doc. E/2017/66 (May 11, 2017).

honoring Ed's memory in Durban and brought his entire S.A. Human Rights Commission staff.

This is not to say that every Street Law student will be so accomplished or so honored as Commissioner Ameerma, but in small ways and big, Street Law can have a positive impact on youth as active participants in their communities.

Islamic World: Radwan Masmoudi

In 2004, Ed O'Brien and his Street Law colleagues started working with the Center for the Study of Islam and Democracy,¹⁰ headed by Dr. Radwan Masmoudi. With funding from the U.S. State Department's Democracy and Rule of Law program, they used the *Democracy for All* text originally drafted with David McQuoid Mason's South Africa Street Law program, and produced a new book *Islam and Democracy: Toward Effective Citizenship* (2005), notably published in Arabic.¹¹ The authors, including eight Arab scholars from Morocco, Jordan, Algeria and Egypt, used excerpts from the *Qur'an*, to clarify how Islamic principles correspond with basic forms of democracy. This book has been successfully introduced in a number of countries including Morocco, Tunisia, Jordan, Egypt, Algeria, Bahrain,

¹⁰ "The Center for the Study of Islam & Democracy (CSID) is a non-profit organization, based in Washington DC, dedicated to studying Islamic and democratic political thought and merging them into a modern Islamic democratic discourse. . . ." csidonline.org.

¹¹ Radwan Masmoudi, Edward L. O'Brien, B. Chorak, Mary Larkin & Aly Abuzaakuk, *Islam and Democracy* (Washington, D.C., 2006) self-published by Street Law Inc. and Center for Study of Islam and Democracy.

Iran, Iraq, Saudi Arabia, and Turkey, reaching thousands of participants, and continues in ongoing workshops.¹²

CSID has noted that *“Building democratic institutions and traditions is not easy and will take time, patience, hard work, and perseverance. However, we were extremely happy and delighted to find hundreds, if not thousands, of scholars and leaders – across the Arab and Muslim world – who share this desire for freedom, democracy, and human dignity.”*¹³

CSID has also published a number of newsletters including *Muslim Democrat* and *Democracy Watch* in English and Arabic.

CSID continues to offer educational programs throughout the year on Islam and democracy and most recently in July 2017 offered a series of workshops for youth, civil society and religious leaders, part of its *“Hand in Hand”* program to combat extremism and terrorism.¹⁴

It is not surprising that Tunisia has become a model for democracy in the Arab World, as Mrs. Meherzia Labidi, a member of the Tunisian Parliament related in a talk to CSID this year. She noted that Tunisia is *“a state where it was possible not*

¹² From 2006 to 2009, CSID had trained over 3,000 participants in various Arab countries, with the goal of training students to become trainers CSID Workshop in Bahrain: Islam and Democracy – Towards an Effective Citizenship, CSID Feb. 11, 2009), csidonline.org. (*“Dr. Masmoudi confirms that democracy, though feared by Arab governments, is pursued by Arab citizens. The workshop aims at promoting freedom of thought and expression and ensuring that differences in opinion are respected in the Arab society.”*)

¹³ Center for the Study of Islam and Democracy, *Introduction, Workshops on Islam & Democracy* (May 24, 2006), csidonline.org.

¹⁴ Summer University, July 2017, csidonline.org.

*only to develop oneself socially and economically and to dream of a modern democratic state, but to really make it possible. . . . We want to build a democracy where diversity, human rights are respected, where the alternation to power is not done through coup d'état but through elections. We insist on building a democratic republic based on citizenship, supremacy of the law, and sovereignty of the people, while reconciling Islam, democracy, and modernity, once and for all. . . . Tunisia is ripe for success and will continue down this path.”*¹⁵

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Commissioner Ameermia and Dr. Masmoudi are exemplary leaders in this movement. Ed often pointed out that it is the people who staff Street Law and related programs – the passionate educators, the human rights and democracy advocates, who are the strong leaders that make Street Law effective.

It is thanks to the vision of these committed activists, including judges, lawyers, legal and human rights educators, lawmakers, paralegals, social studies teachers, parents, students and significant supporters, who have played key roles in

¹⁵ Mrs. Meherzia Labidi, Member of the Tunisian Parliament and Member of the Executive Committee of the Muslim Democratic Nahdha Party in Tunisia, *Tunisia: A Model for Democracy in the Arab World*, Address before the Center for the Study of Islam and Democracy (February 2, 2017).

advancing the direction and the expansion of Street Law programs worldwide, that Street Law has experienced its success, and it is to strong leaders like them who will hopefully guide and sustain its future.

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III. Remembering Ed O'Brien

Aside from his warmth, friendly personality, and his endearing personal charms, Ed O'Brien had integrity and enormous wisdom. Nonetheless, what I admired most in Ed was that he had moral courage. He was a lifelong admirer of Robert F. Kennedy and often pointed me to one of RFK's famous quotes. These are words Ed lived by and epitomize his belief that even one person can make a difference by standing up against injustice....and the ripple effect that can have. RFK said:

Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society.

Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality for those who seek to change the world that yields most painfully to change.

*Each time . . . a man stands up for an ideal, or acts to improve the lot of others, or strikes out against . . . injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.*¹⁶

Street Law started as a ripple and is now a social movement. Street Law has become ubiquitous.

Ed was a tireless champion of human rights and democracy education. Of importance to him, was the U.N. mandate found in the Universal Declaration of Human Rights calling on all nations to “*strive by teaching and education*” to respect human rights and freedoms.¹⁷

Ed’s colleagues Nancy Flowers and Kristi Rudelius-Palmer¹⁸ pointed out that:

“Ed was a strategic, passionate, human rights learner and educator, who dedicated his life to empower youth and adults to practice the core principles of equality, non-discrimination, and justice for all. . . . Ed’s own words best capture his understanding of the essential role of human rights in the education of the children of the world:”

¹⁶ Robert F. Kennedy, Day of Reaffirmation of Academic and Human Freedom speech, at the National Union of South African Students, University of Cape Town, South Africa (June 6, 1966).

¹⁷ UN General Assembly, “Preamble,” *Universal Declaration of Human Rights*, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

¹⁸ Nancy Flowers & Kristi Rudelius-Palmer, *Remembering Ed O’Brien (1945-1915)*, Human Rights Educators USA (July 16, 2015), hreusa.org.

*I have learned that to teach law or democracy without teaching human rights is vastly inadequate. Human rights are a value system and a foundation on which law and democracy rests. Young people must be taught ethical behavior, and human rights are a set of ethical standards the world has agreed upon.*¹⁹

Ed was always on a mission. DC Statehood, marriage equality, voting rights, better benefits for adjuncts, or just helping friends, colleagues and students. Essentially, his life was dedicated to the sustaining of Street Law programs worldwide, and he was willing to mentor, empower and nurture anyone who might be part of the next generation of leaders. I am sure he would be delighted that his legacy will be sustained in this important journal. *Viva IJPLE!*

To provide a context for this journal issue, I want to include two of Ed's last efforts to provide a history of Street Law, one focused on the beginnings of the international effort to take Street Law to a global audience beginning in South Africa and the second a short unfinished history of the program from its origins at

¹⁹ Edward O'Brien, *Why Am I a Human Rights Educator?* in University of Minnesota Human Rights Resource Center, *Towards a Just Society; the Personal Journeys of Human Rights Educators* 111,112 (Abraham Magendzo K. et al. eds., 2015).

Georgetown Law Center's clinical programs,²⁰ to its separate institutional identity as Street Law, Inc. Law related education or Street Law pedagogy can start from there.

²⁰ The Georgetown Street Law Program, directed by Rick Rowe, is housed in Georgetown Law's clinical program, the oldest and most pre-eminent clinical legal education program in the U.S., where it has been ranked #1 in "Best Clinical Training Programs, Ranked in 2017, part of Best Law Schools," in *Best Grad Schools: Law 2018* issue, U.S. News & World Report, usnews.com