

Global Alliance for Justice Education

Third International Conference

STRUCTURING A JUSTICE

CURRICULUM FOR THE FUTURE

Kraków, Poland

July 21-30, 2004

Cooperating Host:
**Jagiellonian University
Faculty of Law & Administration
Center of the Study of Foreign Law**

Sponsoring Partner:
**Open Society Justice Initiative
Open Society Institute**

TABLE OF CONTENTS

Introduction

Pre-Conference Workshop, Strategies for Advancing a Justice Curriculum Wednesday, July 21, 2004

- Group A-1: Organizing a GAJE-accredited International Justice Degree
- Group A-2: Curriculum module I: criminal justice, safety and security
- Group A-3: Curriculum module II: property, trade, work, taxation and development
- Group A-4: Curriculum module III: literacy, multi-culturalism, diversity and human rights
- Group B-1: Regional initiatives I (Bologna-Sorbonne Education Reform Process)
- Group B-2: Regional initiatives II (Russian-speaking Eurasia)
- Group B-3: Regional initiatives III (Asia, Africa, and Latin America)
- Group B-4: Reform initiatives within academia and the profession

Main Conference, Using the Experience of Lawlessness to Teach Justice Thursday-Saturday, July 22-24, 2004

Thursday

Registration

Opening Session

Oświęcim as a Place of Education about Human Rights, Speech by
Andrzej Zoll, Polish Ombudsman

Lecture to GAJE before Auschwitz visit, Dr. Hans Guggenheim

Friday

Visit to the State Museum of the Former Concentration Camps in Auschwitz and
Auschwitz - Birkenau

Visit to the Jewish Center in Oświęcim

Discussion of the Visit

Saturday

Plenary Session—Involvement of the Polish Ombudsman into Clinical Movement
in Poland

Multi-Strategic Advocacy for Vulnerable Populations

Break-Out Sessions

Litigation/Alternative Dispute Resolution

Legislation/Involvement of Social Movements

Community Education/Street Law

Combined (Integrated) Strategies

Feedback Session: Common Themes Emerging
Teaching Values to Law Students

Break-out Sessions

Teaching Law Students Social Responsibility

Involving Students in the Promotion of Access to Justice Education

Using Our Brains. Reaching the Hearts and Minds of Our Students Through
Their Limbic System

GAJE Committee and General Membership Meeting
Sunday, July 25, 2004

Post-Conference Workshop on Teaching, Train the Trainers
Monday-Friday, July 26-30, 2004

Creation and Development of Social Justice Projects Involving Advocacy in Courts and
Tribunals

Monday, Tuesday, and Wednesday morning

Evaluation

Monday and Tuesday

Establishing and Maintaining Clinics

Monday and Tuesday

Creating Social Change: Are Courts the Answer?

Monday, 5:30-7:30 p.m.

Sister Schools and Other Exchanges in Legal Education

Wednesday afternoon

A Comparative Simulation on Lawyering Roles and Teaching About Them in Different
Legal Systems

Thursday and Friday

Additional Resources from the GAJE Conference

Conference Agenda

Participant List

Detailed group reports from Pre-Conference Workshop

Paper Distributed before Visit to Auschwitz, Dr. Hans Guggenheim

Background on the Auschwitz Concentration Camp

Post-Conference Workshop on Teaching, Monday-Friday, July 26-30, 2004
Train the Trainers—Detailed Report

Report from Advocacy Projects Workshop, July 26, 2004, Edward Santow

Teaching Values to Law Students, Adrian Evans (Power Point Presentation)

Bibliography on Evaluation, Peter Joy, Catherine Klein, Martin Geer

Developing and Maintaining Clinical Programs, Jeff Giddings (Power Point Presentation)

Comparative Simulation on Lawyering Roles, Fryderyk Zoll & Leah Wortham
(Role Play Instructions)

GAJE Steering Committee Report Presented to the Plenary Meeting, July 25, 2004,
Peggy Maisel

Introduction to Report on the Third International Conference of the Global Alliance for Justice Education, Kraków, Poland, July 21-30, 2004

The Third International Conference of the Global Alliance for Justice Education took place in Kraków, Poland on July 21-30, 2004. The conference was based at Jagiellonian University in buildings very close to the city's historic market square.

As with First International Conference held in Thiruvananthapuram, Kerala, India in December 1999 and the Second International Conference held in Durban, South Africa in December 2001, all conference planning was done by volunteer GAJE members. Jagiellonian student volunteers provided considerable help with the on-site logistics.

The overall theme of the Third International Conference was *Structuring a Justice Curriculum for the Future*. A primary theme of the three-day main conference (July 22-24) was *Using the Experience of Lawlessness to Teach Justice*. This theme was graphically illustrated by the visit of conference participants to Auschwitz-Birkenau and the nearby Polish city of Oświęcim, where Jewish culture once flourished. Conference events before and after this visit focused conference participants on what an injustice of this magnitude might suggest for them with regard to justice education.

On July 21, a one-day pre-conference workshop on *Strategies for Advancing a Justice Curriculum* took place. GAJE held committee meetings and a membership meeting on July 25. A five-day *Train the Trainer Workshop* took place July 26-30.

The Planning Committee for the overall event and the Main Conference was Fryderyk Zoll (Jagiellonian University, Poland), Marlena Pecyna (Jagiellonian University, Poland), Filip Wejman (Jagiellonian University, Poland). Frank Bloch (Vanderbilt University, USA) was the GAJE Steering Committee Liaison to the Planning Committee. The Pre-Conference Workshop committee included Frank Bloch (Vanderbilt University, USA) (Chair), Adrian Evans (Monash University, Australia), Lusine Hovhannisian (Public Interest Law Initiative, Hungary), N.R. Madhava Menon (National Judicial Academy, India), Edwin Rekosh (Public Interest Law Initiative, Hungary), Zaza Namoradze (OSI Justice Initiative, Hungary), and Thulisile Mhlungu (University of KwaZulu-Natal, South Africa). The Post-Conference Train the Trainers workshop was coordinated by Leah Wortham (Catholic University, USA), Fryderyk Zoll (Jagiellonian University, Poland) and Monika Płatek (Warsaw University, Poland). Susan Brooks (Vanderbilt University, USA) and Filip Czernicki (Polish Legal Clinics Foundation, Poland) constituted the Fee-Waiver Committee. This committee made decisions on registration waivers and allocation of GAJE funds for travel and expense stipends.

Working with Fryderyk Zoll, Marlena Pecyna, Jagiellonian University, did an extraordinary job of overseeing the many details related to registration and on-site administration. She was assisted by a number of Jagiellonian student volunteers.

As with past conferences, much of the support for the conference came from registration fees paid by conference participants. The Open Society Justice Initiative of the Open Society Institute paid the registration fee for a substantial number of participants. The OSI Justice

Initiative also paid travel and accommodation expenses for the participants it supported. Similarly, the Ford Foundation (China) paid registration fees, travel, and accommodations for some participants from East Asia. In addition, GAJE provided fee waivers or fee reductions for many delegates, and a number of smaller travel and/or accommodation grants.

The Kraków Conference was attended by 168 participants from 43 countries, including every inhabited continent. Sessions were conducted in English, but many participants came from countries where English is not the official language. A group of Russian-speaking delegates were provided with interpretation through the generosity of a grant from the Open Society Justice Initiative and some supplementary volunteer interpretation by GAJE members.

The following summarizes the events of the conference. More complete accounts of what took place at the various events, as well as some documents distributed, can be found in the resource section on the GAJE website. This conference report was edited by Leah Wortham, The Catholic University of America, School of Law, Washington, D.C. 20064, with assistance from Ms. Barbara McCoy of the CUA staff.

Pre-Conference Workshop—Wednesday, July 21, 2004
Strategies for Advancing a Justice Curriculum

Compiled by Frank Bloch

This workshop, which was held the day before the opening of the main conference, was devoted to developing strategies for promoting a justice-focused legal education curriculum around the world. A second objective was to explore how these strategies could be integrated into the process of regulating and accrediting law schools. Approximately 90 persons attended, representing approximately one-half of the delegates to the main conference. The Planning Committee for the workshop included Frank Bloch (Vanderbilt University, USA) (Chair), Adrian Evans (Monash University, Australia), Lusine Hovhannisian (Public Interest Law Initiative, Hungary), N.R. Madhava Menon (National Judicial Academy, India), Edwin Rekosh (Public Interest Law Initiative, Hungary), Zaza Namoradze (OSI Justice Initiative, Hungary), and Thulisile Mhlungu (University of KwaZulu-Natal, South Africa)

The opening plenary session began with an overview of the goals and structure of the workshop presented by Frank Bloch. The workshop was structured so that most of the time was spent in small group sessions, with participants working on various topics around two broad themes: creating a curriculum for an “International Justice” degree and developing strategies for formalizing Justice Education. Clark Cunningham (Georgia State University, USA) then placed the workshop in context by reviewing the results of the pre-conference workshops at the first two GAJE conferences. The opening session concluded with an overview of the two major themes presented by Adrian Evans and Lusine Hovhannisian, followed by brief descriptions of each of the following subtropics:

Theme A: Curriculum for an “International Justice” degree

Subtopic 1: Organizing a GAJE-accredited “International Justice Degree”

Subtopic 2: Curriculum module I: criminal justice, safety and security

Subtopic 3: Curriculum module II: property, trade, work, taxation and development

Subtopic 4: Curriculum module III: literacy, multi-culturalism, diversity and human rights

Theme B: Strategies for formalizing Justice Education

Subtopic 1: Regional initiatives I (Bologna-Sorbonne Education Reform Process)

Subtopic 2: Regional initiatives II (Russian-speaking Eurasia)

Subtopic 3: Regional initiatives III (Asia, Africa, and Latin America)

Subtopic 4: Reform initiatives within academia and the profession

Following the plenary session, the participants were assigned to a small group based on their preferences of subtropics (in one case, a combined group of two subtropics). The small groups met separately in two sets of small group sessions, one before lunch and one after lunch. The workshop concluded with a final plenary session at which each of the small groups reported

back on their discussions, including suggestions for organizing and implementing a justice curriculum and specific strategies for formalizing Justice Education around the world.

Summaries of the substance of the discussions for each of the small groups follow, based on separate reports submitted by the small group facilitators and reporters. Full versions of each of the small group reports are available on the GAJE website (www.gaje.org).

Group A-1: Organizing a GAJE-accredited International Justice Degree

Thulisile Mhlungu (University of Kwa-Zulu Natal, South Africa)
Adrian Evans (Monash University, Australia)

There is a growing sense that GAJE must address the question whether it continues to function as a meeting place – a place of sharing ideas – or becomes a place to take things further. A logical next step for GAJE might be to establish standards for justice education that could guide law schools and other institutions involved in training lawyers toward a more justice-oriented curriculum and also help those teachers promoting justice education be recognized.

There are several motivating factors for law teachers, law schools, and law students in favor of GAJE recognition of an International Justice Degree. It would increase the academic standing of justice-oriented teaching and scholarship and would make it easier for law teachers to benefit from their justice education work for purposes of tenure, promotion, course assignments, etc. For law schools, GAJE accreditation could help those seeking a niche in Justice Education. They could market to students and funding organizations (both private and governmental) that they offer an accredited program that combines practical training and justice-oriented projects. GAJE accreditation could also help law schools forge links with other institutions with similar goals, such as Fulbright, Ford, and Open Society Institute, and could provide recognition for ‘aspiring’ internationally recognized law schools. Law students would be more likely to receive appropriate academic recognition (including the number of credit points) for work performed as part of an accredited program. It could also lead to more justice-focused scholarships and exchanges for students. The primary focus is to allow people to become change agents, expose people to institutions that have met minimum standards.

There are several possible models for accrediting or recognizing Justice Education. GAJE could establish a group that would set applicable guidelines. Another option would be to accredit centers of excellence that exist already, which would have the advantage of jump-starting the process of accreditation. The process could be applied to individuals and/or institutions (including law schools, NGOs, etc.). For individuals, GAJE could run a Teacher Training Program and those who completed the program could be accredited by GAJE, or GAJE could accredit an individual who does a lot of work in the community. There are also the questions of standards and quality assurance. At a minimum, an applicant institution must demonstrate how its Justice Education program is integrated into the curriculum, recognizing that clinics are a teaching methodology and not an automatic justice education curriculum.

The process might become divisive if individuals are certified. Instead, GAJE could accredit Justice Education Institutes linked to Universities or law schools. Then an individual who comes out of an accredited institution could become certified. Realistically, politics will be involved because “Justice” in institutions is political in nature. It might work better if the organizing process is done regionally. Also, within institutions all individuals are not going to be at the same level; not all individuals in an institution will qualify automatically and individuals should be able to qualify although their institution might not.

Various arguments in favor of and against setting up an accreditation project were discussed, as well as the pros and cons of an institutional or centre-based accreditation process. Regardless, it should be a global process to avoid being caught up in local politics and regional power plays of the established legal profession. It would also be helped if GAJE could work through foundations that might want to sponsor this process. A well thought out ‘GAJE recognition’ process could encourage foundations to pay for the promotion of this innovation.

Recognizing that establishing an international justice “degree” is an ideal and that a lot of regions will say that it is unrealistic because of resources, the group nevertheless decided to go ahead and discuss the ideal, rather than what it may be reduced to later on. In this context, the group agreed to the following major recommendations:

GAJE should “recognize” institutions, programs and individuals which/who expose law students to the real life experiences of disadvantaged and impoverished persons affected by the legal system.

GAJE should engage in the political process of recognition of an “International Justice” certificate or degree.

The GAJE steering committee should take responsibility for the recognition process, but allow for regional flexibility.

The GAJE steering committee should coordinate regions in “template” funding applications to foundations to finance the international “justice recognition” process.

Groups A-2 & A-3: Curriculum modules I & II; criminal justice, safety and security & property, trade, work, taxation and development

Frances Foster-Thorpe (University of New South Wales, Australia)

Philip Gentry (Columbia University, USA)

Tara Sapkota (Tribhuvan University, Nepal)

This group was a combined one of curriculum modules I & II, which potentially left the group a very wide range of topics. Although the discussion focused on criminal justice, the approach could be applied usefully in other substantive law areas of legal education.

The central theme that emerged from the discussion was that a justice education, as distinct from a legal education, is one that analyses the distinction between the law as it is officially propounded (in statutes and cases) and the law as it is experienced (by practitioners, clients and citizens). This approach to law and the legal system can facilitate the identification and recognition of two important things. First, the “gap” between the values and objectives of formal law and its application in society. Second, it may promote further reflections on limitations in that formal legal system.

Discussion then focused on the advantages of an experiential learning approach in drawing out this theme, including a number of different experiential or “real life” approaches employed in the context of criminal justice (but not confined to that context): students visiting courts and tribunals; students observing client interviews; students conducting client interviews & giving limited legal advice; students being involved in advocacy projects; students being involved in policy work and possibly policy lobbying to reform the law and the legal system; and student being involved in community education and development. The group also noted the challenges imposed by resource constraints and promising avenues for providing practical experience with minimal resources (e.g. through partnership with government) or through simulation. It also discussed issues about quality control and the role of the supervisor in guiding student experiences and the value of comparative approaches which employ stories about the law’s functioning in other jurisdictions (where obviously there is a very limited scope for direct experience). Thus, experiential learning can serve a dual function in justice education of assisting students to recognize those “gaps” between formal law and its implementation and involving students in providing services and developing strategies to redress those “gaps.”

Finally, the group discussed the future of a GAJE international justice curriculum project and concluded that it was not in a position to outline a justice curriculum for criminal law (or any other subject) at this stage. Rather, it would propose establishing an online repository of information covering two broad topics, which draws on GAJE’s identity as an international network: 1) comparative information about criminal justice systems that would facilitate achievable comparative teaching; 2) information about experiential learning exercises that everyone is involved in, including reflections on the advantages and challenges of particular approaches. GAJE could begin developing an accreditation process at some later time, using what is learned during this intermediate step.

Group A-4: Curriculum module III; literacy, multi-culturalism, diversity and human rights

Jeff Giddings (Griffith University, Australia)

Jasna Baksic-Muftic (University of Sarajevo, Bosnia and Herzegovina)

Wendy Pettifer (London College of Law, UK)

This group looked specifically at three matters relative to its curriculum model: 1) the objectives to be achieved; 2) the content to be included; and 3) how to go about teaching it. The group began by raising a number of general questions about objectives, content, and methodology, and then addressed a number of related issues in detail. Among the issues

discussed were how clinical programs should be graded, taking into account that one aim is to teach students how to work together on projects; how to address resource problems brought about by the need for close faculty supervision of student work; whether justice education should concentrate on the court room and out of court settlements, or extend to broader prevention of legal problems; how and where justice education courses fit into a legal education process, including already existing courses and continuing education; and what parts of a justice education curriculum should be core or voluntary.

The group concluded that there are a number of different objectives that Justice Education should seek to achieve. These include producing good ethical lawyers, engaging in casework leading to social reform, and the empowerment of individual students and clients. These objectives should be considered within the context of international human rights and an awareness of the imbalance of financial resources, both globally and internationally.

The content should include comparative socio-economic background material and comparative study of legal systems (e.g. accusatorial/inquisitorial/customary/Shia law). It should also include an analysis of the discourse, implementation, and difficulties of enforcement of Human Rights, as well as relevant areas of substantive law in the context of real life situations (e.g. the failure of statute to protect vulnerable individuals). Substantive law should be taught within the context of practical experience, which is also appropriate in countries where there are inadequate resources for textbooks. It should include teaching skills, such as collaboration, self-reflection, interviewing, counseling, dispute resolution, and mediation – specifically relating to issues around multicultural literacy issues, looking at the imbalance of power in settlement situations. It should also teach legal analysis/critical thought, as well as ethics within specific uncertain cultural determinants. The group also noted that the implications of what parts of the curriculum should be core and what parts elective must also be thought through.

Experiential learning should be the principal teaching method for a justice curriculum, with an infusion of multiculturalism and diversity (using, for example, videos that demonstrate cross-cultural difficulties in communication and subsequent discussion). It is important to manage student and client expectations, particularly within the context of Human Rights work. Students should take responsibility for their interaction with each other, with the clients, and with participating NGOs. Students can be supervised both in-house and externally, and the supervision should be skilled, timely and consistent to students operating in professional role. External supervision is particularly valuable where there are inadequate financial resources for intense clinic supervision. However, there must be some form of ultimate in-house supervision. There needs to be an element of individual human reality. This can occur, for example, in a know-your-rights session while working with simulated or real clients. Finally, there must be a clear evaluation process.

Finally, some general observations: Justice education should extend beyond solutions to immediate legal problems to addressing the cause of the problems and literacy difficulties. Students should learn law within their immediate social and political context. Justice education should be at the beginning/core of the legal education process and should include practical examples and where appropriate guest speakers/team teachers? It should be mandatory.

Group B-1: Regional initiatives I; (Bologna-Sorbonne Education Reform Process)

Filip Czernicki (Polish Legal Clinics Foundation (FUPP), Poland)
Lusine Hovhannisian (Public Interest Law Initiative, Hungary)
Edwin Rekosh (Public Interest Law Initiative, Hungary)
Barbara Schatz (Columbia University, USA)

This group ran two sessions, the first entitled, “*Specific Strategies for Placing Justice Education into the Legal Education Reform in Europe*” and the second entitled, “*Promoting Justice Education in Europe.*”

In the first session, the group noted that the countries of Central and Eastern Europe have been successful in reforming the systems of legal education by introducing practice-oriented courses, such as clinical legal programs to develop problem-solving skills of the students. Today, the enlargement of Europe and extension of the concept of the European market for the education and European space of higher education present opportunities to promote the practical legal education in the countries of Western Europe through the process called Bologna. The latter refers to a process of reforming higher education (including the legal education) in Europe in a convergent way to enhance the employability and mobility of citizens and to increase the international competitiveness of European higher education.

Clinical legal education, as a form of justice education, meets the goals pursued by the Bologna process: it has the benefits that the law schools in Western Europe can take into account when considering changing the existing system of legal education as it makes the education more effective and thus more competitive. In order to promote justice education and gain wider acceptance in Europe, specific strategies need to be developed taking into account the opportunities that clinical legal education presents and addressing challenges that such programs have, the stakeholders which need to be involved in this process, and the powers that they have for influencing the process and ultimately making a change. This will help shape the strategy for the “coalition group” comprised of the participants of present session for having the objective of having the clinical legal education as a form of justice education promoted and accepted in wider Europe fulfilled. The participants of this session after analyzing the strengths, weaknesses, opportunities and threats (SWOT analysis) that the clinical legal programs have, evaluating the range of actors-individuals and organizations active in this field that may both have positive and negative impact, measuring their power to influence the process, came up with a strategy which will promote justice education and would help gain wider acceptance in Europe.

The second session was a follow-up to the earlier session, considering strategies for promoting justice education in Europe and gaining wider acceptance. Current legal education too often focuses on a certain type of knowledge that law students should acquire, rather than a focus on the students will be able to do once they are out of the university. The latter perception would shift the responsibility to the law schools for the educational outcome of professional and ethical lawyers skilled to practice law.

There is a process of higher education reform in Europe, known as Bologna Process which aims to change the system of education (including legal education) in a convergent way. It presents an opportunity to change the existing system of legal education in older EU member countries by promoting the clinical legal education as a form of justice education using the experiences of new EU member countries educational institutions, like Poland.

The main strategies that can be used for exploiting the opportunity presented by Bologna Process need to consider the advantages of increasing competitive pressures, such as introduction of tuition fees in the European schools, increasing student enthusiasm and demand for the educational reform and ultimately the educational outcome as well as the advantages of regional networking which may include various exchange programs among European law schools.

Group B-2: Regional initiatives II; (Russian-speaking Eurasia)

Arkady Gutnikov (St. Petersburg Institute of Law, Russia)
Dima Shabelnikov (Public Interest Law Initiative, Russia)

This group began by exploring the mission of clinical legal education (CLE). Clinical legal education in Russia has seen rapid growth and development the past seven years. There are now a number of successful clinics across the country. However, clinical courses remain an exception to the more traditional black-letter legal education. As a result, CLE in Russia is facing a dilemma in conceptualizing its mission – indeed this is an inherent problem across many jurisdictions in both civil and common law systems. The Working Group for the Strategic Development of CLE in Russia was created in 2004 with a view to address this and other problems of CLE.

In its attempt to define the mission of CLE, the group narrowed its focus to two alternatives: 1) is it to produce more skilful lawyers better prepared to undertake typical lawyer's activities within the existing system as, inter alia, corporate lawyers, private practitioners, prosecutors and judges; or 2) or is it to nurture a new type of socially responsible and critically thinking lawyer ('public interest lawyer') who can potentially change the existing system through advocacy, litigation, legislation and other public interest initiatives? The group then looked at these alternatives in a specific context of present day dilemma – what makes clinical legal education an important educational experience? Is it the knowledge and skills or values it bestows or do all three elements interrelate to play an important common role?

The starting point of the discussion was that the "art" of a clinic is to educate a lawyer within the framework of social justice. The group considered examples of lawyers – from advocates to judges, including social activists – who made a difference managing to demonstrate that art of justice in their practice of the law. It is beyond the scope of this report to go into any greater detail of each example given. However, it will suffice to say that all bear a common trait – that in taking the initiative, presenting an argument, making a decision or passing a judgment these lawyers gave weight to public interest while balancing the considerations of strict legal rights and social justice. The group discussed the situation when a student discovers the fine balance between justice and rights, considering an example from a clinical program when a

student faced a problem of regulations applicable to the client that contradicted the student's vision of justice. This example illustrated the CLE's unique power to help students address questions of values entailed in becoming a public interest lawyer.

Before attempting to define or design a mission for CLE, the group first considered what clinical education was currently achieving through a comparative analysis of formal legal education without clinical experiences with that which included clinical courses. Three sub-groups were formed under the rubrics of knowledge, skills, and values.

The "knowledge" group reported back that a CLE component gives deeper and more specialized knowledge of the law or a specific area of law; greater understanding of legal procedure; greater understanding and appreciation of professional ethics; deeper knowledge of social justice and institutions such as prosecutor's office, courts, etc.; "knowledge of life"; and knowledge of how to apply all of the above knowledge, which leads to consideration of skills.

The "skills" group identified the following: interviewing, counselling, legal writing skills; communication skills – the ability to understand and utilize a client-centred approach, as well as to interact with various institutions, officials, etc.; analytical and problem-solving; ability to make independent decisions; sense of professional responsibility; and social awareness/sensitivity.

The "values" group encountered most difficulties in its discussion, which was not a very surprising result as values have never been taught in Russian law schools in any form other than "principles" of law declared in legal codes. It was observed that contemporary law students generally have four levels of motivation in their desire to become lawyers: money; career/professional development; justice/legality in the narrow sense (in particular cases); and justice/legality in the broader sense (as an ideal). While both clinical and non-clinical students are usually motivated by the second consideration at best, sometimes clinics do manage to provide the two upper levels of motivation, but this mostly happens incidentally, when a student comes across injustice through his or her experience with a particular case or cases.

Another question emerged: how can clinics give or even aim to give values to students who come with an already formulated and often entrenched values base? This called for the consideration of the "profile" of the law student entering a law school with certain presumptions, expectations and perhaps a particular mindset, when change toward greater social justice and challenge to the current system may not even be an incremental consideration. Examples were given of Russian law students "choosing" and entering a law school on basis of "unofficial" entry fees and "free" tuition and/or connections. In the USA students graduate with high debts and are often driven to a career path where monetary concern is a priority, such a corporate path. In Australia students enter on the basis of their entry score giving little consideration to the existence of social justice components in legal education let alone its implications in their degree. Should there be a different, a more "selective" selection process aimed to seek out "public interest" lawyers? The group left this question for another day, perhaps only adding that a more rigorous process must be put in place if we are to "nurture" social justice in our law degrees.

Ultimately, the consensus was reached that clinics are not aimed nor can they be aimed to producing “new” values. What CLE does is it gives students “food for thought” and gives them tools to make a choice. That is, students gain an understanding of how they can change and influence the legal system as professionals and the acquired CLE skills, knowledge and values allow students to see the alternative methods of solving social problems. Social justice education can only hope to present the students with that choice but it is then up to the student as a future professional to make it. The ultimate mission of CLE is then hoped to be the development of a critical mass – those who given the choice will choose social justice and hence the examples of public interest lawyers will become more common and less exceptional. However, this can only be achieved if the clinics deliberately expose students to value-related issues rather than simply having them apply the existing law to comparatively simple cases.

The group then discussed how clinical programs might be designed to incorporate this component. Four tentative examples were given of how to strategically develop a clinic/project with specific goals with a view to expose students to social justice issues.

1. Discrimination and disability: a clinic monitoring cases of discrimination against the disabled; providing legal advice for the disabled and related groups affected by this discrimination; initiate legal awareness activities as well as become involved in litigation and advocacy.
2. Poverty: a clinic directed towards entrepreneurship and small business development; educating the government/bureaucratic branches of these developments; monitoring the branches through transparent civil control processes.
3. Access to justice: a clinic aiming to promote an effective government-provided legal aid system at a regional level through, inter alia, empirical research, legislative drafting, lobbying and pilot projects.
4. Clinic as a project: a specialised clinic taking a project from start to finish. The clinic and its students (who will have to undergo general clinical education in order to qualify for specialised clinical training) will initiate, implement and achieve a set of goals through various means. In these projects the students will recognise the value of (positive) influence in the legal system and the system of justice that they can potentially achieve and continue achieving. A “project” may refer to a “big” court case, legal reform activities such as described in 1-3 above, and other public interest projects and initiatives.

Group B-3: Regional initiatives III; (Asia, Africa, Latin America)

Ellen Chapnick (Columbia University, USA)

George Mukundi (African Commission on Human and Peoples’ Rights, The Gambia)

S. Sivakumar (Hidayatullah National Law University, India)

Daniela Ikawa (Human Rights University Network (SUR), Brazil)

Following self-introductions, the morning session began with a free form discussion about the participants' concepts of justice and the role of legal clinics. The views expressed were quite diverse and often corresponded to the material conditions of our work. In the afternoon session, the group tried to identify unifying goals and to develop strategies to achieve them that could be useful in the divergent situations represented by the group.

The goals included:

- Motivating students to be interested in working for social justice
- Sustaining student interest in working for social justice
- Improving the justice education at law schools
- Having a positive impact on law school culture
- Developing a healthy working relationship between the clinics and the law school
- Helping the community through provision of improved access to justice, assistance with lobbying, other work on law reform efforts
- Increasing the community's awareness of the availability of legal services through law school clinics
- Identifying community groups, NGOs and other organizations that would be good partners in justice projects

The strategies included:

- Incorporation of social justice issues in the traditional and theoretical curriculum as well as the clinical education program. Specifically:
 - Create justice education modules for each significant course. These could include reading list, outlines, suggested speakers list
 - Mandate that a certain percentage of every course include social justice. (It was recognized that tactics to accomplish this would depend upon whether the curriculum was determined by the government, the university or the law school faculty.)
- Creation of model/pilot justice education clinics with strong pedagogy components – clinics could be incorporated into law school curriculum or be freestanding, depending on the local realities
- Link community needs with the mission of the university, the law school and/or individual faculty members by showing how they are integral to the research and education objectives
- Train clinical law professors to be motivating and good professors, especially when they have no prior relevant experience
- Where clinics are part of the law school curriculum, students should receive sufficient academic credit that they can take only a few other courses and have sufficient time to have an intensive and meaningful clinical experience
- Where clinics are not part of the law school curriculum, provide other incentives to participate in the clinic and to do excellent work. Specifically could include:
 - Community building
 - Social evenings

- Access to public interest employers
- Awards and recognition events
- Conscious inclusion by clinics of efforts to demonstrate realistic alternatives to corporate law careers
- Development of nonclinical law school programs to supplement justice education and inspiration provided by clinics. Specifically:
 - Speaker series
 - Public interest/human rights career counseling
 - Pro Bono Program (mandatory or voluntary)
 - Paid summer internship program
 - Social Justice lawyer mentors - could be alumni, outside lawyers partnering with clinic students on clinic matters or others
 - Social Justice upperclass student mentors
- Establishment of relationships with clinics in other cities or countries so that students can work in them during the summer or other breaks
- Establishment of partnerships with clinics in other countries for joint projects on human rights issues or cases before regional/international human rights courts, commissions or other institutions
- Institutionalization of methods to maintain contact with and graduates who enter public interest practice or teaching and, where possible, integrate them into the work of the clinic
- Partner on matters with “access to justice” government agencies, NGOs and CBOs
- Bring the students into the communities – don’t wait for the community to come to the law school
- Organize “on the ground” methodologies to stay in touch with clients who may not have telephones or be able to travel. Specifically, this could include:
 - A network of clergy, CBOs and NGOs with the legal services providers, including clinics
 - Training of community members to be paralegals
- Lobbying for law reform with community members, CBOs, NGOs, others

Group B-4: Reform initiatives within academia and the profession

Minna Kotkin (Brooklyn Law School, USA)

Dean Hill Rivkin (University of Tennessee, USA)

This group explored the role of legal education in confronting the unavailability or maldistribution of legal resources to address the needs of poor and working class populations and ways to enhance law schools’ commitment to justice education. The discussion began with a report on the Equal Justice Project of the Association of American Law Schools. That project included 19 equal justice colloquia convened at law schools across the United States during the 2000-01 academic year, and generated a report that recounts promising developments and potential pathways for generating greater commitment to justice work in American legal education. Participants then described the role of the academy in furthering justice education from the perspectives of their own legal systems.

Despite wide ranging differences in justice and legal education structures, the group identified common themes that work to promote academic engagement in justice education. Most importantly, law schools must explicitly identify equal justice concerns as a significant element of their educational mission. Without this foundation, individual faculty and student efforts lack a coherent structure and fail to gain recognition in the community.

Such a mission helps to ensure that the faculty will engage in the discussion of equal justice issues, both in and out of the classroom, and that the faculty members will be recognized and rewarded when they participate in community service activities. In the faculty hiring process, work experience and/or scholarship in the equal justice arena should be a highly regarded credential.

Similarly, students who engage in equal justice activities should receive the respect of the institution. Their work must be valued in concrete ways. For example, students should be encouraged and not dissuaded from raising justice issues in class discussions. Loans and fellowships should be readily available to offset the financial hardship of choosing a public interest position. Career offices need to solicit, develop, and publicize job opportunities in government and with NGO's, as well as make students aware of *pro bono* opportunities in the private sector. Law schools should provide funding for student initiated equal justice activities, and course credit for clinical instruction should be generously allocated. A background or serious interest in equal justice work should be a considered a valued criterion in the student admissions process.

Law schools can also model equal justice values in their own operations. For example, students should have a voice in governance, through representation and participation in faculty committee work, or other mechanisms for integrating students' viewpoints into the decision-making processes. NGO's should be invited to participate in law school programs and have access to facilities and resources. It is important for law schools to cultivate and encourage both formal and informal connections to the larger public interest community.

In sum, this session gave the participants an opportunity to share their visions--cross-culturally and cross-nationally--of how law schools can truly integrate equal justice values throughout all aspects of legal education.

Main Conference
Thursday-Saturday, July 22-24, 2004
Using the Experience of Lawlessness to Teach Justice

Compiled by Marlena Pecyna and Witosław Iwaniec

THURSDAY, JULY 22, 2004

REGISTRATION—Thursday, July 22, 2004

The registration of the conference participants started at 12 o'clock. The guests were welcomed by the conference staff at the registration desk located in the Larisch Palace at Bracka 12 Street. During registration, all participants received a set of conference materials including the conference program, a city guidebook, information brochures, and other materials. The main part of the registration procedure was carried out between 12 and 1:30 p.m., but the registration desk was in operation all day.

The conference staff consisted of a group of young volunteers, mainly the students of the Jagiellonian University. All members of the staff fulfilled their functions in a very professional and efficient way. The staff team was organized and supervised by Marlena Pecyna, who was in charge of the organization of the conference.

OPENING SESSION—Thursday, July 22, 2004, 1:30 p.m.

The opening session began at 1:30 p.m. at the Aula of the Collegium Novum of the Jagiellonian University building located in Gołębia 24 Street. Conference Participants were welcomed by Fryderyk Zoll – the initiator of the idea of the conference in Kraków and the main organizer of the event.

The first welcome speech was given by Professor Maria Nowakowska – the Vice-Rector of the Jagiellonian University for Research and International Affairs. Professor Nowakowska emphasized the long and remarkable tradition of the Law Faculty in Kraków. The Vice Rector mentioned *inter alia* that already in 1416 a Polish lawyer – Paweł Włodkowic – formulated the idea that not only Christians should have civil rights. A formulation of such an idea in the Middle Ages was significant. Professor Nowakowska also mentioned the international dimension of teaching law in Kraków, the role of lawyers graduated from the Jagiellonian University in the history of Poland, and the influence of proper legal education on development of countries. She pointed out that history has taught us that there is a parallel between the level of the legal education and the level of development. That is why one of the goals of the conference is to take a closer look at the way law is taught and practiced. Professor Nowakowska concluded the welcome speech by wishing the participants a fruitful conference.

The second welcome speech was given by the Vice-Dean of the Faculty of Law and Administration of the Jagiellonian University—Professor Józef Wójcikiewicz. Professor Wójcikiewicz emphasized the very special time at which the conference was taking place – the year of the Polish accession to the E.U. The Vice Dean mentioned the Bologna Declaration, which created a unified European educational space and opened unlimited competition between European universities. In this context Professor Wójcikiewicz pointed out that the Faculty of Law and Administration of the Jagiellonian University is meeting the challenges of today’s Europe and mentioned some of the faculty’s achievements such as the introduction of the new universal European system of awarding credit points and the creation of legal clinics in Kraków. Vice Dean Wójcikiewicz concluded the speech by emphasizing that the main aim of the conference was to promote Justice and Fairness and wished the participants fruitful talks as well.

The next speech was given by Professor Frank Bloch – a member of the GAJE 2004 Steering Committee 2004. Professor Bloch discussed the idea and history of the GAJE conferences as well as the concept of clinical legal education carried out in various forms. Professor Bloch thanked Fryderyk Zoll for taking the tremendous responsibility to organize the Third International GAJE Conference. He also thanked Marlena Pecyna for the coordination of the conference and for the excellent job that had been done. Professor Bloch referred also to the Constitution of the GAJE adopted on the 9th of December 2001 at the Second International Meeting in Durban and explained the principles governing the election to the GAJE Steering Committee and the Nominating Committee. He reminded conference participants of the importance of their presence at GAJE elections on Sunday, the 25th of July.

A brief speech was given also by Fryderyk Zoll. Fryderyk spoke about Auschwitz as a place of maximum injustice. Fryderyk Zoll emphasized that Auschwitz – a place of a total disaster of Human Rights – was created by a system that would have never come into existence if lawyers had not actively supported it. *We must not forget that lawyers provided legal support to many systems that created places very similar to Auschwitz.* In the next part of the speech, Fryderyk Zoll addressed the necessity of distinguishing between Auschwitz – a German name for the place, where the German Nazis set up and maintained death factories, and Oświęcim – a Polish name for the city situated nearby the extermination camps. Fryderyk Zoll underlined that the issue of how to help residents of Oświęcim to build a new image of their city was both difficult and important.

Fryderyk Zoll also introduced the next speaker, his father – Professor Andrzej Zoll. He described Professor Zoll’s engagement in the 1980 Solidarity movement and about his initiative of the Nation’s Penal Code Project – a draft of a new Penal Code that was to change the previous one so as to ensure a real protection of Human Rights in Poland then ruled by the Communist Regime. Professor Zoll’s contribution to the democratization process, successfully ended by the Round Table peaceful revolution in 1989, was mentioned as well. FZ emphasized his father’s constant concern in respect of protection of the Human Rights in Poland and his achievements as a member and later the President of the Polish Constitutional Tribunal. Fryderyk Zoll concluded his speech by mentioning Professor Zoll’s service as the

Polish Ombudsman, whose idea of creation of a system of supervision over observance of Human Rights in Poland is becoming a stable component of justice system in Poland.

OŚWIĘCIM AS A PLACE OF EDUCATION ABOUT HUMAN RIGHTS – THE POLISH OMBUDSMAN’S SPEECH—Thursday, July 22, 2004, 2:30 p.m.

The next speech during the session was titled ‘*Oświęcim as a Place of Education about Human Rights*’. The speech was given by Professor Andrzej Zoll, the Polish Ombudsman.

Professor Zoll’s speech addressed a set of interesting and important issues including the history of the institution of Ombudsman, its place in the Constitution of the Republic of Poland, functions and prerogatives of the Ombudsman, its role in the protection of Human Rights, as well as the urgent need to start separating Auschwitz from Oświęcim, the latter being a Polish city with a long history and tradition.

The Ombudsman pointed out that nowadays young residents of the city of Oświęcim wish the name ‘Auschwitz’ to be used when one thinks of the Human Rights disaster inflicted on humanity by the German Nazis and the name ‘Oświęcim’ – when one thinks of the beautiful Polish city situated at banks of the river of Soła.

The Ombudsman discussed several projects that are intended to help the citizens of the city of Oświęcim to change the image of their city. These projects include setting up a Human Rights Academy in Oświęcim; an Oświęcim Prize for Supporting and Protection of Human Rights; creating an International Center of Human Rights and a Park of Reconciliation of the Nations of the World. *These projects – Professor Zoll said – would give hope and some optimism to all of us who care for Human Rights.* The idea of the project of building a Park of Reconciliation situated in Oświęcim is to create a place, where visitors to the former concentration camps in Auschwitz could sit down in peace and have a moment for reflection and finding an emotional balance after having seen the monstrosities of Auschwitz.

The Ombudsman concluded the speech by asking all participants of the Conference who would visit former concentration camps in Auschwitz and the city of Oświęcim the next day to look at these places from a perspective of projects that he had presented

Discussion

The Ombudsman’s speech was followed by a discussion opened by Fryderyk Zoll. During the discussion several interesting issues were addressed. Some powerful comments were made as well. The questions asked by the participants of the conference raised issues including: the functions of the Polish Ombudsman under the Polish constitutional law; ideas of local Ombudsman; prerogatives of the Polish Ombudsman; factors that may result in initiating actions by the Ombudsman’s (initiative of Ombudsman, grievances, media information); the project of The Oświęcim International Center of Human Rights; available legal remedies against decisions taken by the Polish Ombudsman within the Polish legal system; the role of the Polish judiciary in a protection of Human Rights in Poland.

When the discussion was over, the participants of the Conference were invited for a break.

**LECTURE TO GAJE BEFORE AUSCHWITZ, DR. HANS GUGGENHEIM—
*Thursday, July 22, 4:30 p.m.***

Fryderyk Zoll opened the second session of the first day of the Conference by introducing to the participants of the conference Dr. Hans Guggenheim – the main speaker of the second session. Dr. Guggenheim started the lecture by describing a gradual process dehumanization of Jews that took place in the Nazi Germany in the thirties of the 20th century, i. e. the process that resulted in setting up concentration camps in Auschwitz.

“What happened in Auschwitz can only be understood with one’s heart and soul, not with intellect” – said Dr. Guggenheim. *“Auschwitz provides the warning signals that human beings are capable of inflicting suffering, humiliation and death when given the opportunity.”*

During the lecture Dr. Guggenheim cited Hitler’s ideas of what education should be given to the young generation and suggested that justice education may be defined in contrast to the values that were promoted by the German Nazi society. Dr. Guggenheim addressed also the role of law in the process of dehumanization of Jews. In this context Dr. Guggenheim discussed the history of German racial laws, such as infamous *Blutschutzgesetz* of the 15th of September 1935.

“What is striking when it comes to the methods of extermination used by German Nazis is that they took the shape of a highly industrialized, systematic and perfectly organized process, based on obedience as a main German virtue.”

Dr. Guggenheim discussed also the contribution of German jurists to the creation and maintenance of the Nazi legal system, which was a *the mockery of justice and law*, and emphasized that many of the former Nazi lawyers, including judges and law professors, exercised their offices after the World War II as well as during Hitler’s regime. This resulted in *the continuity of ideological legacy of National Socialism*.

Auschwitz – being a place of the absolute absence of good – provides all of us with an opportunity to think of how to structure a justice curriculum for the teaching of Law dedicated to the protection of Human Rights and human dignity valid for all societies and cultures.

Dr. Guggenheim addressed the problem of ongoing genocides such as conflicts in Darfur (Sudan), Rwanda or Bosnia. Dr. Guggenheim discussed also the need and importance of a process of reconciliation between perpetrators and victims and their descendents and the role of compassion in this process. The reconciliation was declared to be a process whose aim should be to lay the foundation for a better future and compassion was recognized as the main component in this process.

Dr. Guggenheim concluded the lecture by asking the participants of the conference to consider following questions:

- Do you think that the study of genocide and Auschwitz should be a part of the degree program for Justice and International Law?
- How do you think that Auschwitz and genocide could best be integrated into a Justice curriculum?
- Do you think that what you will have learned at Auschwitz will be useful in teaching Justice in your countries, especially in relation to problems of ethnic and racial conflicts?

During the discussion that was opened after the lecture following issues were raised:

- Justice and genocide in Europe – a voice from Bosnia and Herzegovina, reconciliation may be achieved only by open dialog and truth;
- Justice education in global dimension cannot be limited to genocide that took place in Auschwitz; Violation of Human Rights took place and is taking place in different countries of our globe – a voice from Cambodia;
- Genocide in different parts of the world – similar suffering and death, but different methods applied;
- The role of legal profession in protection of human rights – what attitude were lawyers to present during the Nazi era in Germany;
- The necessity to step out of legal books' perspective and try to look at the issue of reconciliation from a different perspective;
- The question of hierarchy and comparison of suffering and victim – the danger of such relative approach;
- The concept of radical evil in teaching law – one may teach law using a murder case example or a rape case example, but one may not teach law using radical evil example, like Auschwitz example;
- Discrimination as law of separated groups – Jews / German distinction; the relevance of teaching about discriminatory laws as a method of teaching justice;
- German Nazi system of legal education as a perfect field to search an answer to a question of how it was possible that Auschwitz took place; what factors in German system of legal education brought about administrative killing;

-- A parallel between Apartheid laws and Nazi German laws – similar mechanisms under different economical, racial and historical circumstances; how to use these examples in teaching justice;

-- The danger of using methods of teaching law that result in maintaining bias towards particular groups of society – how to avoid it;

-- Professor Zoll's idea of setting up a Human Rights Academy in Oświęcim as a means leading to avoidance of violation of Human Rights in future.

As soon as the discussion was over each participant was given an Identification Card issued by the United States Holocaust Memorial Museum indicating to which group he or she belongs and therefore in what order he or she would be visiting the former concentration camps in Auschwitz the next day.

In the evening the participants of the conference went to the House of Polonia located in the Main Square 14, where they had dinner and that concluded the first day of the conference.

FRIDAY, JULY 23, 2004

VISIT TO THE STATE MUSEUM OF THE FORMER CONCENTRATION CAMPS IN AUSCHWITZ AND AUSCHWITZ–BIRKENAU Friday, July 23, 2004, 10:00 a.m.

Friday, the second day of the main conference, started at about 7 o'clock in the morning at the Matejko's square located in the center of the city of Kraków. The Matejko's square was a point of departure from which the participants of the conference started their trip to the State Museum of the former concentration camps in Auschwitz and Auschwitz-Birkenau.

The idea behind the visit to the former concentration camps was to let the participants of the conference experience and find out what may happen if the legal system starts serving injustice, to let them comprehend to what extent rights and dignity of people may be violated by other people, and finally to let them try to define the concept of justice by building the definition of justice in opposition to what is symbolized by Auschwitz and Auschwitz-Birkenau.

The former concentration camps are located near to the city of Oświęcim. This particular place of location, about 70 kilometers from Kraków, was chosen by Nazis for a place to set up death factories for several reasons. A significant one was its location as an important and convenient railway junction situated next to the border between Silesia and Poland – a country historically famous for its hospitality, openness and, therefore, the home country for so many Jews then.

Oświęcim – renamed by the Germans to Auschwitz as soon as they incorporated the area near to Oświęcim and the city itself to the territory of the Third Reich – became a witness to this dreadful example of violation of Human Rights. Despite the attempts of Nazis who – (terrified

by the extent of crimes they had committed) were trying to hide or destroy the traces of what they had done – i. e. the remains of gas chambers, crematoria, warehouses, barracks and other components of the death factories – today’s visitors to the former concentration camps in Auschwitz may see that people are capable of depriving other people of dignity, liberty, property and life in a planned and systematic way that was not only permitted but also promoted and co-organized by lawyers and the legal system.

The fact that law may support and in many times in history actually has supported injustice – reflected by all terrible things that may be seen in Auschwitz – must be taken into account if one was to come up with the idea of how to structure a justice curriculum for the future. Auschwitz had to be taken into account. Therefore, the participants of the Third International Conference of the GAJE had to make that trip to Auschwitz, to realize of what may happen when teaching law is not accompanied by teaching justice and to try to figure out how the concepts of justice and injustice may be taught by them.

The visit to the State Museum of Auschwitz started at the Former Concentration Camp KL Auschwitz I. The participants were divided into six groups according to the Identification Cards they were given the previous day. Each group was led by one museum guide. The visit started by entering the area of the KL Auschwitz I through the infamous ‘death gate’ that used to welcome the prisoners with its inscription “*Arbeit macht frei*” – work brings freedom. The inscription – as the guides emphasized – was the biggest, but not the only lie that accompanied crimes committed in Auschwitz. For example, many Jews were told by the Germans they the journey was to start a new life in Eastern part of Europe. Many were induced to buy from Germans real estate that in reality never existed.

Having seen the “death gate,” all six groups continued the visit to the other parts of the camp. The guides showed the visitors several blocks that used to contain the prisoners of the camp.

When the camp was liberated the interiors of some blocks were turned into exhibitions. The exhibitions document different aspects of the everyday camp life, such as Nazi’s cruelty, their mercilessness, their diligence and inventiveness in carrying out the process of abusing and killing people as well as suffering and struggle of prisoners.

Mountains of long women’s hair, thousands of empty suitcases with names and addresses of deportees who took so much care to make sure their luggage would not get lost, hundreds of photos of faces of imprisoned people of various origins and occupations, gigantic collection of clothes, shoes, spectacles, combs, pottery – all these sad and terrifying images gave the participants of the trip the idea of the scale of evil that took place in Auschwitz.

The wall of death, the collective gallows, empty cans that contained poisonous Cyclon B, big crematoria and sets of files with diligently recorded documents gave the participants some ideas of the indescribable extent of injustice that took place in Auschwitz.

Among the photographs of imprisoned people there were some pictures of children. Children were victims as well as adults. In one of the barracks there is an exhibition containing one particular object – a toy of a child – a doll. It appears that the law and its guardians – the lawyers

– were not powerful enough to protect a little owner of the doll from losing her young life. She shared the fate of thousands of other children. *What can be done to make such losses never happen again?* This question was one of the most frequently raised questions during the visit to Auschwitz.

The impression made by what was seen in the first former concentration camp KL Auschwitz was reinforced by the visit to the second camp – KL Auschwitz II – Birkenau. The groups entered the Museum of Auschwitz II – Birkenau through the main gate. The first thing that was seen on the other side of the gate was a long unloading ramp and railway that was going straight in the direction of what appeared later to be a complex of crematoria and gas chambers.

At the other side of the gate one could see a huge space covering almost 175 hectares of land. This land used to be covered by barracks and other buildings designed only for one purpose – to contain people who were to be killed in that way or another in a well planned process of mass destruction of selected nations. The number of prisoners that could be contained in that camp was 100,000. This number gives an idea of the scale of the crimes that were committed in Auschwitz II.

The visitors led by the guides saw interiors of some of the barracks that, in spite of Nazis' attempts, remained almost undamaged. Having seen the barracks and the inhuman living conditions that the prisons had to deal with in them, the groups continued their visit in the direction of ruins of crematoria situated at the end of the camp. The guides explained that Nazis had blown up crematoria before the Soviet Army liberated the camp. In spite of this a careful observer can see the outlines of underground "changing room" where the victims, deceived by Germans into thinking that they would have a shower, removed all their clothes and jewelry.

All six groups met by the International Monument to the victims of Auschwitz situated between the ruins of crematoria II and III. As soon as all participants gathered Dr. Guggenheim gave a very moving speech about the tragedy that happened in Auschwitz. It was a very significant moment of the visit. On the faces of some participants one could notice tears.

Dr. Guggenheim placed flowers on the monument to honor honoring the victims of Auschwitz and asked the Jewish participants of the conference to recite *the Mourner's Kaddish*. The other participants heard the prayer in silence.

After the prayer some of the visitors went slowly back to the buses that were waiting at by the entrance to the Camp. Some decided to stop for a moment and contemplate what they had seen. Some others approached the Monument and read the inscription on it, which says:

"For ever let this place be a cry of despair and a warning to humanity, where the Nazis murdered about one and a half million men, women, and children, mainly Jews from various countries of Europe. Auschwitz – Birkenau 1940 – 1945."

VISIT TO THE JEWISH CENTER IN OŚWIĘCIM

The next destination of the trip was the Auschwitz Jewish Center, located in the city of Oświęcim, just about three kilometers from Auschwitz-Birkenau. The aim of the visit to the Center was to balance out the sadness that accompanied the participants after what they had seen in the former extermination camps and to let them see how vibrant, rich and fascinating the Jewish community in Oświęcim was before the Nazis' era had come.

The visitors to the Auschwitz Jewish Center whose main part consisted of the Chevra Lomdei Mishnayot Synagogue (Society for the Study of Jewish Law) and the Jewish Cultural and Educational Center were welcomed by the hosts of the Center and by the staff of the conference at the entrance. After that the guests went into the building of the Lomdei Mishnayot Synagogue.

The interior of the Synagogue is beautiful. The walls with their bright paint and the light of summer sun in combination with traditional elements of Jewish Synagogue such as *Aron* (the Ark containing Torah scrolls) and *bimah* (an elevated area at the center of the synagogue where the Torah is read) made an unforgettable impression. One could feel as if the time had stopped in 1930's – the time when the Synagogue was opened and started its development.

All guests sat down in the synagogue benches. While they were admiring the beauty of the synagogue interiors a young woman greeted them and introduced herself as Helene Fischman, an artist resident in the Auschwitz Jewish Center. She made a brief presentation on the history of the Jewish community in the city of Oświęcim from its beginning as early as 1453 through the marvelous development in the 16th century to the era of Nazism that started in September 1939. Ms. Fischman described briefly Jewish customs and traditions and presented the project of an exhibition devoted to the history of Jewish community in Oświęcim in which she has taken part as an artist.

The visit to the synagogue in Oświęcim revealed another aspect of the suffering inflicted by German Nazis to the Jewish community in Poland – the destruction of Jewish culture and forcing many Jews to flee. This painful, irrevocable loss of the world that existed in Poland before Nazi's era is perfectly described by Jacob Seifter, a former resident of the city of Oświęcim, who said:

“I am far away from this place only in geographic sense. But I keep thinking of you everyday, since your tragic fate wakes up my memory; the pain is so deep that my heart is falling apart into small pieces . . . I solemnly swear that I will never forget you till my last breath.”

The visit to the Auschwitz Jewish Center gave the participants a new perspective in their way of looking at the concept of justice. Having seen that injustice may have a dimension on a scale of Auschwitz and may put an end to the vibrant and rich communities such as the community of Jews in prewar Oświęcim described by Jakob Seifter, they could consider what justice is and what the lack of justice is.

The experience of the visit to Auschwitz and to the Chevra Lomdei Mishnayot Synagogue constituted a perfect point of departure in discussion over the necessity of integrating the concept of justice into curricula of law schools all over the world. The question that remained unanswered at that point was the question of *how* to integrate it. But the question of *if* it is worth integrating, *if* it should be integrated was answered by the striking contrast between things that were seen in Auschwitz and things that were seen in the Chevra Lomdei Mishnayot Synagogue in Oświęcim.

The trip back to Kraków lead through the Vistula region to the village of Wygiełzów, where lunch was served at Karczma-Zagroda, a reconstruction of a rustic inn as was common in this region in the mid-19th Century.

DISCUSSION—Friday, July 23, 2004, 4:30 P.M.

The summing up discussion was held at the Auditorium at Bracka street 12. The meeting was started by Fryderyk Zoll. The discussion was moderated by Dr. Guggenheim who started it with his personal reflections on the visit to Auschwitz.

Dr. Guggenheim's reflections were followed by comments and memories of other visitors to Auschwitz. First, Professor Leah Wortham pointed out that people imprisoned in Auschwitz Concentration Camps were so unwilling to give up hope. This unwillingness was especially visible at some photos of prisoners, particularly at women faces.

"I had been to Auschwitz before and something I remembered was that mass of shoes" – said Professor Wortham. I remembered, among the mound, one red party shoe. I thought about the woman who packed those shoes thinking, or hoping, she would have a chance to wear them again. Why did not the law create even a minimum protection for that woman and thousands of others? Why was not that woman given a chance to put on her pretty shoes again?

Dr. Guggenheim underlined that the aspect pointed out by Professor Wortham is the very important aspect of the individualization of human tragedy. Individualization and concretization make the dimension of a tragedy like Auschwitz less incomprehensible. This individualization makes it possible to look at the injustice and justice issues in a less abstract way. Individualization is one of the ways that may be applied in using lawlessness when teaching justice.

Professor Wortham's reflections and Dr. Guggenheim's comments were followed by another comment on terror and sadness that accompanied one of the most tragic episodes that were mentioned by the guides in Auschwitz during the visit. The issue was concerning mothers who committed suicides when they saw their children dying.

The other issue raised was a story of a child born in the concentration camp and the successful struggle of his mother and fellow prisoners to save the child. Dr. Guggenheim commented on these reflections by saying that mothers regardless of the level of lawlessness

they have to deal with have a special quality to give priority to a child's life. And because of that special quality they can never be dehumanized.

The next comment was made by Professor David McQuoid-Mason. David McQuoid-Mason had visited the Camp in Group Three. The issue that was raised in particular with this group the compromise between ethics and proficiency. In the name of proficiency so many professionals closed their eyes to ethics and to justice. Medical doctors experimented on prisoners and made “death injections” to them; architects designed crematoria and gas chambers; lawyers created a legal system that dehumanized a certain category of people by depriving them gradually of all their rights.

Similar mechanisms of gradual deprivation of rights may be observed in different places in different times. History just repeats itself.

The other thing that was pointed out was the conspiracy of silence and the lack of reaction of people who knew what was going on in Auschwitz. These people who did not react were not only Germans, but also members of the international community. There is always that question *why* those people did nothing?

Dr. Guggenheim responded on it and said that there is a tendency of being indifferent to the suffering of others. He also underlined that GAJE and all organizations like GAJE are great because their members are trying to find out a way to protect others.

Another comment from Group Three was concerning the intent of Germans to destroy the value system of others. The main method in destroying the foreign values was to humiliate those who represented and shared these values. Then it was pointed out that because of the example from Auschwitz one should keep in mind that humiliation, especially in schools where the minds and attitudes of the youngest generation are being built, should never take place. Schools should be places where children may not be humiliated either by fellow students or by teachers.

A comment from Group Four dealt with the issue of compassion and its function in promoting justice. What took place in Auschwitz some time ago is so very similar to that what is going on now in the world. In Auschwitz there were uneducated people who were given a very wide scope of power over prisoners. These people could not abstain from humiliating and inflicting suffering to subordinate people. They did not show compassion at all.

Perpetrators from Auschwitz defended themselves by saying that they did what they were told to do and that they were not the ones to be blamed, because the evil they had done came from the Führer. Such a defense is nothing else but moral relativity. Since many of us here are defense lawyers, we have to make a choice whether such a defense is acceptable or not and whether it is just or unjust.

A comment from Group Five emphasized that a trip to Auschwitz was a lesson on what genocide really is. What may be seen in Auschwitz reveals the negative aspect of human nature. For example when one sees those mountains of women hair and imagine all these women that were killed one cannot stop tears.

But Auschwitz reveals also the positive aspect. We must not forget that despite all the suffering that the prisoners had to deal with many of them were very strong and fight for their humanity. Let's recall the story of a woman who survived and mentioned about a man who opened a door for her and by this small gesture gave her back her humanity and dignity. *We must not forget that even small gestures may make the world better.*

The other comment was made by Jennifer Lyman, a criminal defense lawyer from the U.S.A. She warned that we fool ourselves (dangerously) when we imagine the SS guards to be so different from ourselves that we could never end up in their position. She recalled a famous psychology experiment at Stanford in which students were randomly assigned to be prisoners or guards and those assigned to be guards quickly started to act in sadistic ways. She said she was troubled with emphasizing the unique horrors of the Holocaust because this may too easily allow us to disregard each of our own capacity for atrocity. In defending some people who have done terrible things, she said she thinks of her job as to find the humanity in each client and figure whatever shards of it may be there.

Another remark concerned the motivation of people who do injustice. This comment pointed out that behind Auschwitz there was a very strong economic motivation. One must not forget that hair of imprisoned women were cut, collected and sold in order to make profit. The golden teeth were extracted from dead bodies of those who were killed in gas chambers for profit and the jewelry was seized for profit.

What we must not forget is that the same economic motivation that was present in Auschwitz was present in the process of colonialism in Africa. We must also take into account that the economic motivation was a very powerful factor during other genocides that took place in the history. For example, when one takes a look at the genocide that was committed in Rwanda one must remember that mass media told people from the tribe of Tutsi that if they killed their neighbors from other tribes they would get their horses and their property. During that genocide economic motivation was also present. Many people do things because they are selfish and greedy.

In structuring justice curriculum for the future, we must expose students to justice and injustice as well. That will give them better perspective and let them see what injustice was, is and will be in the future and where injustice comes from.

The next comment was dealing with the danger of the Nazi ideology that is still vibrant in different parts of the world and may come up in the future, nobody knows where and in what quality and shape.

Nazism is connected to fear. Representatives of this ideology always use propaganda whose function is to persuade people that they are in danger that may be eliminated by attacking somebody. A minority using such propaganda and indoctrination may rule over silent majority. One should ask if there is an ideology of peace that may be discussed in opposition to Nazism.

This comment was continued by another one that emphasized that there are such ideologies that seem not to be dangerous at the beginning, but when the border is crossed, they get out of control.

The last comment that was made during that discussion dealt with the issue of safety. A participant said that being at Auschwitz had made him feel that the world has a duty to Jews to make them feel more secure.

It was also underlined that today's world is unprepared to prevent that kind of human rights disasters from happening again. The discussion was concluded by saying that *the essence of humanity is not law. It is not even justice. It is the ability to feel compassion.*

After the discussion, Fryderyk Zoll thanked all participants for coming to the conference and for discussing all these important issues from so many interesting and different perspectives.

The day was concluded by a meal prepared for all guests of the conference in the House of Polonia.

SATURDAY, JULY 24, 2004

PLENARY SESSION—INVOLVEMENT OF THE POLISH OMBUDSMAN INTO CLINICAL MOVEMENT IN POLAND—Saturday, July 24, 2004, 9:00 a.m.

The last day of the conference was a day of many activities, ranging from lectures given by some of the participants of the conference to discussions and break-out sessions that took place on that day.

The plenary session started by a lecture given by Rafał Pelc – the Polish Ombudsman's Assistant. In his lecture, Mr. Pelc talked about functions of the Ombudsman in the Polish constitutional system, including the educational function. He emphasized the importance of access to public information and explained how the educational function is facilitated by the Ombudsman's cooperation with NGOs.

The other problem addressed during the lecture was the issue of unemployment, and the program against social helplessness as the remedy. Poland has whole areas where, due to unemployment and poverty, people are unwilling to take up any activity. The program introduced by the Ombudsman is intended to convince the people who have lost their hope that they have chances and that they should try them.

Another issue discussed was the availability of the Ombudsman's legal assistance to people who are in need of it. Because many people seek legal assistance from the Ombudsman: 50,000 cases annually get into the Ombudsman's bureau; 60,000 phone calls are received; 4,000 visits take place. To address this need, regional Ombudsman offices were introduced. The first regional bureau was opened in Wrocław in the region of Lower Silesia. The regional offices have meant that professional legal assistance is sometimes more accessible outside the capital than it is in Warsaw.

Another initiative is cooperation agreements between the Ombudsman and the law clinics. The first such agreement was concluded between the Ombudsman and the law clinic of the Jagiellonian University in 2001. In addition to the assistance given to people seeking help, the students receive important benefits in the chance to deal with real problems of everyday life and publication of the opportunity to learn and help at the same time.

The other project presented by Mr. Pelc's was publication of so-called *yellow brochures*, informational brochures on legal topics written by clinic students on many issues of concern among people in the country. The information brochure program and other cooperation with the legal clinics are coordinated by Magdalena Olczyk, a Jagiellonian Ph.D. student who was a student in the JU legal clinic in its first years.

Speakers raised the initially negative position of Polish advocates with respect to the legal clinics and *yellow brochures* projects, but this attitude changed when advocates realized that legal education done in that way is, in fact, helpful to them and to the whole society.

After Mr. Pelc's lecture, students from law clinics from different Polish Universities were invited to present their achievements and activities carried out within the framework of clinics. Two fifth-year students from the Jagiellonian University legal clinic, Anna Józefiak and Ewelina Urlich, made a presentation. In their presentation, Ms. Józefiak and Ms. Urlich addressed the issue of two primary goals of legal clinics projects: (1) educational goals; (2) providing people who cannot afford an attorney with adequate legal assistance. Students' obligations in legal clinics as well as the cooperation between clinics and the Ombudsman also were discussed.

The second legal clinic presentation was from the Warsaw University Legal Clinic by Celina Nowak. Ms. Nowak addressed several issues. She talked about reports to the Ombudsman and about cases that need an intervention of the Ombudsman, as well as about recent criminal law clinic cases and informative brochures designed specially for mentally disabled people who seek for legal information.

The third legal clinic presented was from the University of Białystok Legal Clinic, given by Marta Kuklo, a fifth year law student. Her presentation concerned the structure of cases in the clinic, cooperation with the Ombudsman, and annual publication of the most interesting cases.

After the presentations a brief discussion was held. Issues raised during the discussion concerned the agreements between the Ombudsman and clinics and educational function of clinics. After the discussion the participants of the conference were invited for a coffee break.

MULTI-STRATEGIC ADVOCACY FOR VULNERABLE POPULATIONS— Saturday, July 24, 2004, 11:00 a.m.

This section of the report was organized by Chris Zawisza.

Panel: Ved Kumari (University of Delhi, India); Susan Brooks (Vanderbilt University, USA); Christina Zawisza (University of Memphis, USA); Monika Platek (Warsaw University, Poland); Catherine Klein (Catholic University, USA); Margaret Martin Barry (Catholic University, USA); Nigel Duncan (Inns of Court School of Law, UK); Arshad Mahmood (Society for the Protection of the Rights of the Child, Pakistan). Moderated by Chris Zawisza (University of Memphis, US).

In order to introduce this dynamic and interactive session that focused on the use of a variety of strategies to improve the condition of vulnerable populations throughout the world, the session plenary concentrated on describing assorted strategies that had been applied to address the needs of children. Children have virtually no voice in the operation of legal systems; their needs tend to be overlooked, underfunded and understaffed. The needs of vulnerable children are, nevertheless, typical of the needs of other vulnerable populations around the globe: victims of domestic violence; immigrants/refugees/asylum seekers; victims of human rights abuses; those suffering from environmental injustice; HIV/AIDS populations; those enmeshed in poverty, requiring appropriate shelter and economic security.

Certain strategies, applied separately or in combination, can effectively address the needs of these vulnerable populations and advance people civilly, politically, economically, socially and culturally. The Plenary focused on four of these strategies on which activists, NGO staff, college and university faculty, students members of grassroots groups and governmental agency workers can work effectively together.

- Litigation/Alternative Dispute Resolution;
- Legislation/Involvement of Social Movements;
- Community Education/Street Law;
- Combined (Integrated) Strategies.

One springboard for the session plenary was our shared experience of witnessing an atrocious example of “lawlessness” in order to reflect upon teaching justice and compassion for vulnerable populations. As Dr. Hans Guggenheim so eloquently predicted in his opening remarks, “post-conflict conditions can offer opportunities for the creation and development of

imaginative social justice advocacy programs.” The awakening of such imagination among conference participants was the desired outcome of this session.

Another springboard for the session plenary was the recently released book, Kumari and Brooks, eds., *CREATIVE CHILD ADVOCACY: GLOBAL PERSPECTIVES* (Sage Publications India, 2004). This book is the result of the collaboration of child advocates from around the globe who came together at the first GAJE conference and decided to write a series of essays that would describe challenging situations and unmet needs of children, as well as offer examples of positive solutions and successful initiatives. Ved Kumari and Susan Brooks described the process by which the book was developed and the successful use of the internet for communication.

Various chapter authors were on hand to describe their approach to multi-strategic advocacy. Nigel Duncan and Ved Kumari described the use of *litigation/alternative dispute resolution*. Nigel Duncan described the use of judicial processes and legal advocacy to improve outcomes for children. This strategy is drawn from a chapter in the book, written by his wife, Tess Duncan, who had died of cancer before the book was published. He presented a model of joint representation between a social worker and a lawyer and urged advocates to adapt the adversarial approach to a more collaborative one when working with children in order to preserve the parent/child relationship. Ved Kumari discussed juvenile justice advocacy approaches in the form of systemic litigation (macro level, macro level impact); individual cases (micro level with micro level impact); and strategically chosen individual case (micro level with macro level impact.)

Susan Brooks described the use of *legislation/involvement of social movements* by focusing on the kinship care social movement in the United States in which grandparents and other relatives raising children came together to address their economic, social, and legal problems through legislation and through community support projects. She noted the role of a clinical teacher working with students as a means to implement this strategy.

Monika Płatek opened the discussion of *community education/street law* by describing the process of identifying community issues and conducting community needs assessment as a means to address gaps in the law and to tell people about their rights. Her focus was the need for a broad social movement to combat child abuse in Poland.

Margaret Martin Barry and Catherine Klein continued the discussion by describing an innovative proactive curriculum developed with law students to provide domestic violence workshops to high school students, drawing out answers from the students, rather than just giving them information.

Arshad Mahmood from the Society for the Protection of the Rights of the Child (SPARC), Pakistan, who wrote a chapter of the book on *Juvenile Justice in Pakistan*, discussed briefly the issues he focused on in his chapter. In particular he talked about how to use media and how to train officers in order to set up and maintain efficient juvenile justice system.

Christina Zawisza concluded the session by thanking Professor Frank Bloch for the foreword he wrote to the book.

Next, the participants of the conference split up into workgroups. Each of the workgroups was to discuss and come up with conclusions on one of the four aspects of Multi-strategic Advocacy for Vulnerable Populations.

BREAKOUT SESSIONS

Based on their choice of strategy, participants broke up into smaller groups to focus on the use, efficacy and potential of a particular strategy for promoting the causes of various groups of vulnerable populations through global collaboration. This was an effort to foster interactive work among GAJE members that would endure in the coming months and years before the next GAJE conference.

Litigation/Alternative Dispute Resolution (Nigel Duncan, Ved Kumari, facilitators)

This group focused on immigration, domestic violence, children and human rights for in-depth discussion of existing experiences, shared problems and various ways and means through which use of litigation and other dispute resolution mechanisms may be promoted more effectively as advocacy tools.

1. Immigration (Edward Santow, reporter)

PARTICIPANTS: Frances Voon (Australia); Stefanie Nagel (Germany); Peggy Maisel (US); Diego Blazquez (Spain); Edward Santow (Australia)

Two types of legal clinics in the U. S. deal with immigration and refugee issues: those which focus primarily on individual client representation and those which focus on test cases and, as a result, have more of an international complexion. The latter category lends itself to collaboration with similar legal clinics globally. Given the inherently international nature of refugee/immigration law, it, by definition, involves cross-border activity, and thus this strategy makes sense.

There is a problem in establishing legal clinics generally, and specifically immigration/refugee clinics, in places like Spain and Germany, because of the civil law structures and the expense involved. The rise of legal clinics in South America, in contrast, has coincided with the movement of these countries away from “older” civil law traditions.

Another legal issue is the difficulty of accessing state-sponsored free legal representation for people who are deemed to be in a country illegally. Legal clinics with an immigration/refugee focus must take a broader approach in their service provision to clients. Immigrants, particularly refugees, are often isolated from conventional support networks and thus face a large range of legal and quasi-legal problems.

2. Domestic Violence (Holly Maguigan, reporter)

PARTICIPANTS: Marianna Berbec (Hungary); Susan Kay (US); Fryderyk Zoll (Poland); Elena-Ligia Trocan (Romania); Holly Maguigan (US)

This group concluded that the best approach to this issue is not the law. Litigation is not the best strategy, and criminal litigation is the worst solution to problems related to domestic violence. That said, the group recognized that criminal litigation can make victims safer if it takes place in circumstances where the victims also have access to real, often material, resources. That usually means a network that includes family support, social services, psychological treatment and practical necessities like a job, income, child care and shelter. This group also expressed frustration at the limits of street law and community education because it reaches audiences too late, after patterns of abusive behavior have been learned.

AGREED UPON PROJECT:

- ✓ A university-based comparative study (without government funding) about the three major DV strategies: 1) ignoring it; 2) relying primarily on criminalization and criminal litigation; and 3) an integrated approach involving services in addition to criminalization. These studies would look across borders and within borders at various cultures, especially traditional ones. The study's purpose is to convince governments that fiscal self-interest requires an integrated approach.

3. Children (Aruna Sathanpally, reporter)

PARTICIPANTS: Ula Wiszniewski (Australia); Dean Rivkin (US); Ved Kumari (India); Lusine Hovhannisian (Hungary); Olga Stafeivskaya (Russia); Arman Harutyunyan (Armenia); Aruna Sathanpally (Australia)

The group commented that litigation/ADR has been helpful in the areas of: visitation rights (Australia); students with disabilities who are expelled from the education system (US); children held in immigration detention (Australia); juvenile justice reforms; and child abuse/child protection. Issues raised about litigation/ADR as a strategy included: the availability of legal representation through Legal Aid or public lawyers (to improve the level of assistance to courts and to provide students with knowledge of children's rights); curriculum issues such as whether there should be specialized courses on children and the law or whether issues of children should be raised in all courses; and the quality of representation for children in litigation.

POSSIBLE PROJECTS:

- ✓ Curriculum on legal advocacy for children, which requires specialized skills and a different approach

- ✓ A “hands-on” orientation with visits to juveniles in prisons or law student involvement in school-based street law programs, focusing on increased awareness of children’s rights among law students and among youth.

4a. Human Rights (Louise McKinney, reporter)

PARTICIPANTS: Eva Rodriguez (El Salvador); Martin Bohmer (Argentina); Christian Courtis (Argentina, working in Mexico); Gary Howard (South Africa); Minna Kotkin (US); Biljana Djuricin (Montenegro); Jasna Baksic-Muftic (Bosnia-Herzegovina); Louise McKinney (US)

Human rights were defined as those contained in treaties, international conventions and charters, local and national constitutions, customary law, and, in some countries, international decisions. Litigation was described by this group as a satisfying strategy for clinic students, professors, and outside advocates, depending on the jurisdiction and the political climate. Litigation may take place in local courts, European Court, and international courts.

AGREED UPON PROJECT:

- ✓ GAJE can help by sharing resources, such as finding people to work on amicus briefs, or posting resources such as international decisions and links to other sources.

ADR was also seen as a satisfying strategy, if it takes advantage of the traditions or the region and counteracts imbalances of power, e.g. when courts are not functional in resolving disputes or where courts are not available.

AGREED UPON PROJECT:

- ✓ GAJE can help by providing a clearinghouse for sharing experiences and skills as follows: refining the mechanisms of ADR; defining the settings when ADR is appropriate or not; training advocates in ADR skills; and sharing lessons learned.

4b. Human Rights (Daniela Ikawa, reporter)

PARTICIPANTS: Ukraine, China, Azerbaijan, Brazil, US

This group focused on legal clinic methodology: whether to focus on cases, implicating all rights (civil, political, social, economic, and cultural) or whether to accept cases on a specific issue. The advantages of the broad view include universality/indivisibility and greater victim protections. The advantages of the focused view include higher quality education and higher quality legal aid.

A very innovative Ukrainian clinical model was described. This model involves two complementary clinic courses: 1) mandatory one semester course focused on the theoretical analysis of real cases developed by the second clinical course; and 2) a one-year optional clinic course, consisting of actual practice in various specialized fields.

Legislation/Social Movements (Susan Brooks, Chris Zawisza, facilitators; Chris Zawisza, recorder)

PARTICIPANTS: Pakistan, Israel, Gambia, Poland, Australia, Nepal, US

This group worked together and did not break up based on populations. Two strategies were addressed: (1) legislation and (2) meaningful social change movements. Many in the group did not believe that the passage of laws (legislation) was always a positive development for vulnerable populations and that the creation of meaningful social change movements was a greater need and a more effective strategy. Examples of effective social change movements utilized in various countries, such as environmental user protection committees and community justice systems were discussed.

This group addressed the following themes: access of advocates to communities; access of communities to legislators; the ability of advocates to relate to communities and gain their trust; cultural understanding; identification of those with experience and expertise; need for empowerment of those effected by legislation through, e. g. community legal education; and access to marginalized/invisible communities. The roles required in a meaningful social change movement were also discussed. These include: community lawyer; community organizer; lobbyist (should these be the same individual or different individuals?); paralegal; media; legislators; constituents; and partnerships. The group also focused on whether the agenda was created by the advocacy organization or whether it originated from the community and the tensions inherent in that choice.

POSSIBLE PROJECTS:

- ✓ Legal education materials on topics such as: worker rights; land rights; housing; socio-economic services; treatment, prevention, non-discrimination
- ✓ GAJE based projects: substantive GAJE workgroups, such as HIV/AIDS; UN Relations Subcommittee of GAJE to be able to involve members in letter writing on critical issues

AGREED UPON PROJECT:

- ✓ Law student members will develop and manage a bulletin board or virtual electronic forum (and hard copy) in which GAJE participants can post stories on successes and failures in social change movements; post questions and get responses; and discuss collaborative projects and funding opportunities.

CONTACT: Elena Ivanovski (elenai@student.unsw.edu.au)

Community Education/Street Law (Margaret Martin Barry, Monika Platek, facilitators; Lucinda Wilson, recorder)

This group discussed the following goals for a community education project: awareness; empowerment (based on community's agenda); addressing systemic problems and roots of the problems; helping people understand their rights. The permeable nature of the community, based on geography, gender and issue was addressed.

1. Violence Against Women

PARTICIPANTS: China, Australia, Poland, Cambodia, South Africa, US

Areas of concern addressed included: physical and psychological violence; culture of shame or passivity; need to know how to help women, especially psychologically; attitudes of judges; if male is arrested there is no one to support the family; not a good system of social security for children; lack of support and information to bring problem to attention of police.

POSSIBLE PROJECTS:

- ✓ Need to educate business people, police, NGO's, prosecutors; can start under the heading of a cooking class to provide information to isolated women, or women who otherwise might be prevented from attending
- ✓ Create a model curriculum for international interventions, including strategies for bringing women together and running the education program
- ✓ Community education
 - for abused women (information about what they can do); potential victims (what is domestic violence and breaking down beliefs that it is ok to be beaten); other vulnerable women
 - for men (especially young men to prevent them from becoming perpetrators)
 - for combined gender groups
 - general public (neighbors who hear abuse; informing people how to intervene)
 - police, judges, NGO's, prosecutors

AGREED UPON PROJECTS:

- ✓ Collaborate on a model curriculum including methods of reaching target groups (cooking classes, hairdressing)
- ✓ Establish common principles among nations and learn how violence plays out in communities besides our own to generate creative ideas

- ✓ Links on GAJE website with domestic violence materials
- ✓ Create alliances/network with NGO's and religious groups; reach marginalized women through schools, nurses churches, hair dressers, beauticians, affinity groups (e. g. elders meetings in Zulu culture); involving credible and reputable personalities, especially for education men.

2. Immigrants/Refugees

This group adopted a strategy of social change through education.

AGREED UPON PROJECT: within 4 weeks of conference

Organize a strategy group to develop materials and target community
 Use email to organize and implement the plan
 Use students to provide community education
 Evaluate impact, using email to consolidate reporting

3. Human Rights (Monika Platek, recorder)

PARTICIPANTS: Elena Medvedeva, Rosa Mussralinova, Valentina Gilgorn (Kazakhstan); Grzegorz Wrona (Poland); Dima Shabelnikov, Arkady Gutnikov (Russia); Maria Kolikova (Slovakia); Nikolai Udod (Ukraine); David McQuoid-Mason (South Africa); Humayoun Ihsan (Pakistan); Adela Scothova (Czech Republic); Adrien Evans (Australia); Wendy Pettifer (UK); Jane Zara (US)

This group focused on community education exercised through street law in prisons and penal colonies. The Pavlodar College in Kazakhstan, which operates a street law program for prison officers, was identified as a good model. Other notable street laws programs discussed include: the Catholic University of America program; the Warsaw University program administered by the Polish Association for Legal Education; the clinic in Krasnojarsk, the prison project in Slovakia run by the Legal Clinic of Trnava University; and the program operated by the University of KwaZulu-Natal Howard College School of Law.

Questions were asked about access to penal institutions, how to establish street law in prisons, and how to sustain the process. The group discussed how street law clinics effect the criminal justice policy in the country; how they change relationships inside the prison, how they change student perceptions of prisons, inmates and criminal policy; how they change inmates' attitudes toward themselves, towards prison staff, and towards society itself; and how street law influences public opinion about prison, inmates, crime and fear of crime. The quality of the legal services provided was also discussed, including limitations of using laymen and the level of preparation laymen need to assist specialists.

POSSIBLE PROJECTS (the group discussed four points for any future project):

- ✓ Procedures and methods of organizing and sustaining street law clinics
- ✓ Possible impact on criminal policy and criminal law reform
- ✓ Access to legal services for inmates
- ✓ Quality service requirements; limits to laymen services

AGREED UPON PROJECTS:

Book: WELCOME TO PRISON. Educate prisoners on life inside the institutions and once they are released; educate those who interact with prisoners. Publish Comparative Case Studies. Significant problem of access to prisons; the book would provide insight into the challenges for prisoners and address access issues.

Training: Provide training to prison officials, guards, judges, and prisoners through cooperation with NGO's, public interest lawyers and law centers and governmental entities.

CONTACT PERSON: Monika Płatek (Platek@warman.com.pl)

Integrated (Combined) Strategies (Catherine Klein, Arshad Mahmood, facilitators)

PARTICIPANTS: Jennifer Lyman, Richard Boswell, Barbara Schatz, Frank Bloch, Philip Genty, Paula Galowitz (US); Agnes Kover (Hungary); Jane Schuhoske (India); Edil Elveris (Turkey); Celina Nowak (Poland); Carlos Medina (Philippines); Vanessa Sweeney (Australia); Joanne Coysh (UK)

This group initially focused on how to define “integrated strategies,” how to achieve “integration,” and how to teach it. The group discussed the concept of “collaboration” with various entities outside the law school and heard about the visions and experience of various participants. The collaborators included: business schools, medical schools, NGO's, community groups, and the media and occurred across national borders. The notion of “collaboration” was identified as a key aspect of strategies that involve many different approaches and many different actors.

The group then focused on the many challenges and difficulties inherent in collaboration. How can one effectively work with people from different disciplines and backgrounds? How can one break out of “the habit of a single approach” to problems? How can we learn to be effective collaborators? How can we ensure that we make good use of all the various opportunities presented by networking and collaboration? How can we teach the skills of “collaboration” to our students?

AGREED UPON PROJECTS: (collaboration is an important justice education goal, which is critical when trying to address systemic issues):

Discuss collaboration more fully, either via e-mail or at the next GAJE conference
Share more specific information about collaboration, including success stories—and teaching about it.

CONTACT PERSON: Catherine Klein (klein@law.cua.edu).

FEEDBACK SESSION

The enthusiastic discussion and feedback confirmed that this program was well-received. There was a great deal of energy and exuberance surrounding possible ongoing projects.

Common Themes Emerging

Development of curriculum using multi-strategic advocacy

child advocacy; juveniles in prison; school-based street law
violence against women
prisoners; criminal law and policy

Development of legal information for vulnerable populations; development of training materials for dominant populations

Domestic violence: abused women; potentially abused women; abusers;
combined gender groups; general public; police, judges, NGO's,
prosecutors

Immigrants/refugees

Prisoners, prison officials, guards, judges

Increase in legal representation; improved litigation strategies such as better case selection; thoughtful case selection

University-based research, comparative studies and future publications

Expansion of GAJE activities

Use of technology: bulletin board created/managed by law students on success/challenges of social change movements;

Exchanges of emails about successes/challenges in educating dominant groups, about successful collaborations

Clearinghouse for sharing resources, experiences and skills

Creation of dedicated list serves

Links on GAJE website

Topics for next conference

Creation of alliances and networks

TEACHING VALUES TO LAW STUDENTS—Saturday, July 24, 2004, 3:00 p.m.

After the lunch break, Professor Adrian Evans from the Monash University in Australia spoke on *Teaching Values to Law Students*. Professor Evans began with alternative formulations of alternative characterization of the lawyer's role: zealous advocate; achieving just results by just procedure; moral activist; a relationship of care. He gave examples used with students to take them through consideration and critique of these alternative formulations and to equip them to look for the value judgments reflected in various professional rules.

This session was designed to show how law teachers can assist students to focus on stereotypical models of lawyers as possible bases for their own approach to legal practice. The idea is that, while many law students uncritically adopt the “adversarial advocate” model of lawyering because Western culture automatically marginalizes other models, it is still possible to expose students to those other models in a self-reflective environment, particularly clinical and simulated clinical experiences. The session detailed a practical exposure method to allow this process to occur. Professor Evans' Power Point slides for the presentation are available in the resource section on the website.

BREAK-OUT SESSIONS—Saturday, July 24, 2004, 4:00 p.m.

When the discussion was over participants of the conference split up again so as to hold break-out sessions on following topics:

Teaching Law Students Social Responsibility – moderated by Yuval Elbashan from the Hebrew University of Jerusalem. Professor Elbashan's clinic serves Jewish and Palestinian clients. The approach is based in legal realism seeking to impart to students that legal outcomes are influenced by many factors.

Involving Students in the Promotion of Access to Justice Education – moderated by Felisa Tibbitts of the Human Rights Street Law Clinic Association. Panelists were: Erik Davies, Georgetown University Law Center, USA; Vivek Maru, Fourah Bey College of Law, Sierra Leone; Agnes Kover, ELTE University, Hungary; Bruce Lasky, Pannasatra University, Cambodia; David McQuoid-Mason, University of Natal Law School, South Africa.

Street law-type clinics involve law students in teaching law-related lessons to community members. A popular target audience for street law-type programs is secondary school students. However, students in these clinics are also involved in teaching vulnerable populations, or enhancing the capacity of leaders and activists within such communities.

The panelists presented their experiences with street law-type clinics focused on vulnerable populations. The populations touched by these clinics include the Roma, rural populations, prisoners, juveniles awaiting trial, trade unions, NGOs and paralegals.

The panelists presented their specific experiences related to program and lesson development, with some demonstration of lesson topics. These clinics will be presented as case studies on the Open Society Justice Initiative website (<http://www.osji.org>). Please refer to these write-ups for details on the individual clinic programs.

Across the presentations, it was clear that certain political, social and legal conditions are particularly auspicious for the establishment of street law-type programs in law schools. These conditions, which are not comprehensive, include:

- Poverty, which is related to a general lack of legal know-how among the population
- The establishment of new democratically oriented legal systems, whose principles need to be conveyed to the general public
- Discrimination and injustice experienced by certain populations, calling for their empowerment in part by legal know-how

Panelists emphasized and, at times, demonstrated the importance of organizing this law-related education in such a way that it is motivating and empowering for learners. One panelist used an audio-taped interview with female prisoners to demonstrate the impact of the program on their critical thinking. There was strong agreement that the programs should lead to social action among participants. This calls for the use of active learning methods, as well as the use of examples that are recognized and meaningful for learners.

Using Our Brains. Reaching the Hearts and Minds of Our Students Through Their Limbic System – moderated by Alan Lerner, University of Pennsylvania Law School.

The following summarizes major points from Mr. Lerner's presentation, based on a paper soon to be published at 23 QUINNIPIAC LAW REVIEW 643 (2004).

Nazi Germany's solution to the "challenge" of achieving racial purity, apartheid South Africa's depersonalization of non-Caucasians, Stalinist Russia's persecution of dissidents, racial segregation in the United States, more recently, the torture of prisoners in US military prisons in Iraq, Afghanistan, and Guantanamo Bay, and systems throughout the world that marshal the power of government to maintain the status quo by depriving the poor, minorities, and the unpopular of justice and equality of opportunity, have not only not been prevented by law, but were built upon legal structures designed and implemented by lawyers. Many of those lawyers studied, in the great universities of the world, the long history of human struggles for freedom and equality, and practiced their professions under governing legal doctrines that, at least on their face, promised justice and equal opportunity for all. Yet they implemented regimes that produced unjust, unequal, even inhumane outcomes. How does that happen?

Throughout our lives, below the level of our consciousness, each of us develops values, intuitions, expectations, and needs that powerfully affect our perceptions and judgments. Placed in situations which implicate our values, or in which we feel threatened, our brains, relying on those implicitly learned, emotionally weighted, memories, we may react without reflection or the opportunity for thoughtful interdiction. Because these processes operate below the radar of our

consciousness, automatic, “emotional” reaction, rather than thoughtful, reasoned analysis, frequently leads to our responses to morally challenging situations. The result, which we see all too often, is good people acting badly, behaving in ways that seem starkly at odds with the values and personalities that they demonstrated in their day-to-day behavior over many years.

Lawyers continually face complex problems of great moment to their clients and the community, problems which may implicate their own, and their clients,' personal and professional values. They need to learn to address these problems thoughtfully and effectively while carrying out their professional responsibilities as representatives of their clients, officers of the judicial system, and public citizens, exercising the highest level of moral and ethical judgments. To do so, they need to recognize the moral difficulty of the situation, understand their emotional processes and the content of their intuitions, understand the expectation for moral action, and have confidence in their ability to act appropriately. Unfortunately, traditional legal education focuses on teaching students legal rules and "legal analysis" of a given set of facts, in which the answer is the formation of a legal rule, the role of the lawyer is to achieve the client's stated goal, and values are, at best, minimally relevant.

This paper first analyzes recent discoveries in cognitive science and social psychology that help to explain the brain's learning and problem solving mechanisms. Relying upon that data, it next seeks to demonstrate why traditional legal education may actually impair the ability to effectively solve complex problems, freighted with issues of personal values and professional responsibility. Finally, it describes an alternative pedagogy, problem-based learning, that provides valuable insights to teaching law students to become ethical, morally responsible, practitioners.

REPORT SESSION—Saturday, July 24, 2004, 6:00 p.m.

When the summing up session came to an end the Participants of the conference were invited for a closing dinner that was held at Lasek Wolski and that concluded the third and the last day of the conference.

GAJE Committee and General Membership Meeting—
Sunday, July 25, 2004

A report from the Steering Committee the Plenary Membership meeting, prepared by Peggy Maisel, appears among the resource items for the conference.

Post-Conference Workshop on Teaching
Monday-Friday, July 26-30, 2004
Train the Trainers

Compiled by Leah Wortham

The final session of the 2004 GAJE conference comprised a five-day workshop focused on teaching strategies to implement justice education. Six mini-workshops were offered between July 26 and July 30. A detailed account of the five-day workshop is provided on the website as one of the additional resources on the conference.

The six mini-workshops and their leaders were:

I. CREATION AND DEVELOPMENT OF SOCIAL JUSTICE PROJECTS INVOLVING ADVOCACY IN COURTS AND TRIBUNALS—JULY 26-28, 2004, MONDAY MORNING AND AFTERNOON, TUESDAY MORNING AND AFTERNOON, WEDNESDAY MORNING

Workshop Facilitators: Nigel Duncan (*City University, UK*); Susan Kay (*Vanderbilt University, USA*); Les McCrimmon (*University of Sydney, Australia*); Edward Santow (*University of New South Wales, Australia*)

Also involved in presenting the first day of this workshop was a group of Australian students from the University of New South Wales and the University of Sydney: Ula Wiszniewski; Nana Frishling; Anthea Vogl; Frances Foster-Thorpe; Chris Hartley; Elena Ivanovski; Simon Levett; Lucinda Wilson; Aruna Sathanapally; and Frances Voon.

II. EVALUATION—JULY 26-27, 2004, MONDAY MORNING AND AFTERNOON, TUESDAY MORNING AND AFTERNOON

Workshop Facilitators: Ved Kumari (*University of Delhi, India*); Martin Geer (*University of Nevada at Las Vegas, USA*); Margaret Martin Barry, (*Catholic University, USA*), Catherine Klein, (*Catholic University, USA*)

III. ESTABLISHING AND MAINTAINING CLINICS—JULY 26-27, 2004, MONDAY MORNING AND AFTERNOON AND TUESDAY MORNING

Workshop Facilitators: Louise McKinney, (*Case Western Reserve, USA*); Peggy Maisel, (*Florida International University, USA*)

IV. CREATING SOCIAL CHANGE: ARE COURTS THE ANSWER?—MONDAY, JULY 26, 2004, 5:30-7:30 P.M.

Workshop Facilitator: Elizabeth Cooper (*Fordham, USA*)

V. SISTER SCHOOLS AND OTHER EXCHANGES IN LEGAL EDUCATION—WEDNESDAY, JULY 28, 2004, WEDNESDAY AFTERNOON

Workshop Facilitator: *Louise McKinney, (Case Western Reserve, USA), faculty experience at University of Botswana and University of Nairobi*

VI. A COMPARATIVE SIMULATION ON LAWYERING ROLES AND TEACHING ABOUT THEM IN DIFFERENT LEGAL SYSTEMS—THURSDAY MORNING AND AFTERNOON AND FRIDAY MORNING, JULY 29-30, 2004

Workshop Facilitators: *Fryderyk Zoll, (Jagiellonian University, Poland); Leah Wortham, (Catholic University, USA)*

Workshop I: Creation of Social Justice Projects Involving Advocacy in Courts and Tribunals

Professors McCrimmon, Duncan, and Kay, respectively from Australia, the U.K., and the U.S., joined forces with eleven Australian law students to offer a workshop focusing participants on creation and development of social justice projects and skills teaching in client interviewing, tribunal advocacy, and the case file to implement such a project. The first day concerned: identification of potential projects on a local or regional level; moving a project from conceptualization to reality (the generic steps); and formulating a specific project keeping in mind the generic steps. Australian students used the creation of RAV’N, a student-initiated project regarding rights of refugees, as a case study.

The first day was organized around a four-stage process in conceiving and implementing a social justice project: planning, establishment, running the project; evaluation and continuity. Further detail on tasks within these four stages is available in the detailed report from the Advocacy Projects Workshop on the website. Throughout the discussion, the Australian students shared their experience with RAV’N while participants offered comparable examples and possibilities from their home countries.

In the remaining two and one-half days, professors modeled teaching allowing students to develop skills to provide the client service necessary to implement a project.

Workshop II: Evaluation

A team comprising Indian and American teachers led a workshop on evaluation, primarily focused on student skills. Four law school situations involving student evaluation were identified: in the classroom; during clinical supervision and critique of performance in in-house clinics; in community placements such as student externships; community education projects.

The workshop sought to:

- consciously and clearly think and articulate the criteria for evaluation of students in various competencies, i.e., skills, knowledge and values;

- link the teaching goals to those criteria;
- examine justice component of assessments;
- identify opportunities for justice within each competency;
- focus on self-assessment (student, teacher, program).

Participants began by describing their own work involving evaluation and the most important problem/issue they faced in evaluation of others. Subsequent discussion focused on the competencies sought in clinical work and in classroom courses. Particular competencies were selected as examples for use in subsequent sessions to discuss the criteria and process to be used for evaluation and to promote justice education.

Participants then divided into two groups—one comprised of those who often evaluate student performance on the basis of class-based activities and others who often evaluate student performance outside of the classroom. Each subgroup considered the lawyering competencies they seek to foster.

Having listed a broad range of competencies and noted the overlapping goals for both teaching contexts, leaders asked each group to list which of the skills identified they considered critical and what methods they would use to evaluate those skills.

The resulting list of clinical competencies was:

Legal writing; plain, clear verbal communication; research; fact gathering/investigation; clarity and logic in argument; cross cultural competency; empathy; listening; case management (including file organization, record of work, and attention to schedules and deadlines); time management; general case organization; interviewing; counseling; negotiation; development of case theory; problem solving; persuasion; case outcomes; team work/collaboration; effort; preparation; commitment; initiative; development during the course; professional ethics; and self-evaluation.

The list of classroom (doctrinal) competencies was:

Knowledge/analysis of law, including understanding of statutes and use of precedent; cooperation in group work; respect for the opinions and skills of others; understanding and development of facts; legal writing; problem solving abilities; independent thought/critical thinking; and communication.

In the post-lunch session, all present took part in two role-play exercises. To consider evaluation in a clinical setting, participants watched a simulated student performance in a bail hearing in an assault case in which domestic violence was a factor. The student's performance evidenced lack of preparation and empathy for the client. His subsequent self-assessment showed little insight into his significant lapses. Participants discussed the type and manner of evaluation and feedback that should be given to such a performance: Is subtle or direct feedback more effective? Should feedback be directive as to what the student should have done, or should the teacher ask questions designed to make the student realize the lapses, thus providing a face-

saving opportunity to the student? The group agreed that teachers need to exercise judgment and adopt a style that will be suitable to an individual student's background and preparation.

In the second exercise, participants were given law students' written answers to the following question: What is the role of truth in legal profession? Participants first marked the answers individually and then compared their evaluation marking with that of a neighbor. Moving to small groups, participants discussed the evaluation criteria they used in their evaluation and sought to reach consensus among the group on a grade for each paper. The difficulty in achieving consensus on a common grade stimulated considerable useful discussion on evaluation criteria.

The last session focused on two major issues: (1) How do personal bias / prejudice / assumptions / values of the teacher impact on student evaluation process? (2) What competencies most promote justice education? Discussion aired divergent views on how much time should be spent on hearing and knowing the non-legal concerns of clients. Some expressed concern about balancing a client-centered interview and the need to use time efficiently. Participants debated whether clients' stories ought to be told even if that would mean weakening the legal case.

At the end of the workshop the participants were asked to give written feedback on three questions:

1. What should we do again if we did a similar workshop?
2. What we must not do again if we had a similar workshop?
3. What more should we do?

A bibliography on evaluation given to participants is available in the resources section of the website.

Workshop III: Establishing and Maintaining Clinics

Two American professors, with extensive experience with African clinics, organized the presentation drawing on both experiences as well as that of attendees from other countries. Jeff Giddings, who is writing his Ph.D. on lessons learned from the successes and failures of clinics, gave a Power Point presentation on his findings. (The presentation is available in the Resources section on the website.) Participants toured the Jagiellonian clinics.

The first goal of the workshop was for those who have engaged in clinical education and legal clinics to provide information about how clinics were established and how they have been maintained. The second goal was to encourage those who are starting or working to maintain or expand clinics to develop realistic goals and plans. Participants worked in small groups with others in varying stages of clinics' development, maintenance and expansion to develop plans designed to work within their own unique settings. They identified potential sources of support and strategies for overcoming barriers and maximizing resources.

Each participant was encouraged to: develop a process to establish and modify their clinic goals; analyze the factors for success and failure in clinics; develop and refine an individual action plan; commit to specific actions. Because participants were so engaged with the session, a Tuesday afternoon session was added to the original schedule.

Workshop IV: Creating Social Change: Are Courts the Answer?

Elizabeth Cooper, working with participants from a number of countries, led a session on whether and how courts contribute to social change. The session modeled a fish bowl technique in which an inner circle takes part in a discussion observed by the rest of the group, and those in the outer circle can join by tapping on the shoulder of a discussant and trading places.

Workshop V: Sister Schools and Other Exchanges in Legal Education

A Wednesday afternoon session focused on ways that sister school exchanges might support the efforts of those involved. Fryderyk Zoll from Jagiellonian University described several sister school relationships of his university and described in particular depth JU's collaboration in clinical education with The Catholic University of America in Washington, D.C. Other participants described collaborative ventures including:

- ones sponsored by the American Bar Association Central and European Law Initiative;
- ones sponsored by the Soros Justice Initiative;
- SUR, based in Brazil,
- cooperative relationships between Spanish and Latin American law schools;
- Clinical Legal Education Association ventures;
- Nepali collaboration with universities in the U.S., Canada and the U.K.

Participants developed a list of potential resources to support cooperative efforts, which is available in the more detailed report in the resources on the website, and also formulated recommendations for GAJE action to support sister school relationships.

Workshop VI: A Comparative Simulation on Lawyering Roles and Teaching About Them in Different Legal Systems

The final workshop simulated preparation for and conduct of a trial as it would be conducted under Polish procedural and substantive law. A complaint and answer, based on Polish law and procedure, were drafted for a case involving a wife seeking to evict her husband from the family apartment under a Polish statute allowing eviction of a co-inhabitant for "crassly reprehensible" behavior. Written role instructions had been given to Jagiellonian students, who played the parts of the wife, husband, a wife's friend testifying on her behalf, a husband's friend testifying on his behalf, and a neighbor identified as a witness by the husband. Other participants were assigned to be lawyers for either the wife or the husband. An ethical question regarding a lawyer's handling of client perjury was written into the simulation instructions. Participant instructions and the complaints are available in the Resources section of the GAJE website.

Fryderyk Zoll presided as a judge in the proceeding, and a written record, dictated by the judge, was made by a Jagiellonian student serving as a clerk. At the close of the testimony, “Judge Zoll” entered a verdict. The trial took place with a “freeze frame” simulation method, meaning that periodically the simulation “froze, the participants came out of role, and there was discussion throughout.

A first purpose was to demonstrate the simulation method for participants who were not already familiar with this type of experiential, interactive method. A second was to provoke discussion on the differences in how the trial would proceed and how lawyers would approach preparation and the trial among various countries. The exercise emphasized the importance of formulating teaching objectives with respect to a desired effect on students. The workshop offered a concrete case from which to discuss justice education—myriad issues that might be raised with regard to simulation of what could be seen as a relatively “simple case.”

After the simulations, participants chose a small group focusing on one of the four following questions:

1. What teaching objectives might be pursued with students using this simulation? Participants were asked to think about teaching objectives in terms of things students would be able to do or motivated to do after the educational experience.
2. Our primary teaching objective was that participants could analyze differences in legal systems, their implications for justice, and their implications for teaching. List such differences you observed and the implications that you see.
3. How could justice education considerations be integrated in teaching with this simulation?
4. For what teaching objectives is simulation particularly suited? What other benefits do you see being achieved through it? What suggestions for modifications in the design of this simulation do you have?