

# Conference Report

7<sup>th</sup> GAJE Worldwide Conference

Part 1—Jindal Global University, Sonipat, Delhi, India

10-14 December 2013



## GLOBAL ALLIANCE FOR JUSTICE EDUCATION (GAJE)

GAJE, [www.gaje.org](http://www.gaje.org), is a global alliance of persons committed to achieving justice through education. Since its founding in 1996, GAJE has worked to promote justice through education by convening six worldwide meetings on justice education: in India (1999), South Africa (2001), Poland (2004), Argentina (2006), the Philippines (2008), and Spain (2011). These meetings were carefully designed to be accessible and affordable for persons from developing countries; and delegates from every continent. Over 50 countries have participated in one or more of these meetings. GAJE has also organized Regional Conferences in Australasia (2002) and North America (2006) and co-sponsored the International Conference on the Future of Legal Education held in February 2008 at Georgia State University in the USA. GAJE operates a free email discussion forum for its members and has published a newsletter in both English and Spanish distributed by email and posted on the GAJE website.

These formal GAJE activities have facilitated a wide range of cross-national collaborations, including educational exchange programs, joint research projects, “train the trainer” workshops, teaching handbooks, curricular materials, and multinational co-authorship of books and articles.

### Steering Committee and Board of Directors

GAJE is governed by a Steering Committee (SC) consisting of two representatives from each of 8 regions of the world (one woman and one man) who are elected by the general membership at the biannual GAJE worldwide meetings, and a number of at-large members appointed by the 16 elected members. The Steering Committee, which is also GAJE's Board of Directors, meets several times a year by email to conduct GAJE business and to direct work conducted by GAJE committees and working groups. Copies of recent Steering Committee meeting reports are available at the bottom of this page.

Country	Members
(Affiliations of Steering Committee members are for information only. Members do not represent their affiliated institutions or organizations in their capacity as Steering Committee members.)	
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Australasia	Anna Cody, Kingsford Legal Centre, University of New South Wales (Australia); Simon Rice, Australian National University College of Law (Australia).
East Asia	Mao Ling, Zhongnan University of Economics & Law (Peoples' Republic of China); Bruce Lasky, Bridges Across Borders Southeast Asia (Thailand)
Eastern Europe (incl. Russia)	Filip Czernicki, Polish Legal Clinics Foundation (Poland); Mariana Berbec Rostas, Open Society Foundations, Human Rights and Governance Program (Romania)
South and Central America (incl. Mexico)	Celeste Romero, Attorney (Argentina); Carlos Maria Varas, Health and Consumer lawyer (Argentina)
South and Central Asia (incl. the Mideast)	Sahar Maranlou, co-founder, Mofid Clinic, PhD Candidate, Warwick University (Iran); Ajay Pandey, Jindal Global Law School (India).
North America	Minna Kotkin, Brooklyn Law School (USA). [One position vacant]
Western Europe	Sara Chandler, London South Bank University (UK); Diego Blazquez-Martin, Legal Advisor, Minister for Equality (Spain)
At-large	Catherine Klein Catholic University of America (USA); David McQuoid-Mason University of Kwa-Zulu Natal (South Africa)

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**7<sup>th</sup> WORLDWIDE CONFERENCE – DELHI**  
**COMMITTEES AND WORKING GROUPS**

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Lisa Bliss (Lead Stream coordinator)  
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**Stream coordination**

Chair: Lisa Bliss

**Conference report**

Lead Reporter: Don Peters

## Conference "Streams" or Topic Areas

<b>Stream 1</b>	Legal Empowerment and Economic Justice for Rural and Marginalized Communities
<b>Stream 2</b>	Health and Environmental Justice
<b>Stream 3</b>	Human Rights and Rule of Law
<b>Stream 4</b>	Gender Justice, Equality and Violence Against Women and Children
<b>Stream 5</b>	Legal Ethics, Professional Responsibility and Promotion of Pro Bono
<b>Stream 6</b>	Legal Literacy (Street Law, Legal Awareness and Citizen Participation)
<b>Stream 7</b>	ADR and Informal Justice Systems
<b>Stream 8</b>	New Initiatives in Justice Education
<b>Plenaries</b>	

## Stream Coordinators

#1.	Legal Empowerment and Economic Justice for Rural and Marginalized Communities: Ulrich Stege (Lead Contact) and Sopit Cheevapanich
#2.	Health and Environmental Justice: Sylvia Caley (Lead Contact) and Mary Anne Noone
#3.	Human Rights and Rule of Law
#3.1	Legal Ethics and Human Rights: Meetali Jain
#3.2	Human Rights – Teaching Methods: Lindi Coetzee
#4.	Gender Justice, Equality and Violence Against Women and Children: Asnida Mohammed Suhaimi (Lead Contact) and Norbani Mohamed Nazeri
#5.	Legal Ethics, Professional Responsibility and Promotion of Pro Bono
#5.1	Pro Bono Initiatives: Freda Grealy (Lead Contact) and Panarairat Srichaiyarat
#5.2	Teaching Ethics and Professional Responsibility: Ernest Ojukwu
#6.	Legal Literacy (Street Law, Legal Awareness and Citizen Participation): Wendy Morrish(Lead Contact) and Thip Nouansyvong
#7.	ADR and Informal Justice Systems: Karen Tokarz
#8.	New Initiatives in Justice Education
#8.1	Clinical Legal Education and Experiences: Susan Brooks (Lead Contact) and Marya
#8.2	Access to Justice: Iza Krasnica
#8.3	Teaching Methods and Clinic Management: Peggy Maisel (Lead Contract) and Sahar Maranlou

## Keynote Address



**Prof. N.R. Madhava Menon**  
*Former Director of National Law School, Bangalore*

As I stand before you to give the keynote on promoting justice education worldwide, my thoughts go back to the closing years of the last century at a conference of the American Association of Law Schools in Florida, USA where some of the law teachers assembled including me, Frank Bloch, Clark Cunningham and few others, asked ourselves certain basic questions on what we are doing? Why do we teach law? What are the objects of legal education? What is the mission of a law school? How relevant is legal education to society at large? Is legal education intended to be a mere private good, training people for legal practice?

We could not gather clear answers and we kept on continuing to ask these questions through correspondence, e-mails and phone calls and exchanged notes on innovative courses and methods we were using to make legal education serve the larger concerns of social justice. Several years passed by and we met again in 1999 to look at the larger picture of what we are doing and more particularly on the social mission of legal education. We met in India in a city called Trivandrum where I live, a city 2000 miles away from here at the southern tip of the Indian sub-continent. We had law teachers from 26 countries at Trivandrum, all of us self-styled clinicians. At the end of our week-long deliberations we resolved to establish an association of clinical law teachers and named it as Global Alliance for Justice Education (GAJE). Thus GAJE was born in India, 15 years ago.

Even after 15 years, and growing ourselves and finding allies of thousands of law teachers across the globe, we are still groping to construct the social mission of legal education as a public good. We do not accept any more that the object of legal education, like business education is just a private good or training to practice



law. We recognize the social mission of the law school. We understand that while clinical education is about training in skills of advocacy, it does bring law closer to life and helps raise concerns on justice in the minds of the learner which provides great potential to explore law-justice relationships as well as law as a tool of social engineering.

Today this is the theme which engages the attention of world leaders. Last month at a law conference at World Bank (November, 2013), a book titled, “Fostering Development through Opportunity, Inclusion and Equity” was released in Washington D.C. It contains reports from several countries across the world on how the use of legal and justice systems maximizes development outcomes. It argues that the improvement of justice systems promote poverty reduction and economic development. Legal empowerment can promote greater equity in the distribution and enjoyment of public goods. Writing in the Foreword to the book, the Deputy Secretary General of the United Nations commended the World Bank for its new approach to mainstream law and justice into the development process applying, what he called, the Justice lens into environmental protection, anticorruption, economic planning, poverty reduction, empowerment of the marginalized, human rights promotion and rule of law application.

In the afterword of the publication the Director General of International Development Law Organization laments the deep disconnect between the formal mechanisms of the rule of law and peoples’ lived experiences of justice and equity. She pleads for a culture of justice based on the rule of law if development has to be sustainable.

### **GAJE Philosophy Attracts Global Thinking:**

On similar lines, the Draft Report of the ABA Task Force on the Future of Legal Education (September, 2013) found a fundamental tension between legal education as public good as well as a private good. As a private good, the training of lawyers is part of the market economy and law schools are subject to market forces and conditions in shaping its programmes. But the society has a deep interest on the character of legal education and the law school has obligations to deliver programmes with certain characteristics particularly in terms of values and attitudes irrespective of the preferences of those within the law school. Law school rankings, the Report stated, do not give adequate weightage to educational outcomes or impact on value delivered.

The Report on the Future of Law Education in America interestingly found wide disagreement about the purpose of law schools. The commonly stated purpose is law schools are to train lawyers; but there is no consensus on what it means. Are they just deliverers of technical services requiring a certain skill or expertise or are they persons who are broad-based problem solvers and societal leaders? Depending upon the view taken on what it means to “train lawyers”, different approaches to curriculum development, different positions on faculty recruitment and different emphasis on student services are reached by different law schools. Sometimes, a law school’s ostensible view about its purpose may not be reflected in its curriculum on offer.

I cited the World Bank Legal Review of 2013 and the ABA Report on the Future of Legal Education only to highlight the current public concern on what law schools are doing and how it serves or does not serve the public good in prevailing models of legal education.

It is important in this regard to note that this Conference is hosted by a law school which has in its motto the following words: “A private university promoting public service”. You will get from Professor Ajay Pandey and Prof. Raj Kumar what are the public service dimensions of legal education offered by the Jindal Global Law School and what impact it makes in the values and attitudes of its faculty and students. I say this because the Indian Constitution mandates the higher education institutions to discharge certain social justice goals in all their programmes and activities.

## **India's Experiments in Socially-Related Legal Education:**

I would now like to share with you some recent initiatives on the part of Indian law teachers to project in the curriculum the social justice mission of legal education. They are still isolated experiments seeking to take centre stage in professional schools.

The first set of experiments which got into the mainstream legal education in this country is what is called the Integrated LL.B. programme which happened in the 1990s beginning with the National Law School experience. There are three aspects which warrant our attention in this integrated programme of legal education:

- (1) It attempts to integrate legal studies with social reality, social problems and ideas of justice in the diverse communities served by law and legal institutions. It does so by a curriculum which enables the study of law subjects in conjunction with other subjects exploring social problems and social relations. The study materials contain materials from so-called non-law subjects and disciplines. The idea is law must be brought closer to life for the learner to know what law does or does not perform in society.
- (2) Secondly, the integrated LL.B. programme seeks to question the justice content and concerns of the law by adopting clinical methodologies and activities within and outside the law schools. Projects and internships play a crucial role in this regard. By so questioning the students develop certain attitudinal characteristics that even when he deals with a private dispute he does not forget the larger picture of law in society.
- (3) Thirdly, the programme attempts to look at the impact of law in development and what law does in constitutional governance under rule of law. This takes the law school to interrogate the role of lawyers in social justice, economic development, democratic governance, peace and harmony amidst diversities.

I will give a more recent initiative which is still in the drawing board and hopefully will get implemented in some law schools located in some of the backward areas of the country. We call it a Legal Education Programme to service the Justice Needs of the Rural and Tribal Communities.

Let me explain the context of introducing the experiment.

India is largely dominated by rural and tribal communities, a substantial segment of whom are living below what we called the "Poverty Line". Their legal needs are related to education, health, housing, employment, livelihood, and freedom from atrocities and exploitation. They enjoy the same rights as the Urban Middle Class, but they neither know of their rights nor have capacity to access justice systems easily accessible to upper and middle classes. There are many affirmative action programmes which the Central, State and Local Governments are implementing for their benefit; but the benefits do not reach them and they are at the mercy of officials supposed to be working for them.

Court-centric litigation is neither useful nor desirable for accessing justice for these communities because of the cost, delay and uncertainty in litigative processes. Conventional lawyers know mainly to employ only litigative actions. Conventional lawyers do not practice in rural areas either. They want litigants to bring evidence of their claims. They do not understand the justice needs of the rural poor which are survival needs. Conventional lawyers expect these poor and marginalized people to pay the costs either themselves or through legal aid. The contingency fee system is not allowed under the Bar Council of India Rules.

The result is denial of justice to a large section of Indian humanity living in rural and tribal areas of the country who turn to militancy and organized violence to get basic needs fulfilled. Informal systems of justice which exist in rural areas are arbitrary and caste-based.

What is the role and responsibility of Legal Education in this context? The present position is just to ignore them and wait for the day when they get educated, urbanized and develop capacities to access formal justice system!

Of course, law schools cannot solve all the problems of the poor or eradicate conditions of poverty. But can it produce legal services providers who understand these problems, can adopt non-litigative justice remedies in fighting for the poor, organize an alternate model of legal practice in rural areas accessible to the rural poor at affordable prices? Most of the problems require intervention before administrative bodies, regulatory agencies, public service providers and the like and the approach is conciliatory and not adversarial.

These are questions which agitated few law teachers who after a great deal of deliberation worked out an alternative LL.B. programme, some features of which I want to highlight before this distinguished assembly of legal educators from across the globe. And this is inspired by GAJE philosophy and agenda for change.

We started with the question what are the objects of legal education in the context of poverty and marginalization? Our answer focused on three propositions:

- (1) People should be the focus of legal education – not merely State and Markets.
- (2) Justice should be the abiding concern; which takes us not just study of Rules but actual delivery of public services.
- (3) Legal education should compel legal services providers to explore constantly issues of professional identity and interrogate meaning of what they do. Lawyers should be made to reflect on their work as lawyers and this should begin from the law school. Then only they will appreciate the philosophy behind the practice of law in developing countries.

While focusing on the above goals, we realized that the law school curriculum is highly individualistic; the law student is being trained on manipulative skills to win cases rather than to produce justice outcomes. Law schools even kept out consciously the justice agenda from our curricular and pedagogic choices.

Prof. Upendra Baxi, one of our leading educationist in his essay on Law and Unmet Social Needs quoting Julius Stone wrote: “... *the tasks of law, politics and state in time spaces of the post colonial context lie not just in responding to social demands but rather in provoking the articulation of social demands. Unfortunately this demand formation triggered by state, politics and law has ended up only creating and nurturing wants and desires of the middle class failing fully to attend to the experienced basic needs of the worst off impoverished Indian humanity*”.

Law education, unlike other areas of higher education, Ladies & Gentlemen, cannot be a private good only. It cannot solely be directed to the needs of a market economy. The public good dimension of legal education must find place in the law curriculum particularly of developing countries if it is to be fair and sustainable. This is what the Alternative LL.B. curriculum is seeking to achieve. It should address the new set of knowledges and skills that practitioners in rural and tribal communities should possess. What sort of a curriculum and pedagogy can respond to those challenges? Should law schools be playing “role in helping its graduates develop their initial years of practice in rural and tribal areas? Can we ask the urban corporate law firms to assist the process as part of their corporate social responsibility? Pro bono work will not help as the knowledge, skills and attitudes have to be different from what the corporate lawyer or the litigation lawyer possess.



In other words, we need a new breed of lawyers or legal services providers who are capable to identify the dynamics of injustice and unrest in society, forge new tools and techniques for preventing and remedying injustice not just to particular clients but to communities in general. The lawyer then becomes a social engineer constructing a justice delivery system which is sustainable in developing and under-developed economies, thereby reinforcing faith in rule of law.

I submit that the justice delivery system today with its adversarial legalism as the major tool is not sustainable in unequal societies where people do not have their basic needs met. It is a no win situation for the poor even if the laws are favourable to them. Manipulative advocacy in an adversarial model provide justice to those who have the capacity to hire the best of lawyers and who have the standing power to contest long drawn litigations. What is being canvassed is not to give up adversarial model altogether as it is useful in complex civil and criminal matters to produce fair outcomes. But for the problems of the common man in rural and tribal communities, what is required is an alternative model of advocacy for which the law schools have to reorient their curricular and pedagogic choices.

As the alternative model is not yet fully developed, I am not in a position to give you the details. But it will have an year long experiential learning in rural/tribal areas where the final year students in association with legal aid committees, local governments and non-governmental organizations and under supervision of lawyers and law professors, will actually involve themselves in delivery of services appropriate to the justice needs of the communities. They are expected to organize themselves as rural law firms on the lines of their urban counterparts providing single window services at no cost or at reasonable cost to the clients. In so doing they will be assisted by the urban law firms both organizationally and professionally. A network of such rural/tribal law firms will change the delivery of legal services in a manner appropriate to the needs of the people concerned.

Ladies and Gentlemen, GAJE should endeavour to change the style of lawyering to make justice accessible to all. It should provide a larger inclusive mission for law schools to make legal education purposeful to the people at large. Let us remind ourselves that Professions are for the People and not otherwise.

# Conference Report

This section summarizes conference activities organized by “streams” or topic areas. It includes either presentation summaries of what actually occurred or abstracts of proposals for sessions. It also includes links to power point presentations and other documents attached to summaries or proposal abstracts.

## Stream 1—Legal Empowerment and Economic Justice for Rural and Marginalized Communities

### Proposal Abstract

**Title:** *Legal Aid Clinic for Marginalized Sub-Saharan Migrants in Morocco: Challenges and Collaborations*

**Lead Presenter:** Karla McKanders

**Co-Presenter:** Maud Deprise

International collaborations between legal clinics and legal aid organizations focusing on the representation of marginalize migrant populations are proliferating. There are many commonalities in representing migrants in the international context. This panel will examine this type of collaboration in the context of a start-up legal aid project in Morocco. Specifically, in April 2013, at least five migrants drowned, trying to reach Spain from Morocco. This is a larger trend where mainly undocumented Sub-Saharan migrants off the coast of Morocco have died attempting to reach Europe. This incident raises issues as to the human rights of Sub-Saharan migrants in Morocco.

Morocco has historically been a country of migration. Its location on the border of Spain causes many Sub-Saharan migrants to attempt to transit through Morocco to gain access to the European Union. This presentation will address the issue of human rights concerns Sub-Saharan migrants face in Morocco, mainly attempting to obtain refugee status with the United Nations High Commissioner for Refugees. The panelists will detail their experiences teaching and attempting to establish a legal aid clinic for Sub-Saharan migrants attempting to gain refugee status.

The presentation will first give an overview of how Morocco’s legal system does not give any forms relief for undocumented migrants to legalize their status if they come to Morocco. Specifically, even though Morocco has ratified the Convention for the Protection of Refugees it does not have any implementing legislation to protect refugees and permit them to legalize their status. Secondly, the presentation raises the many human rights concerns that Sub-Saharan migrants who become stuck in Morocco while attempting to transit through Morocco face as the migratory status of a person can often be justification for the deprivation of human rights. Lastly, the presentation will address the obstacles and successes encountered in attempting to start a legal aid clinic to train young lawyers to represent of Sub-Saharan migrants before UNHCR. This raises issues of how a developing country should attempt to handle human rights concerns of a significant population of Sub-Saharan migrants living within their country and how the international community should respond to aid Morocco.

## Proposal Abstract

**Topic:** *Economic Development and Human Rights: The Case of Jaffa – Housing Development Amidst National Divides*

**Lead Presenter:** Neta Ziv

Over the past decade, legal and communal activities directed at promoting affordable housing have been carried out by the Housing, Community and Law Clinic (hereinafter the HCLC) at the Faculty of Law at Tel Aviv University. In the last year, we have joined forces with our Micro business and Economic Justice Clinic (MBEJC), as our projects involve community economic development as their core modus of operation. The project addresses housing and other needs of Jewish and Arab residents of Jaffa by combining strategies and input from different disciplines: law, community organizing, urban planning, real estate development and financing. For this purpose we cooperate with different departments at Tel Aviv University: The Faculty of Law, The School of Architecture, the Department of Sociology & Anthropology and the Film School. Students (doing their Bachelor of Masters degree) take part in the clinic. Faculty from three schools teaches in the clinic and is involved in the project.

**Links:**

[Neta Ziv Power Point Presentation](#)

## Proposal Abstract

**Title:** *Social Justice Through Social Entrepreneurship*

**Lead Presenter:** Susan Jones

**Co-Presenter:** Jonathan Ng

Social justice is being expanded through social entrepreneurship, a transformative process of using new ideas to solve social problems on a systematic level and on a large scale. Social entrepreneurs are individuals who are creative problem-solvers who instigate social, economic and/or environmental change creating double or triple bottom line impact. We propose an interactive panel of legal educators and NGO representatives engaged in social enterprise representation and advocacy. This panel will include a discussion of social enterprise as a means for social change and a presentation on the creation of a "Social Enterprise Clinical Support Collaborative" to represent Ashoka: Innovators for the Public, a leading global NGO that identifies and invests in leading social entrepreneurs. Three U.S. law school transactional legal clinics joined forces to collaborate with and represent Ashoka. These included the: (1) International Transactions Clinic at the University of Michigan Law School; (2) Small Business & Community Economic Development Clinic at The George Washington University Law School; and (3) Social Enterprise & Nonprofit Law Clinic at Georgetown University Law Center. In addition, we will explore ways to expand our collaboration to other countries.

Ashoka, founded by Bill Drayton in 1980 (and who is credited with popularizing the term "social entrepreneurship"), has more than three decades of expertise in the social entrepreneurship field. To date, Ashoka has funded and supported close to 3,000 leading social entrepreneurs across 76 countries. The goal of the collaboration between Ashoka and the law school clinics is to advance the development of the legal sector that supports social entrepreneurship. The Social Enterprise Clinical Support Collaborative uses a two-prong approach: (1) the three law school legal clinics collaborate to develop and share "best practices" for the sector through the production of legal toolkits and research that help Ashoka further its charitable mission; and (2) in turn, help support the growth of social entrepreneurship as a field. The clinics also provide Ashoka's leading social entrepreneurs with transactional and business legal support that help them launch and scale their social

enterprises. These social enterprises provide economic, social and environmental impact on the communities in which they operate. No single legal clinic could take on this work given the number of social entrepreneurs that Ashoka supports, and the type of support they each require. Social enterprise is a growing field that poses new legal challenges and requires innovative application of existing laws affecting social enterprises. Overall, transactional lawyers have an important role to play in facilitating the social enterprise movement. The clinics at Michigan, George Washington, and Georgetown engage law students in this multi-layered endeavor as they undertake legal representation, strategic planning, and advocacy on behalf of Ashoka and social enterprise clients in the U.S. and abroad.

### **Proposal Abstract**

**Title:** *Global Migration and the Rights of Immigrants*

**Lead Presenter:** Richard Boswell

**Co-Presenters:** Jose Garcia Anon, Withoon Taloodkum, Karen Musalo, Harbuzava Biarozka, Pilar Fernandez-Artiach

We are proposing a panel which we are still putting together. At this point we are focusing exclusively on issues involving immigration in several countries. One part of the program will focus on efforts within the selected countries for dealing with the legal problems faced by non-citizens who are within a country which is not their own. Included are the challenges faced by these non-citizens who are seeking recognition either in the form of outright citizenship or protection from persecution. The primary focus of the presentations will be about the role of clinics and NGO's in representing non-citizens as well as in having an impact on the laws protecting these vulnerable members of the community. Finally we are hoping to see what we can learn from each other individual efforts in our respective parts of the world.

### **Proposal Abstract**

**Title:** *Blocked by borders: Law Clinics in support of migrants*

**Lead Presenter:** Ulrich Stege

**Co-Presenters:** Maurizio Veglio, Enrica Rigo, Laura Bugatti, Jose Garcia Anon, Pilar Fernandez-Antiac

Migrants are facing borders continuously (in a wider sense) when they move from one country to another but also while staying in a country other than their home country. In many countries, Law Clinics dedicated to offer research and legal assistance for the benefit of migrants are playing an important role in order to emphasise the sensitisation of students as future professionals to the problems of social justice and to foster a sense of social responsibility. This session proposal aims at bringing together CLE realities from different countries and regions in the world in order to: discuss the role of legal clinics in the struggle of migrants contrasting borders (such as research, strategic litigation, legal consultancy and street lawyering), exchange experiences, discuss problems/challenges and develop cooperation.

This session seeks to:

- 1) Bring together key persons involved in Migration Law Clinics;
- 2) Map the status quo of existing CLE models for the benefit of migrants and learn from other experiences;
- 3) Discuss issues/challenges related to Migration Law Clinics practices especially within the following clinical models;

#### 4) Debate the possibilities of potential national or transnational cooperation

This session will cover:

- (1) Feeling the border: The session will be attached to concept of borders (indented in a wide sense, which also includes "internal" borders, such as migration detention centers or police and other administrative controls). With a short demonstration, the participants will experience what it means to be stuck by a border.
- (2) The main part of the session will then discuss the problems that borders bring to migrants and the role of legal clinics in the struggle of migrants contrasting those borders. The discussions will be introduced by the presentation of four "paradigmatic" cases, which portray different situations in which migrants' rights and claims are violated. The participants will then split up in the following four groups, which represent different models on how legal clinics can support the migrant's struggle to overcome the borders: a) Legal Advice Clinics, b) Street law Clinics c) Strategic Litigation Clinics and d) Practical Research Clinics. Each group will have to reflect on how the legal clinic could solve the "case" and what are the typical challenges for the specific model of law clinics.
- (3) At the end, one presenter of each group will present the findings to the entire group. In addition, a final discussion will take place, on the role of legal clinics within the field of migration in general and on how cooperation (national and transnational) within the existing CLE realities could be developed.

### **Proposal Abstract**

**Title:** *Including Economic Justice in a Social Justice Teaching Agenda*

**Lead Presenter:** Barbara Schatz

**Co-Presenter:** Susan Jones

This session will explore ways to teach students about justice through the lens of entrepreneurship and social entrepreneurship. Justice education must address practical solutions to increasing the incomes and capacities of those at the bottom end of the wealth pyramid. Assisting low-income people to build and sustain businesses holds promise for helping them to improve their standard of living and to play a fuller role in their societies. At the same time, entrepreneurial solutions to poverty have been criticized and must be carefully analyzed for practical and sustainable impact. This interactive session will include presenters from several countries who work with students to implement a variety of entrepreneurial models. The goals of the session will be to engage participants in thinking about (1) whether an entrepreneurship clinic would be feasible in their environment and whether it would be a useful vehicle for addressing poverty; and (2) best practices both for representing low-income entrepreneurs and for using the experience to raise issues of social and economic justice with students.

**Links:**

**[Including Economic Justice power point presentation](#)**

### Presentation Summary

**Title:** *Public Health Policy Development and Implementation: Incorporating Students into the Systemic Advocacy Process*

**Presenters:** Sylvia Caley, Associate Clinical Professor, Georgia State University College of Law and Mr. Krisada Jaikaewti, Lecturer in Law, University of Phayao

**Co-Presenter:** Withoon Taloodkum

Two examples of exposing law students to public health law and policy were presented: (1) involving students in the research, drafting, and legislative processes to address the morbidity and mortality issues related to motor vehicle accidents involving children too old for car seats but not old enough to safely be secured by seat belts and (2) investigating the role of law students play in the developing the law and policy related to mercy killing/euthanasia.

The most important aspect of the session was the reinforcement of the importance both to students and the community to learn by doing. The students involved learned about social problems in a practice setting in collaboration with community partners and applied legal skills, theory, and other tools to create solutions to solve the problems. Students engaged in the process of determining what should be the law and policy about specific topics and at the conclusion of the experience were able to assess whether justice was achieved. Those exposed to policy development during the law school experience appreciate the benefit to themselves and the community from working to address public health-related social problems.

The public health law questions addressed in the session were provocative, and the presenters received interesting and useful questions. Examples included: (1) why did you pick such a provocative topic; (2) what did you do to improve the law and/or policy; (3) how did students feel about/respond to the ethical dilemmas that surfaced from/through their work; (4) what are the precise teaching goals and management tools employed; and (5) how did your university respond to having students working to change the law. Participants stated that they appreciated learning about two concrete examples of providing experiential learning opportunities for students in the community and at the legislature.

Participants attending this session were from Asia, Eastern Europe, and northern Africa. All appeared interested in creating learning opportunities for their students that expanded real life exposure to problem-solving and provided useful service to their communities. Every community faces public policy challenges, and participants recognized the importance of preparing their law students to address policy issues. Issues of safety and end-of-life occur in all countries and communities. A worksheet outlining a process for policy development was distributed to participants and the presenters' PowerPoint slides were shared with participants attending the session.

### Links:

[Systemic Advocacy Exercise](#)



## **Presentation Summary**

**Title:** *Building Effective Community Partnerships and Creating Innovative Inter-professional Educational Collaborations*

### **Building Effective Community Partnerships and Creating Innovative Interprofessional Education Collaborations**

**Presenters:** Sylvia Caley, Georgia State University College of Law; Lisa Bliss, Georgia State University College of Law; Peggy Maisel, Florida International University College of Law; and Mary Anne Noone, LaTrobe University School of Law

Thirty-four participants from numerous countries and one of O.P. Jindal Global's resident puppies attended this interactive session that utilized small group work to demonstrate important building blocks in developing effective community partnerships. The session had three major aims: to explore the connection between legal and health issues; to introduce the concept of interdisciplinary collaboration; and to identify issues in building effective community partnerships and interprofessional collaborations. Participants engaged in two separate small group activities. First, those present were divided into groups and these groups were assigned a role as doctors, lawyers, or community workers/social workers. Each professional group was asked to address a fact scenario from the viewpoint of their assigned professional. The fact scenario involved a 6-month pregnant young married woman who is bleeding unexpectedly and she presents for help with a black eye and bruises on her neck. When asked about her injuries she states she fell down the stairs. This is not the first time this woman has sought assistance for injuries.

During the group work by professional type, participants surfaced the following issues: the importance of relationship and trust building; the need for support systems; the difficulty in asking important questions in a sensitive way; the critical need for education for patients; the importance of determining the cause of a problem and incorporating consultants in problem-solving. Each group acknowledged the important role each profession plays in dealing with justice issues, thus underscoring the need for collaboration. The point of the exercise was to demonstrate the value of collaboration in problem-solving.

Next, the groups were changed to create new interprofessional small groups each comprised of physicians, lawyers, and community workers/social workers and were tasked with developing proposals for funding in response to a request for proposals issued by a community funder seeking to address the social determinants of health, create community partnerships, and expand educational opportunities. The groups were very creative in their grant proposals; several excellent ideas were generated. Two examples include: "Impossible Dreams" to train social workers about housing, to improve the housing code, and to train students to serve clients on domestic violence and housing issues in a walk-in clinic; and developing a two-year project to address the under reporting of domestic violence by providing education to police, creating psychological supports for victims, and training physicians in the collection of forensic evidence

Participants shared helpful information on tools available to assist with creating effective collaborations and addressing domestic violence in particular. The presenters relied on a detailed outline to organize the workshop, a printed group exercise that included the fact pattern involving the injured young woman, and a fictitious grant proposal designed to create and fund the community collaboration.

#### **Links:**

[Caley Session Outline](#)

[Caley Group Exercise](#)

[Caley Funder Exercise](#)

## Proposal Abstract

**Title:** *Comparative overview of environmental law in correlation with justice education*

**Lead Presenter:** Martina Karatrajkova

Environment has always been and is still an inevitable part of existence of human beings and all the eco system. During the past centuries, environment was not the most important part of development of the political and social life in the countries all over the Globe. However, because of drastically changes in the climate, hazardous holocaust of the nature, consequences from the wars, industrial development and changed living conditions, people started to use various kinds of mechanisms to protect and cure the existing environmental problems.

In every civilized society, law is the biggest mechanisms for building a framework in which the states will operate and protect the system. Nowadays, environmental law is mechanism of defining duties and responsibilities of people, especially for industrial giants who are giving enormous impact on the environment and usually the damages caused are not repairable, or at least are repairable but after decades or centuries. Moreover, comparative environmental law is important in improvement the environment and health of people all over the Earth. Thus, with our presentation, we would like to give a deep insight in several countries that has highly developed and less developed environmental law. So far, we will give an overview how is the environmental law in USA, then in the region of Europe, with respective countries like Germany, Austria and Netherlands, then what is the situation in the Central and Eastern Europe, and what is happening in the Asian and African continent.

First we will discuss about legal frame and the environmental laws. After it, we would like to give some comparative overview of the environmental law as a subject at the law faculties, and is it and how much is that spread over the universities curriculum. As an inevitable part of environmental laws and impact over the national countries, we have the international organizations. For instance, here we can have a presentation of the Judicial Handbook of Environmental law written by United Nations Environmental Program, which is kind of soft law but is very influential.

For better understanding of the environmental law issues, we would like to put an accent of real cases from the legal practice which is in the field of environmental law. As one of the examples would be the case of Smelter Company and the legal suit brought in the name of the citizen in Veles, Republic of Macedonia. It is interesting to see the development of the legal case because it is settled in the transitional country which before that case has very low environmental standards and then it has changed with help of raising the people ecological awareness, and influential lobbying for enactment and amendments in the environmental law legislation. Advancing justice education is most successful by using the comparative approach and also by analyzing best practice from the legal practice. In the end of this session proposal, we would like to have interactive approach and to establish workshops which will be explained afterwards.

## Presentation Summary

**Title:** *Bringing Justice to Health Care through Legal Analysis and Film*

**Presenters:** Tamar Ezer, Judy Overall, Violeta Zopunyan,

The basis for this workshop was “human rights in patient care” (HRPC), a concept that provides a useful framework for addressing violations of human rights of patients and health care providers (often interrelated) – applying human rights principles to all stakeholders in the delivery of health care, while placing patients at the center. The human rights lens brings attention to the most vulnerable and socially excluded (people living with

HIV or who use drugs, Roma, LGBT, for example). It compliments medical ethics by bringing a focus on government accountability (rather than individual medical error), opportunity for redress and advocacy, and mobilization around justice concerns. The framework differs from the right to health, which is only one right, and focuses on the health care setting rather than underlying determinants of health.

A recently-developed network of HRPC advocates in eight countries of Eastern Europe and Central Asia provides legal representation and also has integrated HRPC into academic courses in legal, medical, and public health faculties. Complementing legal advocacy, the network produced a series of videos, each one related to a different HRPC issue affecting a different marginalized group. These can be used in teaching in addition to advocating for community mobilization. This workshop provided an introduction to HRPC and framing of the work within it, first by short, oral presentation and discussion and the handout of the HRPC factsheet (International/European Framework for Protection of Human Rights in Patient Care at <http://www.opensocietyfoundations.org/fact-sheets/international-european-framework-protection-human-rights-patient-care>).

Two presenters then described the situations in their countries, with subsequent question and answer periods and screening of advocacy videos filmed by their country teams. The Armenia video depicts the struggles of a cancer patient to obtain medication to be provided to certain patients by the government according to law. The other describes the high incidence in Georgia of people with Hepatitis C, the impact on their lives and families, the issues in obtaining treatment, and the urging of the Georgian government to fulfill its promise to strengthen the fight against the disease. Finally, there was a demonstration of the international website linking the websites of network teams (<http://health-rights.org>), including the Community of Practice (COP) developed by OSF for teachers of the HRPC courses and updated on an ongoing basis <http://cop.health-rights.org>.

Workshop participants identified one strength as the presentation of the scope and activities of the HRPC work itself, especially the videos. “Powerful” was used most to describe the videos in particular. One participant pointed out that it is important that each video focuses on one major issue and one individual (and family) impacted by it, which makes each problem and violation of rights easy to grasp. There was ample time for discussion, questions and answers, and suggestions; this was both valuable and useful. The combination of short oral presentation, adequate time and opportunity for discussion and questions, and follow-up videos showing the reality of the issues in everyday life is a method that can generalize to other cultures and legal contexts. Providing a live presentation of the online COP is another.

### **Proposal Abstract**

**Title:** *The Role of Justice Education in Promoting Community Engagement in Sustainable Development*

**Lead Presenter:** Christopher Simmonds

The United Nations Conference on Sustainable Development was held in Rio de Janeiro between 20 and 22 June 2012 and resulted in UN Resolution 66/288 in which the General Assembly of the United Nations renewed their “commitment to sustainable development and to ensuring the promotion of an economically, socially and environmentally sustainable future for our planet and for present and future generations”. In particular the General Assembly “[recognized] that opportunities for people to influence their lives and future, participate in decision-making and voice their concerns are fundamental for sustainable development”.

When the United Kingdom’s current government came into power in 2010 they committed themselves to removing the bureaucracy surrounding applications for development and to giving people more say in the development that takes place in their communities. Their reforms mirrored the UN’s commitment to sustainable development.

Examining an application for the development of 366 executive homes in the North East of England, this paper will consider whether the United Kingdom government has succeeded in giving people more say in development. It will outline the views of the local community about the development and the challenges that the community faced in raising its concerns through the application process. The paper will demonstrate how justice education and law clinics within Universities can help local people to have a voice in the process, highlighting the challenges and the benefits that can come with such work.

### Stream 3—Human Rights and Rule of Law

#### Proposal Abstract

**Title:** *Justice Education in the Middle East*

**Lead Presenter:** Sahar Maranlou

**Co-Presenters:** Setareh Saeedi Araghi, Seyed Masoud Norri, Hangama Anvari

Exploring justice education in the Middle East, this session will weave together three themes: legal education, justice, and their essentialist foundations for human rights and Rule of Law in the Middle East. All five presentations examine various aspects of these issues in the development of justice education in the region. Presenter #1's paper outlines the main challenges and reviews the role of the religion regarding justice education. Presenter #2 concentrates on legal education in Iran and new justice based initiatives. It presents a critical viewpoint in particular concerning clinical legal education. Presenter #3 's talk centers on justice education and the Rule of Law in Afghanistan and discusses limitations and opportunities for international players in this regard. Presenter #4 surveys clinical legal education in the selected countries and presenter #5 talks about all these issues in Palestine.

#### Proposal Abstract

**Title:** *The Northwestern Access to Health Project: An Interdisciplinary Approach to Health and Human Rights*

**Lead Presenter:** Juliet Sorensen

This session addresses how universities can maximize health as a human right in partnership with local communities around the world. The Northwestern Access to Health Project links faculty and students at Northwestern's law, business and medical schools with communities and NGOs in the developing world to conduct public health needs assessments and design sustainable interventions. An essential part of the assessments are interdisciplinary analyses of public health and human rights conducted by students in my health and human rights class.

The law students in HHR work with students from other disciplines on all aspects of the needs assessment, but especially focus on the extent to which human rights instruments provide for redress of the public health need in question. The practice model, therefore, is one of in-house counsel on social responsibility. The goals of the class are (1) to introduce students to a rights-based approach to health, (2) to explore the benefits of interdisciplinary teamwork when confronted with a multidimensional problem, and (3) to produce comprehensive assessments of public health situations for the Northwestern Access to Health Project. The teaching methods used in the class include lecture, dialogue, group work in and out of class, and supervision of the groups by the faculty members of the ATH team.

The ATH project is currently partnering with the communities of Bonga, Ethiopia, and Guaymate, the Dominican Republic. To focus on Ethiopia by way of example, at the start of the quarter, the class divided into multiple groups comprised of law, business and public health students. Each group then identified an area it would assess in relation to Bonga. The areas included maternal mortality, tuberculosis, vaccinations, and more. At the end of the quarter, the groups presented their assessments both in writing and orally to the faculty members of the ATH team. Finally, four law students representing different groups traveled to Bonga to further their analyses with an on-site assessment, visiting the district hospital and talking with health professionals, patients, and community leaders. Based on these assessments and input from the community of Bonga, ATH decided to address the high maternal mortality rate in the region by conducting an emergency obstetrics training for health care providers.

### **Proposal Abstract**

**Title:** *Advancing the Rule of Law Abroad: Critiquing the Critique*

**Lead Presenter:** Laurel Oates

In her recent book, *Advancing the Rule of Law Abroad: Next Generation Reform*, Rachel Kleinfeld argues that first generation rule of law projects, for example, projects that have focused on building courthouses, training judges and prosecutors, and enacting laws, have had little impact. Instead, Kleinfeld proposes a new approach, a top-down approach that focuses on the relationships between the state and the citizens of that state.

I plan to begin this session with a PowerPoint presentation in which I spend 15 to 20 minutes summarizing Kleinfeld's research and analysis. If the group has more than 10 or 15 participants, I will then divide the larger group into two or three smaller groups. If the group is smaller, I will join the group and moderate the discussion, making sure that everyone has an opportunity to participate in the discussion.

During the next 30 to 40 minutes I will ask the group(s) to consider some of the questions that Kleinfeld poses in Chapter 3 of the book.

1. Are rule of law projects "legitimate"? Is it legitimate for one country to intervene in the domestic affairs of another country, particularly when the country that is intervening has more power than the country being "assisted"?
2. Are rule of law projects a form of "cultural imperialism"? To what extent are we comfortable imposing western values on others?
3. To what extent do rule of law projects have as a primary purpose promoting the economic and security interests of the countries promoting the rule of law?

I will use the last 30 minutes to apply Kleinfeld's to a particular situation: Afghanistan, a country in which I have done some rule of law work and that I have studied. Most would agree that the rule of law projects that have been tried in Afghanistan have failed. It is not, however, clear whether the type of second generation projects that Kleinfeld suggests would have worked better and whether those in the West would have been able to accept the results that such projects might have produced.

## Proposal Abstract

**Title:** *Disability Rights Clinics: Forging New Paths*

**Lead Presenter:** Marguerite Angelari

The UN Convention on the Rights of Persons with Disabilities (CRPD) paves the way to a paradigm shift in the field of disability and provides a framework for developing innovative legal arguments. The CRPD is novel in expressly linking equality with specific positive obligations as a means to overcome the effect of exclusionary practices and achieve the state of full and effective participation and inclusion in society. CRPD implementation carries profound legal implications across a broad spectrum of rights, intersecting with other substantive fields of law and human rights. Understanding the concepts and tools enshrined in the CRPD provides an opportunity to enrich work not only in disability rights, but more broadly across general human rights work.

Recognizing the urgent need for training of the legal profession in order to take advantage of the innovations and opportunities offered by the CRPD, the Open Society Foundations (OSF) began developing disability rights clinics in 2012. Specifically, OSF sought to develop clinics that would provide legal representation to clients seeking to enforce one or more of the following rights under the CRPD: Article 12 (the right to be recognized as a person before the law), Article 13 (access to justice), Article 19 (the right to live in the community), Article 24 (right to education), and Article 29 (the right to political participation). In this session, clinicians from Zimbabwe, Colombia, and Peru will share experiences from their inaugural year.

## Proposal Abstract

**Title:** *Success of Grassroots Justice in Ukraine: case study*

**Lead Presenter:** Ivanna Ilchenko

Within my session I would inspire the participants with the great potential of legal empowerment as the practical way to help people on the ground. As a way of persuasion I would provide them with the successful experience of Ukrainian grassroots justice case study.

The session would contain two parts:

- (1) presentation of case study of Ukrainian grassroots justice, and
- (2) discussion of Legal empowerment's challenges in general and in Ukraine in particular.

Regarding part 1, Ukraine is the first post-communistic country of East Europe, after South Asia or African region countries, where legal empowerment ("LE") was supported. Despite the fact, that LE in Ukraine accounts just few years of experience, it shows incredible success and results. The Ukrainian case study is an inspiring example of successful experience of Human Rights NGOs cooperation with the State bodies. Admittedly, in contrast to LE cases of Indonesian or Africa, Ukrainian grassroots justice is highly different. Because Ukrainian legal empowerment is practically executing by the net of paralegals, law students and pro bono lawyers however based on the state-provided structure. This interaction started from Criminal Justice sector with the creation of the coordinating Center for legal aid providing within the Ministry of Justice . Obviously, Criminal justice is not enough in helping people on the ground and naturally the next step was taken in direction of legal empowerment of rural communities and disadvantage people . Thus, the biggest achievement of LE in Ukraine was settlement of the system of community law centers , with support of the OSF and UNDP. Currently, within the general scheme of free legal aid in Ukraine, there are 27 Community Law centers (CLC), next to the public defenders offices, 12 Helsinki HR offices. CLC provides consultation and



legal aid to the people in rural communities. The variety of cases is extensive, includes social benefits, family dispute resolution, land entitlement, health care , the possibility of micro-financing of the agriculture cooperation, for instance, the cooperation of rural individual producers of milk without mediators . In addition to the net of paralegals within the local NGOs, proper attention was paid to the promotion of pro bono activities (pro bono exchange has been created recently) and projects of street law and clinical education (Kyiv Mohyla academy legal clinic example).

Regarding part 2, we will discuss the most arguable modifications for the legal empowerment approach such as: (a) including of public interest litigation by the Community Law Centers, and (b) increasing the role of active civil society position in rural communities and disadvantage groups of people through representation in decision-making process, participation in public life, voicing their needs, reacting to discrimination etc. Justifications for these proposed modification will also be discussed.

### **Proposal Abstract**

**Title:** *Incorporating Freedom of Information Law Into the Work of Legal Clinics*

**Lead Presenter:** Marguerite Angelari

**Co-Presenters:** Raquel Yrgoyen, Ernest Ojukwu, Ramiro Ugarte

Freedom of Information (FOI) can be a valuable tool in the protection of many other rights. Criminal defense clinics may request statistical data that can be used for lobbying for students' access to pre-trial detainees and inmates (statistics show lack of access to lawyer) or as a reason to argue for improved system of release of pre-trial detainees (congestion problems) or even in a particular case to argue for the release of a person who has served longer than he or she would if sentenced. Statistics (e.g. number of people held in PTD for more than five years broken down by prison) can also be used to identify where the clinic should offer its services. Clinics working with women's and children's rights may benefit from information that helps them prove discrimination at work or in accessing education (e.g. information about average salaries of public employees broken down according to gender and school admission policy and procedure, answer-sheets and marks for entrance exams, list of students admitted and results of their entrance exams). Environmental law clinics may be interested in accessing information about the state of the environment (e.g. air and water quality) and environmental impact studies for construction projects.

Incorporating FOI into the work of legal clinics not only benefits the clinic by giving it a new tool, but is also an easy way to train students in the use of FOI law, have them submit requests on behalf of clients, and as such encourage the implementation of the law. If the clinic is interested in promoting the use of the FOI law, adding an FOI component to an existing clinic is much easier than setting up a new clinic focusing exclusively on the topic. Clinics have found that they can train students to use FOI law by devoting just a few hours of classroom instruction to FOI issues. This then enables clinic students to look at all of their cases through the FOI lense and how a case and/or client might benefit from this tool. This session will include a panel discussion with clinics that have incorporated FOI into their work on other rights from Peru, Nigeria, Russia, and Argentina. Following the panel discussion, attendees will be broken up into groups to identify how FOI law might be used in their own clinics. An FOI Toolkit recently developed by the Open Society Justice Initiative will also be presented during this session.

## Proposal Abstract

**Title:** *Improving capacity in public criminal defence services in a federation: Mexico and Nigeria Public defence services in criminal cases*

**Lead Presenter:** Guadalupe Barrena

**Co-Presenter:** Olugbenga Oke-Samuel

- A. Legal framework - Legal basis, national and international - Are there explicit rules concerning access to counsel? - When do defendants gain access to counsel? Who is responsible for making the first contact? - Consequences for failure to provide access to counsel? Procedural? Responsibilities? - Relevant observations on legal variations across subnational jurisdictions - Are there special provisions for people in vulnerable groups? (indigenous peoples, foreigners, juveniles, etc) - Are there any professional ethics standards?
- B. Relationship between federal and local services / authorities - Regulation? - Funding? - Supervision? - Training? - Ethics board? -Any form of collaboration?
- C. Information available on criminal defence services – caseload, management - infrastructure - budget - staffing - caseload - Appraisal (either based on first hand evidence or relevant reports / recommendations)
- D. Perspectives on reform - Are there any ongoing projects to reform defence services? - Are there Opportunities for University based law clinics? - Description – Appraisal
- E. Conclusions - Can Mexico and Nigeria benefit from learning lessons from each other?

## Proposal Abstract

**Title:** *Legal Clinics as Emerging Human Rights Actors at the Local and Global Levels*

**Lead Presenter:** Mutaz Qafisheh

**Co-Presenter:** Andrea Parra

The role of non-state actors in the field of human rights has become noticeable at the global level in the past two decades. Now NGOs, human rights commissions, companies, labor unions, professional associations, and lobbying groups are remarkably affecting the human rights machinery worldwide. However, most of these civil society bodies, mainly due to the lack of human resources, are working at the macro levels from the capitals or from major cities, leaving the majority of victims, particularly in the marginalized communities in remote areas, uncovered.

This paper argues that the potential for university legal clinics to advance human rights, at the micro/individual level, is unbound; due to the fact that students in legal clinics/law schools come from most or all parts of any given country. If these students are well trained to act as social/human rights activists, they may forge a breakthrough with regard to the notion of human rights protection locally. Creating inter-clinical networks may, in turn, affect the global human rights protection systems. The paper draws on the successful examples of clinical programs in selected countries (e.g. street law, legal awareness, human rights advocacy, recent human rights activities of specialized clinics at the universal level as well as human rights volunteering) to show that legal clinic may become the alternative towards the achievement of concrete realization of international human rights law and standards.

## Proposal Abstract

**Title:** *The use of a topical human rights issue to teach justice education: consumer credit*

**Lead Presenter:** Jonathan Campbell

I propose to demonstrate how a topical human rights issue can be utilised to teach justice education, whilst at the same time responding pro-actively to the needs of one's community. I will situate this discussion in consumer credit law, showing how a multi-faceted, holistic response to the dire consequences of exorbitant credit costs, whilst motivated by the advancement of economic justice, can also be incorporated into a clinical programme and context.

In South Africa the much-vaunted and progressive National Credit Act 34 of 2005 introduced a highly regulated framework for far-reaching consumer protection measures, but it failed to address the issue of the high cost of small credit. Objections to this economic injustice have been few, because ultimately those with an understanding of its ramifications are not personally impacted. There will be differences in other jurisdictions (with 'no interest' Islamic Law at one extreme end of the spectrum), but this problem appears to be an international phenomenon in free market economies.

A multi-faceted, holistic response is necessary to address such an issue at different levels in order to promote economic justice. At the same time we have the opportunity to educate students in the use of legal expertise to tackle the issue in numerous ways, including: (1) litigation for individual clients, providing important relief for clients and learning for students (this cannot be ignored);(2) strategic litigation (e.g. class action, or test case to challenge legislation, involving students in research etc);(3) advocacy for law reform (e.g. representations in parliament, with students present);(4) human rights education (e.g. pamphlets, press, radio, workshops) – opportunities for students to engage directly with communities 'on the ground';(5) teaching students about consumer credit issues and our response to them; and (6) formal research and publication which generates minimal involvement of students, yet informs and enriches our teaching, and is thus still important.

## Proposal Abstract

**Title:** *Remorse and Forgiveness in Criminal Justice Systems*

**Lead Presenter:** Latika Vashist

Ajmal Kasab, the lone surviving aggressor of the infamous 26/11 terror attacks on Mumbai was awarded death penalty by the Supreme Court of India. The primary reason given by the apex court while pronouncing the sentence and to categorize this case as the "rarest of rare", and thus worthy of death penalty, was because he failed to express any remorse. The President denied his mercy petition and he was executed in November, 2012 in complete secrecy. The execution of Kasab turned into a festivity by the mainstream media and the Indian masses now united in their victimhood, rejoiced the death of this "butcher". Diverse groups in the country witnessed a euphoric solidarity that brought them together. A heightened sentiment of retributive justice ran across the country and there was an injunction to join the celebration of hatred and denial of forgiveness- which seemed the only possible emotional responses.

This paper seeks to investigate into the sense of justice that Indian media and masses displayed as they celebrated not just the death of a human being but also death of imagination to arrest continuous cycles of violence. What is the relationship between Kasab's failure to express remorse and our failure to forgive? When should a victim forgive? When should we as a society decide to forgive? Is there is an inherent virtue in forgiveness that carries the potential to humanize justice? The paper attempts to read the event of Kasab's execution in order to locate the relevance and significance of emotions of remorse and forgiveness in the criminal justice system of contemporary times.

## Proposal Abstract

**Title:** *The Role of Constitutional Institutions in Advancing the Rule of Law and Protecting Human Rights*

**Lead presenter:** Kathy Govender

There is an indelible connection between respect for human rights and the rule of law. This paper assesses the efficacy of some of the constitutional institutions set up to safeguard and advance democracy and human rights in South Africa. A constitutional democracy functions optimally when adequate power is afforded to elected representatives on condition that the power is exercised in accordance with the rule of law. The paper emphasizes the importance of constitutional constraints on the exercise of public power such as the rule of law and the principle of legality.

The rule of law and respect for human rights depend heavily on the efficacy, independence and competence of these institutions. It is critical that the institutions themselves are developed and enhanced independent of the persons who occupy the highest office at these institutions. These propositions are then illustrated with reference to decided cases and recent events.

### Stream 4—Gender Justice, Equality, and Violence Against Women & Children

## Proposal Abstract

**Title:** *The Role of Law Clinics in Combating Trafficking in Persons*

**Lead Presenter:** Mohamed Mattar

**Co-Presenters:** Mayada Abdel-Kader, Essam Sanati, Lina Shabeeb

Trafficking in persons is an internationally recognized crime and a violation of international human rights. While most countries recognize it as a crime under national law, and afford victims of trafficking varying degrees of protection, laws remain poorly enforced and victims rarely obtain adequate access to justice, and consequently to protective benefits. Law clinics may be in a unique position to fill this gap, by working in cooperation with NGOs to identify victims and assist them in obtaining access to protective measures, as well as by engaging in advocacy work and generating recommendations for enhancing national laws; they can also raise awareness of victims' rights.

Trafficking in persons is a significant problem in the Middle East and North Africa (MENA) region. Of particular concern are the lack of adequate legislation and/or the lack of enforcement of existing legislation, low levels of public awareness of trafficking, and the reluctance of victims to come forward. The problem is especially grave in relation to the rights (or lack thereof) of migrant domestic workers, who fail to be recognized as victims by national laws in the region. Other forms of trafficking in the MENA region, not dissimilar from many other parts of the world include trafficking for the purposes of forced labor or forced marriage, child begging, and sexual exploitation. The most recent US Department of State Trafficking in Persons Report 2013 identifies countries in the region as being outside of full compliance with recognized standards of addressing the problem of trafficking.

The proposed session will focus on a discussion of the pioneering work of clinics in the MENA region in addressing the critical issue of trafficking as part of their clinical mandate. Clinics in Egypt, Qatar, Kuwait, and Oman are engaging their students in providing legal assistance to victims of trafficking, raising awareness of the issue, and developing legislative recommendations for improving rights protections for victims,

especially in the area of domestic service. However, because this area of work is new for most clinics in the region, the session is aimed at both introducing the work of these clinics to the GAJE community, and receiving input from colleagues and practitioners from other countries on improving victim identification, assistance and advocacy. Because trafficking is a transnational crime, generating cooperation between clinics around the world in working together across borders to assist victims of trafficking, and catalyzing greater engagement of law clinics around the world in addressing trafficking in persons as part of clinical projects, will serve as additional aims of the session.

### **Proposal Abstract**

**Title:** *Legal Literacy with regard to Transgendered people*

**Lead Presenters:** Subhram Rajkhowa, Dr Stuti Deka, and Sriparna Rajkhowa

Transgendered or people of the third sex or sex neutral people are found to be spread over the world though a guess as to their exact numbers are very difficult. Though they endure a very difficult existence for the wrong belief and prejudice that they have to live under. International human rights instruments speak of non discrimination and gender neutral laws and instruments while professing for human dignity, but in the process are often found to address men and women but not the transgenders. Likewise, the regional laws as well as the domestic laws of the countries treat them similarly. But the people in general have a tendency to look upon them from a different angle. More often than not they are shunned upon, all the more in traditional and conservative societies. A legal regime is often found wanting in their case, placing them in a despicable situation. Without any protective legislation they have to endure misgivings in leading a normal life in the society. They are confronted with discrimination practically in practically every sphere of life since many a times they are segregated and suffer the ignominy of not being considered for education, as well as being avoided in the social chores. This is found to be all the more in a country like India.

This session looks at various aspects in the social milieu in India and considers their plight under the existing legal regime. Though there is a realization, their plight by and large appears to be unmitigated due to the ad hoc manner in which it is being addressed. We feel that increasing legal literacy programmes can come a long way in addressing their plight. This can be achieved through a two pronged manner; firstly by recognizing that they are being placed in such a predicament not for any fault on their part; and secondly recognizing that they are as normal people as anyone else capable of enjoying human rights at par with others and should not be shunned by the society. Positive measures need to be taken to ensure through education and literacy programmes so that they are reintegrated into the society. Such literacy programmes should be tailored to assure them of non discrimination, rather integration, providing them with means of livelihood enabling them to take part through society as an integral part of it. Programmes should also aim at bringing about literacy among the general masses that they need to develop a spirit of brotherhood with transgenders and recognize and come forward in lending a helping hand in facilitating the process through action oriented interventions. The presentation intends to discuss case studies that have proved a success in integration through education and also explore ethical issues that confront transgenders and the general public. The role of legal educators will also be analysed if the proposal is favourably considered.

### **Proposal Abstract**

**Title:** *Lady Justice, the Law and Violence Against Women in South Africa*

**Lead Presenter:** Managay Reddi

“Lady Justice” is a symbol recognised the world over as the manifestation of justice. The earliest representation of this personification of justice was evident in ancient Rome which adopted the image of a

female goddess of justice known as Iustitia. This personification of justice as a woman has continued through the ages and in almost all civilisations. The irony of having the figurehead of a woman as the manifestation of justice cannot be lost on anyone familiar with the circumstances of women not just in South Africa but throughout the world and not just in this age but since time immemorial.

In South Africa, violence against women violates a number of the provisions of the Bill of Rights such as, among others, the right to equality; human dignity; life; freedom from public and private violence; privacy; freedom of association; and freedom of movement and residence.

The ineptness of the common law remedies in dealing with violence against women is legendary. Therefore, a simple reliance by the State on the common law remedies would be inadequate to meet its international law and constitutional obligations. The need for legal reform has therefore led parliament to promulgate a series of Acts oriented at improving the position of women under the law. From the nature of the various laws passed, it is clear that the South African legislature appears intent on fulfilling its obligations to prevent, punish and prosecute instances of violence against women. This intention is also reflected in some of the cases decided in our courts over the past few years.

Engaging with the South African law and the decisions of the South African courts in certain landmark decisions indicates that evidently, the law is not the problem. What is a problem is the lack of respect for women and their status as the equals of men in their entitlement to the enjoyment of every human right and freedom that exists. The culpability for this disrespect lies not at the door of men alone – women also share some responsibility for allowing this disrespect to be perpetuated against them.

My presentation will conclude with some philosophical reasons for the current inferior status of women in South African society, despite the excellent legal context in which this discrimination seems to be flourishing.

### **Proposal Abstract**

**Title:** *'Those Women Whose Defiance You Have Cause to Fear': Contextual Factors Affecting the Teaching, Learning and Advocacy About Issues of Domestic Abuse in non-Western Settings*

**Lead Presenter:** Stephen Rosenbaum

**Co-Presenters:** Mary Pat Treuhart, Sara Chandler, Muddu Yisito Kayinga

This session will explore the challenges in developing an experiential legal education program, with a focus on women and others subject to various forms of intimate partner physical, sexual, psychological and financial abuse. We will examine program settings in the Global South generally, in predominantly Muslim countries and in minority immigrant communities in Western societies. The session will also assist participants in problem-solving structural or substantive issues in their respective educational programs and advocacy services, including how the definitional scope of domestic violence can be affected by the cultural context (e.g., women subject to child bride marriages, honor killings and accusations of witchcraft).

In designing and executing needs assessment, law school instruction, outreach and delivery of services, the educators, lawyers and activists— in addition to addressing threshold concerns about taboo or sensitive topics outside a familial milieu—should pay particular attention to (1) religious teachings and authorities and (2) customary or tribal practices and authorities. With regard to immigrant communities, linguistic needs must also be addressed, as well as the role played by transplanted religion and customs. These concerns are as relevant in the internal classroom or clinic setting as they are in the external client and community setting.



The session's secondary focus is on the relationship between advisors (from the expatriate or dominant community/culture) and colleagues who are members of the local or immigrant communities. If there is participant interest, the session leaders will also examine (1) the establishment of experiential educational programs in law faculties with a heavy lecture and doctrinal tradition, (2) NGO partnerships with law school programs, (3) externship placements and supervision and/or other related topics suggested by participants.

The panel members will briefly present: (1) their particular experiences with educational program development and (2) observations and lessons learned about developing/maintaining clinics, externships or other educational programs.

**Links:**

[Gender, Violence, and the Power of Feelings in the Clinical Learning Process](#)  
[Truehart-Rosembaum Article](#)

**Proposal Abstract**

**Title:** *Improving Access to Justice Through Women's Courts*

**Lead Presenters:** Indira Pathak, Maya Sharma

**Co-Presenter:** Jane Aiken

This program will have three women, 2 from India and 1 from Nepal, who have spent their lives trying to develop access to justice for marginalized women. In India, Vikalp, an organization run by Indira Pathak and Maya Sharma, train marginalized women to be "judges" in women's courts and helps those courts function, in the open air, to help women dealing with difficult family and property issues. Sapana Pradhama Malla, was the representative for women in the Constitutional Assembly in Nepal. In that role, she struggled with creating a constitution that would ensure the rights of all women even the most marginalized. All of these women educate communities and use students to advance their activism. This session will both educate clinicians from all over the world about The Women's Courts and how to ensure their effectiveness through education and explore the role that law schools and law students can play in thinking about alternative means of dispute resolution in which communities ensure justice for themselves through creating their own "courts." These lessons are fundamental for people committed to justice.

**Proposal Abstract**

**Title:** *Law as a Means of Social Control of Gender or Racial Issues in Legal Education: Setting an Agenda for Action*

**Lead Presenter:** Omoyemen Lucia Odigie-Emmanuel

**Co-Presenters:** Valorie Vodjik, Chloryne Dewi, Dr. Ogugua V.C. Ikpeze

Gender justice advances the discussion on how women/girls and men/boys are seen, their different social positions and experiences, how their role in communities, institutions and society is understood and how to confront injustices against women (Sheerattan-Bisnauth ) In view of the recognition of law as an instrument of social control and the role and impact of law on economic and social development, it is imperative that the role of law schools move beyond filling students with knowledge about the law and the practice of the law to actual focus on building students with the right value to function as agents of social change since values are the building blocks of society. Law schools must play the needed role of equipping future generations of lawyers with a sense of value for gender justice, promote gender equality in the learning environment and incorporates a broad range of gender dimensions in teaching, and education including attention to fairness and equity.

The proposal for this session is to explore, articulate and document a guideline for use by law schools in educating lawyers for gender justice and practically mainstreaming a gender perspective into the value component of their curricula. This section will also include activities aimed at developing a framework for gender audit, global commitment and action.

### **Presentation Summary**

**Topic:** *Enhancing Child's Rights in Africa*

**Lead Presenter:** Onuora-Oguno Azubike

### **Beyond Nomenclature: Special Education or Inclusive Education: Advocating Quality Basic Education**

The session on “Enhancing the right of the African Right” dwelt on the use of education to empower the child. In speaking of the important nature of education, particular respect was paid to the education of person with disability. It further examined the challenges of contending with the concept of inclusive or special education and advocated for the need for quality education. It realised that the task of realising the right to education has not being without some challenges and criticism. The identified challenges were either institutional criticism or instructional criticism. Thus taking into consideration children with disability and their attendant right to education in Nigeria the session advanced the avoidance of the Current raging debate whether education should be inclusive or special. It emphasised that while the Convention of the Rights of People with Disability, specifically calls for inclusive education (article 24), the African Charter on Rights and Welfare of a Child (article 17) calls on State parties to ensure that ‘special measures are taken to promote self-reliance and participation in the community’. Thus it was argued that beyond terminologies it is important to pursue the realisation of quality basic education in Nigerian. Relying on global and regional laws it traced the core content of education and its objective and restates the importance of quality rather than terminology. To achieve this, the history of special education globally and inclusive education was restated; legal and policy frameworks of education of people with disability was also analysed with particular reference to Nigeria. Analysing the core concept and content of education as a human right the session concluded that Nigeria must take more pragmatic steps in ensuring the realisation of the right to education of any child-with learning disability or not. This it was advanced could be realised by engaging law clinics in issues of rights like the right to education.

#### **Links:**

[Onuora-Oguno Power Point Presentation](#)

<b>Stream 5—Legal Ethics, Professional Responsibility, and Promotion of Pro Bono</b>
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### **Proposal Abstract**

**Title:** *Promoting Pro Bono Among Lawyers and Law Students: Lessons to Learn from Experiences in Poland and the United States*

**Lead Presenters:** Paula Galowitz, Liubou Krasnitskaya, Susan Kay, Freda Grealay

This session will first discuss the newly enacted requirement in New York State of prospective lawyers having to spend 50 hours performing pro bono work in order to be admitted to practice law in New York State. As stated by the Chief Judge of New York State, who initiated this requirement: "The new pro bono service requirement for admission to the New York bar serves to address the state's urgent access to justice gap, at the same time helping prospective attorneys build valuable skills and imbuing in them the idea of working towards

the greater good." This mandatory requirement was announced in May 2012 and applies to all applicants for admission to practice bar in New York State after January 1, 2015.

In the session, we will then discuss different models of pro bono in many countries. Then we will use the session to brainstorm and explore various ideas to strengthen pro bono cultures, policies and practices and to implement expanded pro bono (in a variety of different forms) in other jurisdictions around the world.

**Links:**

**[Pro Bono Presentation Power Point](#)**

**Proposal Abstract**

**Title:** *The Law Reform and Access to Justice Clinical Model: Pretrial Criminal Justice and Civil Law Clinics*

**Lead Presenter:** Doug Colbert

**Co-Presenters:** Ernet Ojukwu, Marianne Artusio, Nasiru Mukhtar, Neil Pacmalan

Clinical faculty's professional obligation includes designing their clinical program so that students experience the deficiencies in a country's justice system and appreciate the lawyer's ethical role to take specific action to address them. Too often students' clinic experience is limited to the individual client; when asked about the quality of the justice system, they often swallow whole platitudes about "justice for all" and similar clichés. Clinical programs are ideally situated to expose students to the defects of a system of justice. It enables faculty to teach that enhancing access to justice and to a lawyer's zealous representation is an obligation of the profession and of each lawyer individually.

This panel urges faculty to develop students' awareness of the need for substantive and procedural improvements in the legal system. A well-structured clinic should call attention to existing deficiencies that deprive marginalized people of access to counsel and to equal justice when their most important rights are at stake. Clinics designed with a focus on access to justice should take advantage of students' experience in settings where they observe common deficiencies, recognize that these defects distort justice for disadvantaged populations, and can think broadly about needed changes.

Panelists specializing in criminal and civil law will introduce their experience with pretrial justice and civil clinics that highlight the benefits of a law reform and access to justice component of students' learning experience. In Pretrial Justice detention clinics, students' experience of representing individual clients held in jail awaiting trial exposes flaws and enables students to engage in projects that extend low-income people's access to justice. Projects range from proposed legislative and administrative rules changes to broad-based litigation strategies. They also included discrete tasks, such as gaining access to clients' criminal histories and extending lawyer and family visiting hours. Exposing students to systemic deficiencies in justice systems and allowing them to participate in law reform holds the promise that this generation of graduating students will fulfill the profession's objective of making counsel's effective representation available to all.

Presenters who teach civil clinics also will share their experience of teaching and supervising students engaged in the law reform, access to justice model. Presenters will explain the process of development of the clinic, its incorporation of activities addressing systemic abuses, and how imbuing awareness of the need for expanding access to justice is accomplished. The presenters will use interactive methods to engage the participants in designing an access to justice and law reform model program.

**Links:**

[Curriculum Lessons and Materials](#)

[Preparing Students to Embrace Pro Bono](#)

[University of Abuja Law Clinic Overview](#)

**Proposal Abstract**

**Title:** *A Model of the Intersection and Collaboration Between Pro Bono and Justice Education: Experiences in Southeast Asia*

**Lead Presenter:** Thip Nouansyvong

**Co-Presenter:** Nguyen Thi Thuy Linh

This session will focus on the development of pro-bono and justice education collaboration initiatives in a number of countries in development and transition in the Southeast Asia region including Vietnam, Laos, Myanmar and Thailand. It will initially start with defining what is meant, in very broad and flexible manner, what is meant by Pro-Bono in the Southeast Asia region. It will then go on to illustrate how the development of the legal profession, toward professionalism, includes a core component of the awareness of law students, lawyers, law lectures and professors to offer their free services to the society, especially to vulnerable and marginalized communities. Following this it will go on to show how the pro bono culture should be and actually is now in the early development in the Southeast Asia region. This will include a discussion about the 1st and 2nd SE Asia/Asia Pro Bono Conference and Workshop held in Laos and then Vietnam and how these events, and others have brought together representatives from education, private and public sectors – including key policy makers in the region as well as experts worldwide to come and share experiences of doing pro bono work.

The session will then go on to provide a potential model for others by showing how with the spread of Pro bono “seeds” and pro bono culture in the region, and the quick and effective way it has been done, can be applied elsewhere. This will include examples of collaborations among institutions and organizations, companies and firms, private and public sectors. There are real stories, examples about these types of collaboration and it is shown that it works. This will include the current “Pro Bono, Legal Ethics and Professional Responsibility Curriculum Development Project”. In this project, experienced pro bono lawyers from big law firms such as Herbert Smith Freehills and DLA Piper with a project coordinator shall together develop, teach/deliver a curriculum on Pro Bono, Legal Ethics and Professional Responsibility. Another example of how to cooperate and do pro bono while strengthening other legal skills and values is that there are many workshops, trainings have been going on to further develop legal profession in the region. Other examples will include While & Case law firm provided a training workshop on “Legal Drafting” for students of Faculty of Law and Political Science (FLP) Laos; Herbert Smith Freehills workshop on “Negotiation Skills” in Laos.

**Presentation Summary**

**Title:** *International and Domestic Funding, Philanthropy, and Justice-Related Education and Legal Reform*

**Co-Presenters:** Sanjay Agarwal, Pankaj Jain, Jane Schukoske, Mark Sidel

**Insights:**

The pace of introducing legal restrictions over international flow of charity funds has speeded up in the last decade, as compared to the previous three decades.



There is a manifest trend of metamorphosis of philanthropy into impact investing and social enterprise. This poses various ethical, moral, operational, strategic, legal and regulatory dilemmas, as this trend seeks to create something anew, without necessarily extinguishing anything old.

Philanthropy is becoming more business-like and businesses are becoming more philanthropic – this will pose a serious legislative challenge in terms of keeping the two separate for regulation and tax incentives.

#### Key points:

Some governments around the world are developing restrictions on the ability of NGOs to bring in donated foreign funding to support their work; developing caps on administrative expenses; codifying and implementing broad bans on the use of technology for political activities or other activities considered anti-government; and other restrictive tools.

India was the first to pass, in 1976, a Foreign Contribution Regulation Act (FCRA) which regulates Not-for-Profit Organizations (NPO) receiving foreign donations or grants. Amended in 2010, the Act provides for NPO registration prior to receiving foreign funding, an FCRA bank account, reporting requirements and prohibition of certain expenditures. “Foreign” includes an Indian company in which foreigners hold 50% or more of the shares. FCRA is beset with arbitrary and random application in terms of timelines, process, application and interpretation of the law; this often handicaps *bonafide* organizations looking to bring about the change that we all wish to see in the world.

The nonprofit sector responds to those restrictions by seeking to diversify and expand domestic funding and giving; diversify foreign funding; develop fee-for-service and other paid activities; develop commercial activities to serve nonprofit aims; working directly with government on the provision of social services; and other mechanisms. In India, new Corporate Social Responsibility (CSR) provisions in the Companies Act Section 135 may produce funding diversification.

Law schools should teach more about these regulatory issues to prepare lawyers for representation of NPOs, individuals and corporations engaging in transnational philanthropic or CSR activities. Constraints on NPOs can hurt people’s access to justice. The regulatory issues can be integrated into courses, continuing legal education programs, and lawyers’ conferences.

Audience questions focused on how these restrictions and responses play out in various countries, such as India and China; the need to continue and expand work with the NGO sector under sometimes difficult circumstances; whether, in light of restrictions on electronic media, an NPO can set up a website and bring out



documentaries; restrictions on Board composition of an NPO receiving funding from outside India; NPO clients of community development clinics working internationally face these issues.

**Handouts:** (Both are free on [www.AccountAid.net](http://www.AccountAid.net)):

*Accountable Handbook FCRA 2010*

Issue 106 of *AccountAble* on CSR and FCRA

**Links:**

[Schukoske philanthropy power point presentation](#)

### **Presentation Summary**

**Title:** Teaching Ethics Clinically Without Breaking the Bank

**Lead presenter:** Donald Nicolson

**Co-Presenter:** Sue Prince

Donald explored the advantages of teaching ethics clinically drawing on moral psychology and ethical theory. He then demonstrated how this can be done without huge expense by drawing upon his experience in running clinics which are primarily extra-curricular and run by the students themselves allowing in the case of his own clinic a membership of up to 200 students who remain members for anything from three to five years and thus have considerable opportunity to experience ethical dilemmas either in their own cases or those of other students they mentor. This led to a lively debate about the risks attached to giving students so much autonomy in handling their cases – worries to which Donald responded by pointing to the high success rate of his students' cases. Donald then went on to explain how in recent years he has sought to build on these raw experiences by developing an ethics class which introduces students to ethics and legal ethics literature in order to make sense of and learn from their experiences and very recently a Clinical LLB which integrates clinical cases and ethical reflection throughout the standard LLB curriculum. Donald then demonstrated one teaching method he uses by asking attendees to list their five most important moral values which lead to a discussion about the differences between virtues, ethical principles and ethical approaches, and the difference between private- and public-facing ethics. Finally, Donald ended the session by providing some evidence of the impact of clinical experience and ethics teaching on his students as found in their reflective diaries.

**Links:**

[Nicolson power point presentation](#)

### **Proposal Abstract**

**Title:** *Developing Sustainable Legal Clinics In Kenya: Lessons On Funding And Use Of Pro Bono Lawyers*

**Lead Presenter:** Helene F. K. Namisi

Clinical legal education has in recent times become an important component of most law school curricula around the world. For the first time since independence in 1963, a Task Force was set up in 2005 to carry out a comprehensive appraisal of legal training with the aim modernizing the legal education curricula in Kenya. One of the recommendations of the Committee was the teaching of courses in a practical manner, noting the international [best] practice that a 'properly planned and integrated education system of education should have both a broad based theoretical segment and a vocational segment for dispensing specific skills'. The need for clinical legal education has been echoed in the new Constitution where access to justice is enshrined in the



Bill of Rights, and in the Legal Aid Bill, 2012 which advocates for the use of clinical legal education as a vehicle to provide legal assistance to indigenous and disadvantaged people.

In Kenyan universities, attempts at establishing and sustaining clinical programs have been plagued by numerous operational challenges and despite the clear case for clinical legal education, this method of teaching is yet to be fully utilized. Lack of funds is a major concern, which needs to be addressed so that it does not become a crippling problem in the pursuit of such a noble ideal as producing professions better skilled and trained to make a wholesome contribution to society. The issue of large student-to-faculty ratios is also a concern for the few faculty members who are overworked and have little or no incentive to set up and sustain legal clinics.

### **Proposal Abstract**

**Title:** *Marketing pro bono to law students*

**Lead Presenter:** Paul McKeown

It is widely believed that the provision of pro bono programmes at law schools instil a pro bono ethos in students although much of this is based upon anecdotal evidence. Grimes and Musgrove (2006) state that by encouraging students to become involved in pro bono work at law school, it is likely to develop their commitment to, and understanding of, professional values, which should in turn lead to their active involvement in pro bono work later in their professional lives. There has been little empirical research on this subject. The reported empirical data appears not to support the anecdotal evidence. Granfield (2007:1379) states that half the respondents to his survey did not believe their law school experience made them more committed to doing pro bono work as a practising lawyer. Rhode (2003:454) reports that the most common objectives for law students were a desire for a financially rewarding and secure career as well as intellectual challenges. Rhode (2003:455) goes on to state that fewer than a third of respondents had changed their objectives during law school.

The paper is part of a wider research project considering the motivations of individuals and organisations for undertaking pro bono work. The bodies and groups which the presenter will be looking at include law students, lawyers, law firms and Higher Education Institutions at both undergraduate and postgraduate levels. This research will explore and evaluate why various individuals and organisations undertake pro bono work which will assist in promoting, enhancing and expanding pro bono in the future. This paper aims to examine the attitudes of students towards pro bono work and whether pro bono opportunities are marketed appropriately to students.

The paper is split into two parts. During the first part, the paper will draw upon the published research as well as data collected from undergraduate law students at Northumbria University to engage debate as to why law students undertake pro bono work whilst at law school. The second part of the paper will consider how law schools market pro bono opportunities to law students. The paper will seek to encourage debate as to whether capacity to undertake pro bono work can be increased by encouraging more students to engage in pro bono activity through better marketing.

#### **Links:**

**[Marketing Pro Bono Work to Law Students Power Point Presentation](#)**

## Proposal Abstract

**Title:** *The notions of ethics and morality - Ethics for Legal Professionals: A case study method*

**Lead Presenter:** Małgorzata Król

Over the recent years, the constantly growing number of legal faculties and students together with a high level of competition experienced in the legal services market, where services are often given outside professional corporations, have both triggered the necessity to raise ethics-related awareness and the ability to recognize proper ethical attitudes on the part of lawyers. The authors hope that there will soon come a time when courses in professional deontology will be included in compulsory curricula within legal studies in Poland, and that they will also be included in the programs of post-graduate legal trainings (legal internships). During legal studies, activities focused on academic legal counselling, such as training in legal clinics, provide, it seems, the most natural environment for relevant discussions. It is in legal clinics that students for the first time have the opportunity to face real legal problems of the clinic's clients and where they learn how to provide legal advice. It is here that they may also face problems related to legal ethics. At the same time, clinical practice enables students to encounter law and the legal environment in practice, which often includes active methods of instruction. Teaching legal ethics in all didactic forms and addressed to various groups of students provides an excellent environment for the use of such methods, which the authors would like to show in this book with the aim of encouraging their application. The handbook includes descriptions of many active teaching methods, which can be used in many different academic courses irrespective of their main topics. Method descriptions are enriched with readymade scenarios for relevant activities and supplemented with sets of legal facts, which may be used to create innumerable practice activities of different types.

## Presentation Summary

**Title:** *Putting Ethics into Practice: The Use of the Standardised Client Methodology to Teach and Assess Issues of Professional Ethics and Responsibility, and the Lawyering Role*

**Lead presenters:** Freda Grealy [FG], Rory O'Boyle [ROB]

To frame the case study under review, the session began with a brief introduction to methods of professional legal education in Ireland, focusing as it does on the apprenticeship model. Issues of professional identity and teaching professional responsibility were also reflected upon in the Irish context. ROB introduced some background research on solicitor communication skills which highlights both the importance of such skills from a client satisfaction perspective and also the fact that such skills are not necessarily developed in practice (hence the importance of teaching and assessing communication skills both at the pre and post-qualification stage of training). FG talked about theories of learning from the adult learners' perspective, who are identified as self-directed, internally motivated and want involvement. As a means of explaining the reasons for using simulated encounters that formed the basis of the case study, general theories of learning were also reviewed, with an emphasis on Edgar Dale's 'Cone of Learning' which identified that learners retain 90% of what they see and do.

ROB then introduced the case study under review, explaining the methodology adopted to train the standardised clients and the scripted role-play scenarios. The case study involved 23 trainee solicitors who were at the pre-qualification stage. The students were required to meet a client who was seeking advice on an ethical/regulatory issue. The 'client' was played by an solicitor who was trained in the standardised client methodology, namely trained to role-play the scenario in a standardised way and to assess and give feedback to students in a standardised manner. The focus of the case study was to analyse and critically assess using the simulated encounter as a means of teaching issues of ethics and regulation. Students were formally evaluated by

the SC on their performance and also given formative feedback immediately following the simulated encounter. All simulated encounters were recorded and students given access to their own performances.

After explaining the case study and to emphasise the importance of 'learning by doing', FG and ROB then asked participants in the session to role-play a modified version of the scenario used in the case study. Two sets of instructions were distributed to the group, one set of instructions for those playing the 'advising-solicitor' and one set of instructions to the 'clients'. The participants in the session were then given a few minutes to familiarise themselves with the script, following which they role-played the scenario. They were then asked for feedback/observations on the scenario and their perception of using such a methodology to teach issues of ethics/regulation.

The session concluded with a review of FG and ROB's finding from the case study, together with an analysis of future research goals which include a re-running of the case study involving a modified scenario incorporating advice/guidance received. FG and ROB also highlighted some practical concerns for future implementation, such as ensuring authenticity and the resource intensive nature of the methodology. Feedback from the floor included the comment that interviewing & advising clients is a skill that lawyers need to have and the absence of this skill can in itself comprise a breach of ethical standards.

**Links:**

[Role Play-Version A-the advising lawyer](#)

[Role Play-Version B-the client](#)

**Proposal Abstract**

**Title:** *Building Bridges: Clinical Legal Education and the Social Sector*

**Lead Presenter:** Swathi Sukumar

The principles of legal ethics that regulate the conduct of legal practice prescribe public responsibility, mandating lawyers to provide some legal services for the public good. Whilst law schools in India are producing an adequate number of corporate and litigating lawyers, there is a dearth of lawyers emerging from these schools who have a strong commitment to public service, in the form of pro bono legal work.

We believe that legal clinics in law schools are one of the best ways to engage students to meaningful pro bono activity. Successful legal clinics can play a vital role in producing socially responsible lawyers who aspire to render some legal services for the public good. Legal clinics are well established around the world but it is still a new phenomenon in India. The students need to understand the significance of pro bono work in the community and recognize the importance using their skills through legal clinics.

To achieve this purpose, it is imperative that legal clinics need to establish an institutional relationship with the social sector, which will enable civil society organizations (CSOs) to directly use the work of the clinics. Relationships between legal clinics and CSOs will enable the students to understand the practical impact of legal services rendered for the public good, and permit a greater level of identification with the legal issues that arise in social justice work.

The aim of our session is to promote systematic and organized pro bono work amongst law students through institutional relationships between law schools and CSOs, including through pro bono networks, such as i-Probono. i-Probono, which has a global outreach connects CSOs in need of legal assistance to lawyers and law students who want to contribute their skills to the public good. In India, i-Probono's focus is to institutionalise a culture of pro bono amongst the legal community so that CSOs can access legal support. i-Probono is already working with law students who sign up to the i-Probono network. We have matched research

projects with law students where lawyers guide and supervise the work of these students. However, having the law schools directly involved in the process will lead to more students working on pro bono projects.

#### Expected Outcomes:

- The students can acquire new skills and can improve on their existing skills.
- A bridge is created between the civil society sector and the law school community, which is mutually beneficial.
- They can try different practice areas of law and this can help them in deciding their career.
- While working on real cases with lawyers, the students learn greater professionalism and responsibility.
- Involvement in pro bono work helps the students to understand a lawyer's responsibility to the community and promotes social justice.
- It increases availability of free legal services to the underprivileged population.
- Greater awareness is created in the legal sector, and there is impetus for lawyers who have been part of law school clinic programs to involve themselves in pro bono and public interest work.

### Presentation Summary

**Title:** *Access to Justice: Building Expertise for the Legal Profession at Law Schools*



**Panelists:** **Jane Schukoske**, CEO, S.M. Sehgal Foundation, [jschukoske@gmail.com](mailto:jschukoske@gmail.com); **David Tushaus**, Prof., Missouri Western State University, [Tushaus@missouriwestern.edu](mailto:Tushaus@missouriwestern.edu); **Meher Dev**, B.A., LL.B (Hons.) '14 candidate, Jindal Global Law School, [meher.dev@jgu.edu.in](mailto:meher.dev@jgu.edu.in)

#### Session objectives:

This panel will discuss law school collaborations and NGO efforts designed to promote access to justice to disadvantaged communities and individuals. Key issues will include cross-cultural classroom and clinical courses, internships, research projects and professional development projects on this theme. Panelists will include representatives from the law school and NGO sectors.

After a brief introduction to frame the session, participants will divide into small groups to share experiences and identify legal resources (community awareness, manuals, websites, other) needed in their area. A reporter will recap key points from the discussion. Afterwards, the panelists will frame the issues and respond

to key issues raised by the audience from their perspectives, which include those of clinical professor, legal aid lawyer, NGO representative and law student.

Readings:

1. Good Rural Governance and Citizen Participation Clinic at Jindal Global Law School and the Cornell International Human Rights Clinic at Cornell Law School "*Promoting Clinical Legal Education in India: A Case Study of the Citizen Participation Clinic*". [http://www.gaje.org/wp-content/uploads/2012/09/Cor-JGLS-web\\_low.pdf](http://www.gaje.org/wp-content/uploads/2012/09/Cor-JGLS-web_low.pdf)
2. Prasad, M. R. K., *Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and the United States* (November 2005). NYLS Clinical Research Institute Paper No. 05/06-6; Vanderbilt Public Law Research Paper No. 05-39. Available at SSRN: <http://ssrn.com/abstract=839766> or <http://dx.doi.org/10.2139/ssrn.839766>
3. Schukoske and Vashist, *Achieving Socially Relevant Legal Education through Rural Legal Aid Clinics*, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2028939](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2028939)

**Links:**

[Schukoske power point presentation](#)

**Presentation Summary**

**Title:** *Coming to Realize Legal Ethics and Professional Responsibility Through Cooperation through NGOs*

**Lead Presenter:** Qiaoyan Huang

**Co-Presenter:** Dr. Stuti Deka

Yan set out in detail an interesting and extremely difficult dilemma faced by her Law Clinic who were working with a NGO to help some workers challenge draconian working conditions in a factory. The dilemma involved a difference between the NGO who wanted to pursue a particular course of action because it would have far-reaching consequences and the client group of workers who wanted to accept a solution which was in their short-term interests. Yan showed that there are never clear answers to these issues but that exposing students to them involves important ethical lessons which can help them develop a sense of professional responsibility and awareness of the ethical dimension to legal practice.

**Attachment:**

[Qiaoyan Huang power point presentation](#)

<b>Stream 6—Legal Literacy (Street Law, Legal Awareness and Citizen Participation)</b>
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**Proposal Abstract**

**Title:** *How do we get the right thing done?'*

**Lead Presenter:** Vivien Holmes

**Co-Presenter:** Margaret Rowe

‘How can we get the right thing done?’

This workshop will introduce participants to the Giving Voice To Values curriculum developed by Mary Gentile (Babson College US) and now being used extensively in different contexts around the globe – leadership, social entrepreneurship, sustainability, management, sports - in the private and public spheres. The GVV curriculum and extensive supporting resources are available free to educators, but at present few of these resources are targeted to legal education and practice. The presenters believe the curriculum has much to offer justice education, because it empowers people to move from knowing the right thing to do, to how we can get the right thing done.

The presenters will explain the concepts behind the GVV curriculum and invite participants to take on the role of a protagonist in a case study wondering how to accomplish his/her objective. Our case study will be based on a well known Australian case involving underfunding by a major corporation of a compensation fund for asbestosis sufferers and will focus on the role of the lawyers advising the company. Participants will be asked to assume the identity of one of the lawyers who wants to object to the company's plans. They will identify an ethical way forward, anticipate objections and how to respond to them and then (if time allows) test out these strategies.

This exercise will serve as an example of how the GVV techniques can be applied in legal education in any jurisdiction, for the purpose of students identifying and practising constructive strategies for implementing values driven decision making.

### **Proposal Abstract**

**Title:** *Legal Clinics: Street Law and Live Client*

**Lead Presenter:** Kivilcim Turanli Yucel

**Co-Presenters:** Kasim Akbas, Ayse Yurik

University students in Turkey can be thought as disadvantaged groups since most of them are alone in a new environment. They are not aware of their rights when they face a problem. It is planned to help students by training them about their rights and preparing them to certain legal problems. In addition to this aim in legal clinic courses we it is aimed to teach law properly. When it is considered that teaching is the best way to learn, street law is applied as a teaching method. Since Anadolu university is a beginner for legal clinics, in this presentation Anadolu University's experience will be shared with other participants.

### **Proposal Abstract**

**Title:** *The role of legal clinics in promoting human rights and activism*

**Lead Presenter:** Ruslan Masharau

**Co-Presenter:** Siarhei Salei

The session will present experience of introducing human rights education and civic engagement programs at street law sections of legal clinics in Belarus. Particularly, the session will discuss goals, content, methodology and technologies of such programs at three levels (training supervisors, training law students, and training high school students). It is also planned to discuss main problems and the effectiveness of presented programs.

### **Proposal Abstract**

**Title:** *Developing and Presenting an ‘Instant’ Street Law Mock Criminal Trial*

**Lead Presenter:** David McQuoid-Mason

**Co-Presenters:** Lindi Coetzee, Lloyd Lotz

The presentation will be a demonstration of how to create the facts for an ‘instant’ mock criminal trial in the classroom – as opposed to giving students the indictments and statements of the accused person and the various witnesses in a scripted mock trial. The presentation will also explain the different steps that are used to prepare up to 24 students in an adversarial mock trial or 32 students in an inquisitorial mock trial. The technique is used to train Street law students to prepare for and conduct mock trials with their target learners who may be high school learners, awaiting trial or juvenile prisoners or community groups. Street law mock trials are usually carefully scripted, but the ‘instant’ mock trial provides law students with valuable insights into the challenges witnesses experience when they seek to recall what they actually saw or heard in a court room environment.

### **Proposal Abstract**

**Title:** *The Status of Clinical Legal Education in Pakistan*

**Lead Presenter:** Kamran Arif

Law clinics are now in their second year of establishment in Pakistan. Open Society Justice Initiative set up clinics in Hazara, Lahore, Karachi, Peshawar, Quetta and is expanding its reach to Universities in places like Gujarat and Malakand. After an initial clinic design workshop in Lahore, law clinics were given the option of electing any of the models of a clinical program that best suited the particular needs of their student population. At Hazara University, they set up a Service Law Clinic that catered to University employees. Some chose the live client in-house model, but we quickly discovered the challenges of running that type of clinic in Pakistan.

Currently, we focus on Street Law Clinics, which have proved to be a particularly successful model in Pakistan. Law schools across the country focus on different issues of importance like the rights of juvenile prisoners, women’s rights and violence against women. We enjoy the support of the Pakistan Bar Council and are working closely with them to get accreditation for clinics. Students, all of whom volunteer their time, have had transformative experiences. They show a significant increase in confidence, a heightened interest in the subject matter of their clinic and a commitment to devoting themselves to public interest lawyering. Clinic Directors will be presenting in this session.

### **Proposal Abstract**

**Title:** *Taking Freedom of Information to the Streets—A New Wave in Nigeria*

**Lead Presenter:** Amari Omaka

For over one decade, Nigerian human rights and civil rights activists had clamored to give Nigerians right to freedom of information. All these years, it was a battle that appeared invincible. However, in May 28, 2011, history was made when President Goodluck Jonathan signed the Freedom of Information Bill into law. Nigeria became only the second country in West Africa and one of the few countries in sub-Saharan Africa to have a freedom of information Act (FoI Act), giving Nigerians the power to ask questions on the use of her enormous resources and power to unearth hitherto hidden facts on governance. The Network University Legal



Aid Institutions (NULAI-Nigeria) galvanized the capacity of about 10 university-based law clinics to join the league of Nigerian civil society groups to sensitise ordinary Nigerians to know and use the Act as a tool to battle corruption and hold officials and institutions accountable.

EBSU Law Clinic, which I direct, is one of the law clinics that have been painting the streets red to enlighten Nigerians through her street law programme. Why use law clinics to carry out this citizenship education? This is because it is cheaper, more effective and promises more national coverage of the large expanse of both urban and rural Nigeria. Hence, making it less cumbersome to reach the over 160 million Nigerians on the importance of the FoI Act. We conduct legal empowerment programmes to enable Nigerians ask questions on use of public fund and constituency projects by politicians. We utilise other recent legislations such Public Procurement Act, Fiscal Responsibility Act, Extractive Industries Act, inter alia, that has similar public accountability provisions to achieve our goal. Our law clinics are already creating new units to consolidate her FoI awareness outreaches. Our presentation is based on this Nigerian effort at publicising the new FoI Act through law clinic street law activities. It is aimed at discussing these programmes and show-case how our law faculty has integrated FoI Act into existing courses like Human Rights and Constitutional Law in both her graduate and postgraduate programmes. The session promises to be interactive. We are still looking for collaborators across other geographical locations to share their country experiences. We welcome suggestions/ideas from GAJE/members.

## Stream 7—ADR and Informal Justice Systems

### Presentation Summary

**Title:** *Legal Education, Low Income Communities, and Informal Justice*

**Co-Presenters:** Robert Robinson, Jane C. Murphy, and Lydia Nussbaum

This presentation contrasted “formal justice” with “informal justice” (primarily mediation) in terms of the degree to which these distinct processes can enhance the quality of dispute resolution within low-income communities. The panel also explored the role that law school clinics can play in offering students an opportunity to work within such informal dispute resolution processes. The presentation included a detailed discussion of two programs at two American law schools in which law students are involved in mediating disputes that arise within low-income communities. Among the conclusions drawn was that informal justice can provide an alternative to what may be a powerful “official” formal justice process – a process that may be inaccessible or biased against low-income residents. Presenters also noted risks to both participants and the justice system that flow from informal dispute resolution methods like mediation.

Participants shared how notions of formal and informal justice would play out differently based on cultural norms. For example, one participant observed that the term “informal justice” would be derogatory in certain cultures. This would be because “informal” justice would be dismissed as not fair or sophisticated, and thus inferior to a systemized, formal process. Others pointed out that non-state run community or tribal run dispute resolution systems that may have been in place for hundreds of years would not be considered “informal.” Another insight was that “informal” systems might reflect and actualize biases that exist within local cultures, such as those based on gender or ethnic differences. It is possible in some contexts, then, that formal adjudication would have greater potential to promote social justice, and thus working to reform and enhance those systems would be the best way to enhance dispute resolution among otherwise disenfranchised populations.



Other attendees, however, noted that informal justice would have great value because of its greater sensitivity to local norms and cultures, which a formal system – often established through a central government that is distant geographically and culturally – might not have. Moreover, the idea of using law students to participate in informal processes would facilitate empowering local populations outside official centers of power. Doing so, however, would require establishing clinics at law schools which may have limited resources that may not permit, among other things, the low student faculty ratios required for clinical courses.

Power point slides were included in the presentation and they are available and a number of participants noted they that were particularly useful as a means to conceptualize and implement clinics engaged in informal justice. Syllabi and other materials for the courses and clinics at the University of Baltimore and the University of Nevada at Las Vegas are also available by emailing us.

**Links:**

[Murphy Nussbaum Robinson power point presentation](#)

**Proposal Abstract**

**Title:** *Ethics in ADR as the ethics of the ADR professionals*

**Lead Presenter:** Ilija Manasiev

This proposal is about ethics of the professionals and in the procedures that are done as a part of Alternative Dispute Resolution, as a form of out of court settlement. I would like to focus here on Mediation, Arbitration, and Negotiation as a part of ADR. It is very important for the Legal system where ADR has been adopted that the people working and involved in these positions, have to be ethical in their reasoning. ADR is not influenced by the Courts, and therefore it is only individuals that are concerned with individual moral, knowledge and various ethical codes.

This session is aimed toward a presentation of ethical issues in various countries, as well as presenting of ethical codes of various countries, where mediation is a form of ADR. Selected participants would be advised to stress not only their problems in various ethical issues but also to propose more and new solutions for a more justified and ethical professional standard. Some of the questions that arise from this panel would be: the influence of the religion in morals and ethics of ADR in different countries. As a part of this session also would be considered of making a network of professionals of this field, that could follow their activities after the end of the conference, in spreading the knowledge gained at the conference in India. Every participant should present a paper max 13 minutes, and be a part of the discussion after the paper concerning his/her interest.

**Presentation Summary**

**Title:** *New Initiatives in Justice Education: Lessons from the Judicial Process of Palace Courts' Trials in Ekpoma and Uromi, Nigeria*

**Lead presenter:** Roseline O. Ehiemua, Esq.

In a nutshell, this presentation detailed the procedure, activity, and various methods of dispensing justice in traditional palace courts in Nigeria, using Ekpoma and Uromi, two semi-urban towns in Nigeria, as case studies. We argued that this is another kind of informal justice system, which the post-colonial westernized African judicial system can learn from; and that, the lessons are useful in formulating new initiatives in justice education.

The essential thesis of our presentation is that, in Nigeria as well as in the rest of Africa or anywhere else in the world where access to justice is becoming unaffordable for the rural and urban poor, there are a lot of benefits that can be derived from the collaboration between this kind of native justice system and the formal one empowered by the state. Such benefits include: decongesting the regular courts, speedy trial, quick access to justice, openness of litigants in a less formal environment, reduction in the cost of justice, etc.

The discoveries, observations, perceptions, criticisms against this system and pathways to enhancing access to justice through this kind of informal system, constitute the content of the following important sub-headings of our paper, namely: Traditional Judicial Systems in Nigeria – a Historical Perspective; Selected Palace Court Cases and Justice dispensation in Ekpoma and Uromi; New Initiatives and Lessons from Palace Courts' Trials; Criticisms of Nigeria's Traditional Judicial Systems; and Traditional Palace Courts as New Directions for Justice Education.

The presentation employed both power point and a 15 minute video presentation of palace court proceedings in the locality under reference. The final Lessons are: (1) The local natives' acceptance and use of palace court arbitration in Nigeria and Africa at the grassroots level, under no compulsion, validate them as viable and effective mechanisms of informal justice system; (2) The new tasks of justice education should include the propagation of the merits of this form of informal justice system and inspire legal and judicial reforms to address the crudity of some of its methods in order to make this traditional arbitration medium gain wider acceptance and recognition; and (3) Another lesson is that traditional arbitration institutions in many societies in the world will never die because a very significant population at the grassroots identifies more with it than with the modern or western legacy of justice delivery; and the grassroots rely on them to preserve their culture and customs.

**Links:**

[Ehiemua power point presentation](#)

<b>Stream 8—New Initiatives in Justice Education</b>
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**Proposal Abstract**

**Title:** *Using simulations and mock trials in Clinical Legal Education to change the attitude and instil ethics and a social justice commitment in students.*

**Lead Presenter:** Abraham Klaasen

An interactive workshop is proposed with the goal of sharing ideas, teaching materials and exercises and exploring new ideas for promoting justice education through existing structures and curriculum.

This session will start with a DVD showing students at the North West University, South Africa participating in a mock trial. Feedback will be given on hosting a South African, National Mock Trial Competition for three years. The results will be analysed and discussed with the participants and discussions will be held about the areas where the students performed well and in what areas they struggled.

A workshop will then be facilitated where the following questions will be explored:

- (1) Understanding the teaching methodology;
- (2) Technical resources and preparations needed to make these teaching methods effective;

- (3) Advantages and disadvantages of these methods;
- (4) Creativity; and
- (5) What are the limitations of using this methodology and possible solutions.

### Presentation Summary

**Title:** *Cross cultural explorations of empathy and its roles in global commitments and connections advancing justice education*

**Co-presenters:** Donald C. and Martha M. Peters



A very engaged group of 42 conferees participated extensively in this presentation. Its many interactive units generated such robust engagement levels that it was difficult to bring participants back from introductions, emotional vocabulary building, and cross-cultural experience sharing events. Interactions revealed substantial understanding of what empathy is and western approaches for expressing it. A vocabulary building small group discussion demonstrated impressive participant skills identifying synonyms for basic emotions that reflected varying degrees of experiences and expressions.

Interactions confirmed two central presentation points. One, basic emotions including fear, anger, sadness, disgust, joy, and surprise are universal and experienced by all humans regardless of culture. Two, socially learned, often culturally linked, rules influence displaying emotion affecting issues such as who can show which emotion to whom and when they can do so.

Valuable examples of emotional display rules shared included: (1) woman from Southern Africa country said she was not permitted to raise her voice when experiencing and expressing anger toward her father; and (2) it is not uncommon in Thailand for persons to respond to strong emotional communications with laughter. Follow-up discussion suggested that the laughter was of a nervous, “I’m not sure how to respond” variety, and that this response was also common in Laos.

A pair-share exercise generated valuable examples of surprises and challenges experienced expressing empathy cross-culturally. One participant shared that she found empathizing very challenging when, working in a Southeast Asian country on intimate partner violence issues, she was told by the head of the local Domestic Rights Center proudly explained, “It’s not domestic violence unless it produces bleeding.” Another participant shared his surprise when told by his wife’s family that “she won’t take you seriously unless you hit her.”

More work needs to be done to answer difficult questions raised regarding how to empathize when persons appear to be inhibiting expression of strong emotions. General agreement accompanied our suggestions to use silence more; condition empathy statements with acknowledgements of no intention to invade privacy, cause face loss and embarrassment, imply weakness; and use qualifiers.

Excellent audience questions worthy of future development included: (1) how do you teach empathy; and (2) how to you go deeper than superficial explorations of this topic and its related skills. A Nigerian clinician's request for suggestions for handling a male student strongly opposed to gay rights who was appointed to represent a homosexual client seeking to challenge government restrictions on his liberties based on his sexual orientation generated extensive audience responses. Two very useful ideas were: (1) anticipate and educate regarding these types of issues in advance; and (2) find something positive to focus on, adapting what the lawyer did in the clip from the movie Philadelphia screened during the presentation. We suggested to this clinician afterwards that she write this up as a role play and she responded, "I already have."

**Links:**

[Peters' power point presentation](#)

### **Presentation Summary**

**Title:** *Advancing Global and Local Justice by Teaching Interpersonal Competencies*

**Lead Presenter:** Marjorie Silver

**Co-Presenters:** Susan L. Brooks, Cynthia Adcock

This highly interactive session probed the importance of helping lawyers-to-be develop their self-awareness and communication skills, to both prepare them for relating effectively to clients and others, as well as to help them navigate the frequently stressful experience of law school. The approximately thirty attendees manifested a range of experience with, and inclination towards, explicitly addressing relational lawyering skills as part of legal education. The session began by polling the attendees, via anonymous feedback notes, what they hoped to get out of the session, as well as what they hoped to *not* experience. Susan Brooks explained that she uses this exercise to take the pulse of the class and to better understand their expectations. Marjorie Silver led the group in two minutes of mindfulness meditation, with which she begins each of her classes. A substantial majority of her students positively respond to this pause in their stressful lives, which neuroscience demonstrates improves concentration and alleviates stress and depression. Attendees were then asked to interview each other, obtaining answers to a given set of questions (see attached PowerPoint). Silver uses this in the first class of her Civil Externship seminar after which she asks each student to introduce the person they interviewed. The purpose of this exercise is (1) to generate familiarity and increase the comfort level among the class and (2) to demonstrate the importance of careful listening and reporting.

Susan addressed the importance of teaching emotionally competent communication skills, noting that the way we model such competence for our students has a direct impact on their own professional identity development. She emphasized as well the importance of enhanced communication skills in doing social justice work. Susan also discussed her positive experience in teaching a dedicated course she innovated, *Communicating for Success*, and shared some of the teaching methods she employs to enhance her students' interpersonal competencies.

Cindy Adcock discussed the rather unique mandatory training on Emotional Intelligence she leads at her school for all staff and faculty. The domains the course explores over a total of five days include Self-Awareness, Social Awareness, Self-Management and Relationship Management. A common reaction among the attendees was that such mandatory training would face substantial resistance and skepticism at their

institutions. Cindy explained that this “doubt,” common at her institution as well, was explicitly addressed during the training.

Marjorie highlighted some of the ways she integrates the teaching of intra- and inter-personal competencies in all of the courses she teaches, and showed a clip from the 1979 film, *Kramer v. Kramer*, in which a lawyer advises his client on a custody matter, showing no empathy and no interest in anything his client has to say, save what had immediate relevance to the likelihood of success in court. A simulated “corrected” version of a similar interview followed in which the lawyer demonstrates deep listening and compassion.

A lively discussion among those present followed, spilling over into teatime.

**Links:**

[Adcock et al power point presentation](#)

**Proposal Abstract**

**Title:** *Student-Initiated Clinics and pro bono projects in the U.S., France & Germany*

**Lead Presenter:** David Oppenheimer

**Co-Presenters:** Judith Bueschleb, Marie Mercat-Bruns, Ioana Tchoukleva, Carolin Niedlich

Law students are often the moving force in establishing law school clinics and pro bono projects, with faculty and administration sometimes racing to catch up to their students, and other times blocking their way. This panel will explore the dynamics of student and faculty collaboration on initiating clinics.

The panelists are students and faculty members from Berkeley Law (California), Sciences-Po Ecole de Droit (Paris), and Bucerius Law School (Hamburg). At Berkeley Law, the school’s largest clinic (the East Bay Community Law Center) and the school’s 19 current pro bono projects were all founded by students, with varying degrees of enthusiasm from the administration/faculty. The Berkeley student presenter founded two of the 19 pro bono projects, and the Berkeley faculty presenter oversees the Berkeley Law pro bono program, and previously directed Berkeley’s in-house employment discrimination clinic.

At Sciences-Po Paris, the law school’s new human rights clinic was established in response to a student proposal; three faculty members now spend part of their time working with them. The “Access to Justice” program stemmed from a preliminary study by students of the available public legal services programs, which was supervised by the faculty presenter. This student impetus led to the Sciences Po “Access to Justice” clinic through collaboration with two essential public organizations. This clinic is coordinated by the faculty presenter.

At Bucerius Law School in Hamburg students have established a law clinic focusing on immigration and social security law. The clinic was initiated by students and is led by a board of students, PhD students, and recent alumni, with the university and faculty providing scientific support and infrastructure. One of the presenters was the founding student leader of the clinic, and the other – a PhD student – participated in the founding of the clinic, and continues to serve as one of the clinic leaders.

The first 30 minutes will consist of 10-minute presentations by students and faculty members from each school. The next 45 minutes will be organized as a meeting between students and faculty at Imagine True Justice (ITJ) School of Law, in which a student proposal for a new clinic will be discussed. The final 15 minutes will be used by the panelists to summarize what they have learned from planning the session and leading the group discussion.



**Links:**

[Simulation for Student Initiated Clinics Panel](#)

**Proposal Abstract**

**Title:** *The Status of Clinical Legal Education in the Middle East: Developments Since 2011*

**Lead Presenter:** Mohamed Mattar

**Co-Presenters:** Mohammad Mahdi Meghdadi, Saif Al Rawahi, Lina Shabeeb, Omar Hourri, Seyedeh Fatemeh Hashemi, Boshra Sada Emami, Moshen Bolhasani, Mohammad Habbi Mojandeh

Clinical legal education has taken off in the Middle East. Over the past roughly two years, the number of clinics in the Middle East and North Africa (MENA) region has increased dramatically, with an impressive diversity of issues taken up by the emerging clinics, which reflect the human rights, rule of law, and access to justice challenges being faced by the region. Law clinics have been established at law faculties of universities in Afghanistan, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Oman, Pakistan, Palestine, Qatar, and the United Arab Emirates. In Egypt alone, eight law clinics are now operational, with an additional three with plans to establish them in the pipeline. Issues addressed by these clinics range from family law, to women's and children's rights, to trafficking in persons, to environmental law and consumer law, to refugee law, to labor law and criminal law. Clinics are engaged in both legal assistance and advocacy work. Additionally, the first of its kind in the region Business Clinic will become operational as of fall 2013 in Lebanon, with a focus on business law and corporate social responsibility. Two Regional Colloquia on Clinical Legal Education, the first organized in cooperation with GAJE (2012, Jordan), and the second with participation of GAJE practitioners (2013, Qatar), have been organized in the region, bringing together new clinicians and clinical administrators from throughout the region to share experiences, discuss challenges, and receive training on critical methodological considerations.

These are monumental developments for the region, which have the potential to make an important contribution to the promotion of human rights and the rule of law in the region during the volatile period of political upheaval and transition in many of the countries in the region following the events of the Arab Spring of 2011. However, many challenges remain. Despite some gains of the Arab Spring in the realm of democratic transformation, regional governments on the whole remain hostile to transformative change, and civil society continues to be viewed as a threat—advocacy work and the ability to reach out to some marginalized populations thus continues to be constrained. Additionally, the legacy of ex-cathedra style of teaching and passive reception by the students remains entrenched. Clinics face financial constraints and, in some cases, a continued lack of understanding of what the clinical method entails, and the roles and responsibilities of students in a clinical setting.

This session aims to assess the status of the clinical movement in the MENA region since 2011, evaluating developments since the panel session on “Recent Developments in Clinical Legal Education in the Middle East,” which took place at the 6th GAJE Worldwide Conference in Valencia, Spain, on July 13, 2013. The session likewise aims to introduce the growing cadre of clinicians from the MENA region and their work to the broader GAJE community and provide an opportunity to collectively identify the major impediments that clinicians are facing in their work in the region and to develop potential solutions. The session will likewise aim to share with the GAJE community some of the pioneering work of the MENA clinics and teaching innovations emerging from the region, including student-led drafting of model human rights legislation, cooperation between medical clinics and law clinics, and similar.

Representatives of clinics from Mofid University, Qom, Iran; Beirut Arab University, Beirut, Lebanon; Sultan Qaboos University, Muscat, Oman, and Qatar University, Doha, Qatar, will present in the session, which

will be facilitated by Professor Mohamed Mattar, Executive Director, The Protection Project at The Johns Hopkins University School of Advanced International Studies (SAIS), Washington, DC.

### **Proposal Abstract**

**Title:** *The role of (national and/or supranational) networks to enhance CLE*

**Lead Presenter:** Ulrich Stege

**Co-Presenters:** Marguerite Angelari, Filip Czernicki, Odinakaonye Lagi, Margaret Barry, Abdul Jamil, Panarairat Srichaiyarat

Law Clinics are present or developing in almost all regions of the world. This development has been supported by individual and motivated clinicians, by law schools and by national and international foundations. Another key role are playing national and/or supranational networks for Clinical Legal Education. These networks can be extremely helpful in bringing the rights persons together in order to promote, support and facilitate the creation of CLE programs in a country or across a specific region, as well as to facilitate information sharing on CLE, foster research on CLE, convene conferences, workshops and training sessions, and promoting collaboration between CLE programs and legal professionals. In addition, networks can be a helpful mean to create specific standards for CLE in order to ensure high quality and high level of innovation of clinical programs.

This session seeks to:

- (1) Bring together key persons interested or involved in the establishment or management of national and international networks for CLE;
- (2) Map the status quo of existing national and transnational networks for CLE worldwide;
- (3) Discuss the general usefulness of creating national and transnational networks;
- (4) Debate issues related to the creation/management of networks, like: Structure, Objectives, Proposed activities (websites/blogs, conferences, training etc.), Funding, Standards for CLE, Cooperation with other networks, etc.

This session could be structured in two parts:

- (1) Short presentation of existing national and transnational networks (like e.g. FUPP, CLEA, Indonesian CLE network, South-African CLE network, BABSEA, ENCLE, Middle East CLE network...) in order to map the actual situation of existing national and transnational networks.
- (2) Animated discussions (by using active methods of teaching - tbd) on specific issues on how a CLE network can be created/managed. This part of the session will be highly interactive and attendees will be encouraged to ask questions throughout the roundtable discussion.

This session aims to develop the following outcome:

- Demonstrating the different CLE network experiences worldwide;
- Creating awareness about the usefulness of CLE networks on the one side, but also discussing the challenges of the other side;
- Highlighting best practices related to the creation, structure and management of CLE networks;
- Creating a forum in order to help new CLE network initiatives to develop.

## **Presentation Summary of Combined Presentations**

**Title:** *Legal Aid Clinics in India and the United States—Service Learning and Social Justice; and Clinic Strategies to Improve Legal Education and Promote Social Justice*

This report is for the combined presentations “Legal Aid Clinics in India and the United States – Service learning and Social Justice” and “Clinic Strategies to Improve Legal Education and Promote Social Justice”. Presenters were Dr. Prakash Chandra Mishra, Faculty of Law, Institute of Chartered Financial Analysts of India, Dehradun; Kamal Yash Sahwal, Ph.D. candidate, Banaras Hindu University; Sumit Kapoor, LL.B. candidate, Banaras Hindu University; Professor David W. Tushaus, Missouri Western State University. We solicited audience participation continuously during the presentation. With so many knowledge able participants this enriched the information provided during the session.

Important topics discussed in the session included the need for assessment of clinics to see how well they are functioning. Regardless of how well clinics are functioning, assessment can be used to see how to improve clinics and to help raise funds to support clinics by showing clinic effectiveness in providing social justice and improving education. Also, volunteer clinics are less likely to have the resources and the same work ethic as clinics that carry credit.

We solicited audience participation continuously during the presentation. With so many knowledge able participants this enriched the information provided during the session. Important topics discussed in the session included the need for assessment of clinics to see how well they are functioning. Regardless of how well clinics are functioning, assessment can be used to see how to improve clinics and to help raise funds to support clinics by showing clinic effectiveness in providing social justice and improving education. Also, volunteer clinics are less likely to have the resources and the same work ethic as clinics that carry credit.

Clinics ideally play several roles. Most important, clinics must be a valuable educational experience for students. However, providing social justice is another important function of most clinics. Community education is a valuable role for clinics to play in meeting both educational and social justice functions. People need to know their rights before they can begin to assert them. In addition, community education does not raise issues of meeting deadlines or carrying on the work of the clinic during extended academic year breaks. In terms of clinic student learning and retention, community education is also a powerful tool. Studies show that retention of material is highest when students teach others. However, clinics that provide representation are also important tools for teaching.

We received some very positive feedback from the presentation. One participant is providing funding to Sumit Kapoor to go to Africa to present our survey findings. There were other invitations as well. We handed out our survey and asked members to either take it or provide feedback on it with the idea that this survey could be adapted for any country. This survey was uploaded to the GAJE website, as well as our main Powerpoint presentation and results of the survey given in India. One participant suggested that the instrument we used, and handed out to the participants to provide feedback, “is a highly valuable survey, worth undertaking in all GAJE countries, and comparing outcomes.” We tried to make it clear that we are interested in expanding the survey into other countries. The survey can be modified to meet the needs of each country. In addition to, or instead of, surveying clinic directors, other countries may want to develop surveys for clinic students and clients.

We need to assess the success of programs and where they can be strengthened. Surveys of clinic directors, or of clinic students and clients, can be valuable tools for determining the way forward.

### **Links:**

[Tushaus Draft Survey](#)

[Tushaus Power Point Presentation](#)

[Tushaus Questions for Discussion](#)



## Presentation Summary

**Title:** *Smart Governance*

**Lead presenter:** Ulyana Shtybel

The world civilization is not a state of being, but it's the developing process. The feeling of normality is defined by time, by place and by circumstance. We are perfect reflection of culture we live in. Recently during the anti-government protest in Ukraine one Russian journalist said: "This people have totally different feeling of freedom and that's why they can protect themselves". Economic inequality is the negative eternality of financial system and to achieve regulatory changes society has to switch the mindset of acceptance current financial system as normality.

Modern financial system in terms of plutocracy and globalisation is the perfect model of economic inequality – the global financial pyramid where 99% of world population is living in \$70 trillions economy (world GDP) and 1% of population is living \$1500 trillions economy, what is the derivatives market, 3 times bigger from crises in 2008. This market is too far from reality, from people and from investment in GDP and this money used by world elite to pull people into the debt through fractional reserve banking, to buy undervalued assets and transform the people of nations into tenants.

The global economic changes – transformation into social-oriented market economy and in long perspective into recourse-based economy - require Smart Governance as the management, political and public approach that promotes the access to justice and is designed not just to create the laws, but also prevent its violation. To ensure social-economic mobility Smart Governance has to be implemented and apply to public and corporate level.

The Smart Governance on corporate level can change the way we consume product and conduct business through development of Social-oriented financial system. Formation of socially-oriented banking system requires inclusion of this object among the state-regulated elements and appropriate steps toward implementation of global social-oriented financial system:

1. Guaranty state ownership of central banks.
2. Development and adoption of laws and regulations on Corporate Social Responsibility (CSR), Ethical banking, Social investment etc.
3. Implementation of tax regulation based on ethical criteria.
4. Ensure the development of competition between social-oriented and conventional banks and control their mergers and acquisitions in the banking system.
5. Set legal requirement for Social reporting and accountability of financial institutions.
6. Establishment of regulatory minimum norm of Social investment and microfinancing in such international regulation as Basel III.
7. Establishment of regulatory margin requirements for derivatives trading, high-frequency transactions and ensuring its transparency.
8. Prohibit inter-bank transactions with any derivatives and ensure centrally cleared derivatives trading.

On public level Smart Governance can be implemented through:

- technologies and innovations.
- inclusive, creative education and choice architecture.

- participatory democracy and e-governance (referendum, petition, recall, e-democracy and e-participation).
- governmental examination and lustration.
- smart governance program (educatory program for government leaders).
- smart governance rating (crowdsourced rating of financial institutions).
- active citizenship.

Democracy never end after elections, it's the constant process of civil control and it's the responsibility of each of us to be active citizen, be involved and speak up and make personal or public protest every day as long as the Smart Governance is not implemented. Because we are not modern slavers and we do have the feeling and right for dignity and freedom.

During the presentation participants got the opportunity to see video on Economic Inequality in US and understand how the economic inequality is generating by financial system. Participants were curious about private ownership of Federal Reserve System in United States. Smart Governance Rating was presented and introduced the resulted for social impact of top-12 banks in Ukraine. Presentation was fulfilled by interaction with participants and followed-up questions on the role of lawyers in the process of formation of social-oriented financial system.

### **Proposal Abstract**

**Title:** *Legal Education in Vietnam*

**Lead Presenter:** Nguyen Thi Thuy Linh

**Co-Presenters:** Nicholas Booth, Donald C. Peters, Nguyen Gia Thien



As will be seen, in common with many countries of the world, but particularly so in South East Asia, legal education in Vietnam in particular, is delivered in a 'top down' way where the teacher/expert provides the learning material to and for the students in the context of a set curriculum. The student is, in the main, a passive recipient of the knowledge presented and the indicator of the extent to which that knowledge has been comprehended is assessed through a memory test, normally an unseen examination.

This paper looks at the current structure of legal education in Viet Nam and changes through clinical legal education programs. The present trends and possible future developments will be also discussed.

This session will:

- Describe the current context of Vietnam and the region;
- Explain the current structure of legal education in Vietnam, briefly mentioning how justice education is formed in the country and introducing the path those who want to become lawyers must follow ;
- Discuss the law curriculum of Vietnam, covering how law students are taught at law schools, and introduce the two systems of legal education for law students in Vietnam;
- Detail the motivation for the need of clinical legal education; discussing how the previous information demonstrates how clinical legal education can improve legal education in Vietnam.
- Share progress made in establish legal clinics encompassing how legal clinics programs are approached in Vietnam and how they are distributed in the country
- Predict the future of clinical education in Vietnam because the initial development work completed are influencing other law schools in Viet Nam to want to introduce CLE programmes.

Much of what has been said in this paper has relevance to the countries neighbouring Viet Nam, notably Cambodia and Laos. Whilst culturally and ethnically distinct, clinical legal education in these jurisdictions is also developing and changing to meet contemporary demands. Academics and practitioners are currently being encouraged to produce a description and analysis of the form and content of legal education in their respective countries.

**Links:**

[CLE at UEL power point presentation](#)

[The Development and Expansion of CLE in Vietnam power point presentation](#)

**Presentation Summary**

**Title:** *Educating Lawyers for Social Justice: The Role of the University-based Legal Clinic*

**Lead Presenter:** Lisa Martin

**Co-Presenters:** Stacy Brustin, Christopher Mbazira, Patricia Atim P’Odong

In this panel, faculty from the Public Interest Law Clinic [PILAC], the first university based legal clinic in Uganda, and Catholic University’s Columbus Community Legal Services [CCLS], one of the first university legal clinics in the United States, discussed the opportunities and challenges that university-affiliated clinics face in their efforts to affect broader social change. Both clinics collaborate with legal services agencies, policy organizations, courts, and university researchers to expand the impact of their social justice work.

Lisa Martin and Stacy Brustin from CCLS discussed several of their projects including: a community partnership in which students staff a court resource center for unrepresented litigants in D.C. child support court; a policy initiative in which faculty and students successfully advocated for a legislative resolution declaring domestic violence a violation of human rights; and empirical research undertaken with faculty in the Sociology department which demonstrated that administrative law judges were abiding by new appellate law.

Patricia P’Odong, who was accompanied by staff attorney, Sandra Oryema, described the numerous projects that PILAC faculty and students have undertaken including: conducting outreach programs that have

reached over 500 people in target communities; operating mobile service clinics; analyzing the Marriage and Divorce Bill among others and making oral submissions before the relevant Parliamentary committee; and in the process publishing papers examining the adequacy of proposed National Legal Aid Policy to enhance access to justice.

The presenters discussed the promise and limitations that these efforts to leverage the resources of the university to promote community change entail. The projects have the potential to impact the community using clinic and university resources; demonstrate that the university is a community partner, and expose students to a variety of ways to advance access to justice.

At the same time, limitations on clinic resources and other external barriers can inhibit the impact of these projects. Some of the limitations discussed include: the limited time and capacity that clinics have to devote to these projects, particularly in one semester clinics; university and external politics; students' limited knowledge base; legal restrictions on student practice; and the length of time it takes to build strong, ongoing relationships with community partners.

The presenters and attendees shared the following “lessons learned” from their experiences:

- Select community partners carefully to ensure that the partner has qualified staff; is committed to regular and consistent communication with clinic students and faculty; and is respected in the community;
- Set realistic limits on what the clinic and its students can achieve given the dual mission of the clinic to educate students and serve the community;
- Host conferences, workshops or round-tables at the University so that courts, government agencies, and community based organizations view the law school/university as a partner and resource;
- Offer the resources of the law school and other departments to research and evaluate access to justice programs for community partners who might not otherwise be able undertake such assessments.

**Links:**

[Brustin Martin Documents-Educating For Social Change](#)  
[Brustin-Martin Power Point presentation](#)

**Presentation Summary**

**Title:** *Using Self-Determination Theory for Enhanced Effectiveness of Justice Education Programs: Applying Research on Motivation and Happiness to Course Design and Teaching*

**Co-Presenters:** Catherine Klein; Paula Galowitz; Freda Grealy; Ernest Ojukwu; & Leah Wortham

The session began with an overview of self-determination theory (SDT) more fully explained in Leah Wortham, Catherine F. Klein, & Beryl Blaustone, *Autonomy-Mastery-Purpose: Structuring Clinical Courses to Enhance These Critical Educational Goals*, 18 INT. J. CLINICAL LEGAL ED. 103 (2012). The opening power point included a six-minute excerpt from a Ted talk by Daniel Pink on “the candle problem,” a much-replicated experiment showing that an external rewards, *e.g.*, a money bonus, impede performance if the task required is involving creative and complex thinking as opposed to a relatively rote task.

SDT, which has been tested and validated across cultures and socio-economic groups, shows that people have basic needs for perceived autonomy (a feeling of control, choice in their lives, and acting authentically), competence, and relatedness to something beyond themselves, *e.g.*, other people, a community. Pink distills SDT to the needs for autonomy, mastery and purpose in *DRIVE: THE SURPRISING TRUTH ABOUT WHAT MOTIVATES US* (2009). Lawrence Krieger, alone and with psychologist Kennon Sheldon, has applied this work

to law students and schools and highlighted the importance of intrinsic motivation versus a stress-inducing, and deep-learning inhibiting focus on external rewards, e.g., competing with other people, grades. Mihaly Csikszentmihalyi's research documents the state of total engagement that people reach in their work when they become proficient in knowledge and skills and have a task at a possible but "stretch" challenge level. See FLOW: THE PSYCHOLOGY OF OPTIMAL EXPERIENCE (1990) and [http://www.ted.com/talks/lang/eng/mihaly\\_csikszentmihalyi\\_on\\_flow.html](http://www.ted.com/talks/lang/eng/mihaly_csikszentmihalyi_on_flow.html). Beryl Blaustone's research, with cites and summary in the previously cited IJCLE article, applies neuroscience and cognitive psychology on ways to build mastery in clinical program students.

Freda Grealy and Ernest Ojukwu each talked about ways the theory presented resonates for experience in their home countries. Freda described a module she is testing and piloting in the Law Society of Ireland's training including a session on the relevance of SDT and the development of professional identity. Ernest talked about the way traditional Nigerian legal education was antithetical to this theory and the negative consequences this entails.

An initial small group allowed participants to check in on their understanding of the theory and to see if they had questions. The final small group asked participants what aspect of the theory about enhancing perceived autonomy, mastery and purpose among future lawyers and practicing lawyers resonated for their justice education work as well as what the presentation made them think of trying.

**Links:**

[Klein, et al, power point presentation](#)

[Klein, et al, bibliography](#)

[IJCLE article](#)

**Proposal Abstract**

**Title:** *International and Comparative Human Rights Practicum: A Clinic Across Borders*

**Lead Presenter:** Fatma Marouf

**Co-Presenters:** Ananna Bhattacharjee, Mona Singh, Sri Deva Krishna Rao

This session will discuss a unique winter practicum, now in its fourth year, which brings together U.S. and Indian law students in New Delhi for hands-on human rights work. The program is co-organized by the University of Nevada, Las Vegas (UNLV) and the National Law University-Delhi (NLUD) and was accredited by the American Bar Association in its first year. During the first two years of the program, students combined classroom study with brief field placements at different human rights organizations in New Delhi. Last year, the model was changed to focus intensively on one project around the rights of migrant construction workers. Students interviewed construction workers, documented violations, and drafted a report that addressed wage and hour violations, child labor, safety violations, and gender discrimination. The students also filed complaints with the Labor Commissioner, the National Commission for Women, and the National Commission for Protection of Child Rights.

The program now has two new partners to deepen the work this winter and beyond: the Society for Labour and Development is the NGO partner in India, and the New Orleans Workers' Center for Racial Justice and National Guestworker Alliance are the US partners. Working closely with these organizers, as well as U.S. and Indian law school faculty, the students will learn to: (1) strategize about how to organize marginalized workers; (2) use a diverse set of tools, including litigation, education, and legislative reform, to advocate for workers' rights; (3) help build national and transnational alliances around workers' rights; and (4) examine the intersection of several legal regimes, including labor rights, immigration, internal migration, multinational

corporate liability, and international human rights. The goal is for students to deepen their understanding of the issues facing migrant workers in both the US and in India (including the relevance of characteristics such as legal status, gender, language, race/ethnicity, class, and caste), and to engage in a reflective process of progressive and creative problem solving.

The panel will engage the audience in discussing the following types of questions:

- What gaps can a transnational clinic fill that isn't currently being filled by doctrinal law courses, domestic clinics, or nonprofit organizations?
- How might an international presence enhance or compromise advocacy efforts?
- What strategies can be used to sustain projects long-term when working with students who are available for only a short time and who change each year?
- How can a transnational clinic help students develop a personal vision of themselves as lawyers? How can it help them develop critiques of the systems in which they work?
- What types of experiences help move students from an observer to activist role?
- How can theories (such as critical race theory) be integrated with fieldwork so that students shift back and forth between practice and critical thinking?

### **Proposal Abstract**

**Title:** *Post-Graduate Support in Legal Education: Incubators & Residency Programs*

**Lead Presenter:** Fred Rooney

**Co-Presenters:** Margaret Barry, Luis Raniel Calcano, Noel Tejeda, Luis Daniel Sosa

We propose a plenary panel, or in the alternative a concurrent session, that would discuss the development of post law school incubators and residency programs to prepare recent graduates to provide services to underserved members of the community. The American Bar Association's Standing Committee on the Delivery of Legal Services recently sponsored a program about Incubators, which it introduced as follows: Law firm incubator and residency programs are emerging as models that enable newly-admitted lawyers to acquire the range of skills necessary to launch successful practices. The alpha incubator was established at the City University of New York [CUNY] in 2007. Recent changes in the economy have led to the creation of similar models by both law schools and bar associations.

CUNY's incubator program was developed by Fred Rooney. The goal was to further support CUNY graduates dedicated to working on behalf of underserved communities. Fred has since gone on to work with law schools and bar associations across the country, and recently abroad, to develop incubator programs. Fred was just appointed as the head of Touro Law Center's International Center for Post-Graduate Development and Justice. The Center will serve as a national clearinghouse for the incubator and legal residency movement as well as develop international post-graduate legal education projects.

Margaret Barry has been working with the Vermont Bar Association to develop an incubator program for Vermont that will be supported in part by Vermont Law School. She began working with the VBA last year as part of its access to justice efforts, including specific concerns about residents in remote parts of the state who face significant barriers to legal representation. Her research and work with the VBA led to a collaboration with Fred on the planned incubator in Vermont.

Luis Calcaño from Centro Comunitario de Servicios Legales, Santo Domingo, Dominican Republic, is a recent law graduate and member of the first incubator outside of the United States. The Dominican incubator



places a special focus on issues involving gender violence and LGBT discrimination. He will discuss his work with Fred Rooney in developing an incubator program in the D.R.

We look forward to this as an opportunity to consider the extent to which incubators and residency programs are a useful extension of legal education for recent graduates interested in reaching underserved communities. For jurisdictions with practice requirements, incubators are a way to meet such requirements in a public interest setting that may have direct support from the local bars, the courts, law schools, and international organizations.

**Links:**

[Hanover Report on Incubators](#)

[Student Lawyer \[Finkle\] Article on Incubators](#)

[Legal Incubators-Helping to Hatch Solo Practices Article](#)

**Proposal Abstract**

**Title:** *Policy and Legislative Advocacy: Clinical Work for Justice Education*

**Lead Presenter:** Elizabeth Cooper

**Co-Presenters:** Maryam Arif, Alejandro Posadas

Although litigation has yielded great success in achieving social justice, advocates long have realized that transformative justice cannot be achieved solely through a rights-based, litigation-focused strategy. Law schools generally, and law clinics in particular, increasingly are acknowledging the importance of ensuring that our students are proficient in other strategies, most notably policy and legislative advocacy.

We are three law teachers/advocates with varying perspectives on how best to help our students to be effective advocates outside of the courtroom. We are: Maryam Arif, Open Society Justice Initiative Fellow and Director of Clinical Programs at Quaid-e-Azam Law College, Lahore, Pakistan; Elizabeth B. Cooper, Associate Professor at Fordham Law School (U.S.) and teacher of its Policy and Legislative Advocacy Clinic; and Alejandro Posadas, Senior Scholar at the Centro de Estudios sobre la Enseñanza y Aprendizaje del Derecho A.C. (CEEAD/Center for Law Teaching and Education Research; Mexico). We all have a passion for this work and have different, yet complementary, experience doing this work.

Our session will consist of three parts:

1. Descriptive. We each will take 7-8 minutes describing our relevant clinic work, identifying elements of our teaching that have been particularly successful, as well as those that have not (i.e., how we have learned from our mistakes). We will use any remaining time (up to 30 minutes total) to address questions from the attendees.
2. Interactive. We will present a hypothetical social justice problem (drawn from reality) and ask those present to divide into groups of no more than four people. We would like each person to brainstorm within this small group how they might go about creating a clinic project addressing this social justice problem – paying attention to pedagogical, political and pragmatic concerns. The three of us will circulate around the room to provide guidance to the groups, answering (and perhaps asking) questions. (40 minutes)
3. Moving Forward. Given the rich backgrounds of those present, we will ask everyone to engage in a conversation (reconvened as a whole), asking them to identify the ways in which we might best be able to collaborate across borders as we develop and improve our policy and legislative advocacy projects and clinics. (20 minutes)

## Presentation Summary

**Title:** *Hosting International Field Placement for students and faculty – exploring challenges and best practices in advancing social justice, and Global Commitments and Connections – Field Placement Experience In Advancing Justice Education* [combined presentations]

**Presenters:** Leah Wortham; Catherine Campbell; Richard Grimes; Peggy Maisel; Liz Ryan Cole; Linh Thuy Nguyen; Helen Yandell

Participants introduced themselves and indicated their current activity involving international field placements or their interest in getting involved. Considerable activities were outlined, many on an informal basis. Names and work contact information was collected and will be circulated to the group.

Panel members introduced the concept with examples of field placements across many countries, for students involving course credit and in a voluntary capacity and for faculty staff as supervisors or visiting professionals.

Linh described her first hand experience of being placed at Monash University clinical program in Australia on behalf of her employer Trade Union University Hanoi, Vietnam. This lead to two activities outlining the issues faced for a supervisor of an international student who was not behaving appropriately and secondly a range of issues faced by faculty staff undertaking international placements and issues faced by the host university.

Participants divided into two groups to examine ways of dealing with these two defined situations #1 International Student placements:

- Define selection process for students with criteria that needs to be met;
- Clarify expectations of student and placement site before placement commences;
- Clarify outcomes;
- Identify appropriate supervisors on site and support from home university;
- Provide prior training of visiting students on cultural competency with ongoing support during placement;
- Develop contingency plans for various situations e.g. personality conflicts, student acting inappropriately, anxiety and stress;
- Recognize the need to protect relationships between site supervisors and home university to enable future placements;
- Clarity around assessment tasks where applicable.

# 2 Issues and possible solutions for international faculty staff placements and host universities:

- Length of placement – issues if too short but need to find a period of time that is realistic for visitor and host – that time is used meaningfully;
- Risk management – who is liable if there is an incident/ accident;
- Having a Memorandum of Understanding that clarifies expectations, including duration, activities to be undertaken, reflections, reports,
- Orientation and welcome pack prepared in advance,
- A mentor and supervisor identified from the outset,
- Financial difficulties could be addressed by more adequate budgeting, funds being available up front, accommodation already paid for,



- Expectations clarified through a thorough screening process,
- Regular meetings to be held during the placement to address issues,
- Development of a contingency plan.

Best practices in field placements for students. Due to time limitations, Liz Ryan Cole alerted participants to a range of publications that deal with international legal placements

### **Proposal Abstract**

**Title:** *Mindful Pathways to Social Justice*

**Lead Presenter:** Richard Roe

**Co-Presenters:** Angela Gius, Subhram Rajkhowa

The practice of mindfulness involves engaging fully in the present moment in a nonjudgmental way and in tune with self knowledge and core values. It is characterized by awareness, insight, wisdom and compassion. In the past decade, mindful and meditative practices (e.g., meditation, yoga, qi gong, and others) have blossomed within the field of lawyering. Efforts to practice or teach about mindfulness in the law have moved from being largely informal and individual to more formally accepted and collaborative (e.g., associations, conferences, training workshops, and law school courses offered for credit). The benefits of mindful practices include stress reduction, clarity of mind and purpose, the development of general and specific skills for lawyering (e.g., mediation, client contact and advocacy), and law teaching and clinical supervision. Numerous studies have related mindfulness practices to improved brain functioning, physical health, and happiness.

The broad goals of this session are to increase participants' awareness of mindfulness in legal education and the practice of law, share mindfulness exercises, and explore how mindfulness can contribute to social justice. Participants, from novice to practiced, will engage in a short series of mindful activities, discuss them, apply them to a hypothetical legal/legislative situation, and relate their experiences to their lives and work for social justice.

Regarding justice education, this session seeks to bring out the connection/correlation between "acting nonjudgmentally" and "acting for social justice." Both these terms evoke not only the notion of mere acceptance, but of valuing things and people for their intrinsic worth, without bias. Mindful "valuing" is a positive act. Social justice emanates from this valuing, particularly when combined with compassion, clarity, intention, interconnection, and the other attributes of mindfulness.

### **Proposal Abstract**

**Title:** *Integrating Social Work Theory and Practice into the Law Clinic Curriculum*

**Lead Presenter:** Susan McGraugh

**Co-Presenters:** Carrie Ann Hagan, Stephanie Boys

Law school gets us "thinking like lawyers." Oftentimes, we forget, or rather shelve, many of our interpersonal or other skills in order to achieve the legal tasks at hand. Re-incorporating these skills with our new legal skill set can be challenging – where do we start? Enter the world of interdisciplinary education. By combining two sets of training, theories and experiences, students can not only become more comfortable with

their own realm, but they can also learn transitional skills that enhance their performance both in their field and out.

This presentation will demonstrate the many ways in which legal education can be enriched by the integration of social work theory into our pedagogy. We will provide an introduction to three social work theories, systems theory, conflict theory and empowerment theory, and demonstrate how these theories can improve our lawyering skill set.

### **Proposal Abstract**

**Title:** *Advancing Human Rights and the Rule of Law through Clinical Development and Partnerships with Existing University Law Clinics*

**Lead Presenter:** Marguerite Angelari

**Co-Presenter:** Svetiana Bezinyan

This session will present findings of a recent impact assessment of clinics developed by the Open Society Justice Initiative and a report on partnerships between the Open Society Justice Initiative and clinics on a range of cases and projects. Since 2002, OSJI has developed over 80 university law clinics worldwide. Our three main objectives have been to promote human rights, foster professionalism and a sense of public service among lawyers, and strengthen civil society and the rule of law. While the clinics we develop take many forms, we require that they provide law students with opportunities to assist real people with real legal issues and provide free legal services to low income and/or disadvantaged clients. In 2012, we embarked on a study to attempt to measure the extent to which we are achieving our objectives. In particular, the study sought to assess the impact of clinic design on former clinic students' views on the role of lawyers in promoting social justice and on their own career paths. We distributed our survey instrument to over 600 former students from clinics we had developed in Ukraine, Armenia, Cambodia, Turkey, Indonesia, Mexico, Nigeria, and Afghanistan. The findings of the study will be presented during this session.

OSJI began to partner with existing clinics on our own cases and litigation related projects in 2009. This second part of this session will highlight some of our more noteworthy cases and projects and discuss some of the challenges we face when involving law clinics directly in our work and the various plans for enhancing such collaborations. The most successful collaborations have been carried out through a model where teams of students under the supervision of a graduate student or student coordinator and overseen by a faculty member with expertise over a relevant area of law, have conducted work on a larger project with multiple phases that combine summarizing/digesting jurisprudence on a given area of law and then applying this work to a case or related litigation project with a concrete purpose and output. The lead litigator from the Justice Initiative on any given project works to provide guidance and feedback directly to the student teams, with the help of the liaison coordinating clinical and pro bono projects on the JI side. In this way, the students gain indispensable hands-on experience working alongside human rights NGOs and engaging in strategic human rights litigation.

### **Presentation Summary**

**Title:** *Legal Education in Poland: Recent Developments, Reforms and Challenges*

**Lead presenter:** Izabela Krasnicka

The aim of the presentation was to introduce the audience to the system of legal education in Poland which has recently gone under some major reforms and to point some specific problems which either were not addressed by the reform or not solved by the introduced changes. The main issue discussed during the

presentation and in many questions afterwards was how theoretical and how practical the legal education in Poland is and should be. It seems clear that the requirement of the apprenticeship (a 2-3 year program open to the law school graduates who wish to pursue legal carrier in 5 different paths: as advocates, legal advisors, judges, prosecutors or public notaries) necessary to obtain license to practice is originally designed to provide its participants with practical skills for the future profession. Law school therefore should stay more theory-oriented.

This is highly criticized for several reasons: 1. Students refuse to study codes and provisions only, 2. Law major is a five year uniform program and filling it with theory based courses only works against the entire idea of legal education, 3. Given the crisis in the legal profession itself and the number of lawyers entering practice each year, the apprenticeship programs are far from actually teaching practical skills. Legal clinics served as a widely recognized example of one of the best teaching methods as such are now recognized by every law school in Poland. Law schools' authorities struggle to build up curricula that would attract students and at the same time leave space for the practice experience done during apprenticeship programs.

## **Links**

[Krasnitskaya power point presentation](#)

## **Combined Presentation Summary**

**Title:** *Enhancing the Quality of Justice Work and Teaching Through Partnerships with Small and Solo Law Firms, and Legal Aid Systems in the Time of Financial Crisis*

**Lead Presenter:** Ann Juergens for the first session and Zvonimir Jelinic for the second one

Approximately 25 participants from 14 countries discussed the issues at this 90 minute session.

During the first hour, Juergens set out the problem that almost 2/3 of the civil legal needs of working people are not being met by the current justice system in the United States. She gave an overview of her research that found that the attorneys who are serving low and middle-income people—i.e., those who earn too much to be eligible for free legal aid and pro bono attorney help—are attorneys in small and solo firms. Her study of attorneys serving working people concludes that small and solo practitioners are an important resource in the project of increasing access to justice.

A discussion of how small and solo practitioners could be engaged in work with law students on justice issues revealed a range of situations, from countries that place every student in a law firm (mostly small) apprenticeship for a year; to clinics who send their students to small firms during the summers; to a country that has a professional network for solo practice with easy pathways for organizing events for that group; to those that had only a small private bar or little contact between private bar and law schools. Juergens teaches an externship course where students are placed with small and solo practitioners and reflect on that work in a weekly seminar. Further expansion of these kinds of exchanges seemed worth exploring to many of the participants, at least those in countries with numbers of private law practitioners and those who were not already working with private law practices. Yet few if any could imagine ways that law students would be able to increase the justice consciousness of the small firm lawyers.

During the final 30 minutes, Jelinic explained the recent history of worsening situation for access to justice for people in Croatia. He concluded by advocating the adoption of a system for providing pro bono services by law firms, which does not currently exist in Croatia. His talk with power point ended with all understanding more about the dynamics and limitations of access to justice in his country, yet there was no time for group discussion.

### **Proposal Abstract**

**Title:** *Trial Advocacy as a Component of the Curriculum of Practical Legal Studies at the University of Witwatersrand*

**Lead Presenter:** Daven Dass

Whilst legal practitioners are required to have a substantial wealth of doctrinal knowledge they also need to possess the necessary skills which would allow them to give effect to that doctrinal knowledge. Law faculties are subsequently tasked with the responsibility of at the very least equipping law students with the necessary degree of practical skills required of a law graduate in practice. This paper focuses on the skill of trial advocacy as taught within a clinical legal education context. The purpose of this paper is to consider the skill of trial advocacy having regard to the pedagogical dictates and methodologies of clinical legal education and its applicability in relation to same. A cursory exploration of clinical legal education is undertaken prior to submitting why the challenges posed by the clinical program in operation at the University of Witwatersrand Law Clinic, provides the basis for potential curricular reform. A brief substantiation is also advanced as to why the current Legal Practice Bill is in fact a vital consideration in so far as the teaching of trial advocacy is concerned.

### **Proposal Abstract**

**Title:** *On the Globalization and Localization Tendency of Clinical Legal Education in China*

**Lead Presenter:** Liquin Ma

My proposal is as following: The theme is "On the Globalization and Localization Tendency of Clinical Legal Education in China ". Until now, Clinical Legal Education has been learned and used by many countries, mainly the United States, showing the trend of globalization. Chinese Clinical Legal Education has been developing rapidly in recent more than 10 years. So far, there are more than 140 colleges' and universities' legal department have offered Clinical Legal Education courses. The modes and the operative methods of legal clinics which are set up in Chinese Colleges and Universities are different from each other. Exploring the mode of legal clinic which not only adapts to international development but also be in line with the domestic legal education has great significance for the improvement and development of clinical legal education in China.

### **Proposal Abstract**

**Title:** *Human Rights Education Through Court Watch Program*

**Lead Presenter:** Damorn Kumtrai

**Co-Presenter:** Sopit Cheevapanich

Human rights education provided by the academic institutions focuses mainly on the theory rather than practice. Teaching of human rights has been done through the conventional lecture rather than other teaching styles. To achieve the aim of human rights education, it is essential for the student to learn from real situation rather than only in the class room.

The right to access to justice and fair trial are a fundamental right of a person. However, the dilemma is still remained between the role of the judges and the protection of the individual rights. Therefore, the Court

Watch project was designed and tested as a new initiative of human rights education as well as promote rights in justice system.

Apart from strengthening human rights education, the project has built up human rights network among national universities and students across regions. The project was operated by four law schools located in different part of Thailand (Chiang Mai University, Mae Fah Luang University, Ubonratchathani University and Thaksin University). The volunteer students are trained about basic human rights and principles of trial observations. After the training, they observed the trial in their own local area to collect information concerning to the protection of the plaintiff and defendant rights in the court by surveying and observing the role of the person who work in the court, such as, the security guard, lawyer, prosecutor, judge and also other related administrative officer. Such project encouraged students to collect, analyze and feedback on the problems they have observed concerning rights of person in the access to justice and fair trial and also reflected to the organizations and people involved for the changes of the protection of human rights.

### **Proposal Abstract**

**Title:** *Teaching Social Justice in Large Enrollment Classes*

**Lead Presenter:** Lisa Bliss

**Co-Presenter:** Sopit Cheevapanich

In many regions of the world, law school classes enroll large numbers of students. Some legal educators view large class enrollments as a potential barrier to incorporating interactive teaching methodologies and to the development of clinical legal education generally. The presenters collaborated to redesign a large enrollment class on English for Lawyers to include interactive learning experiences, an introduction to clinical education and concepts, lawyering skills and social justice. Two class sections, comprising 150 students each, were combined for this experiment in social justice teaching. The presenters will share their experience in developing the course, some of the interactive methods employed, and lessons they learned from students in the course and from the process of attempting to develop a new way of teaching at a Thai University.



## **Proposal Abstract**

**Title:** *Engaging Law Students in the Provision of Access to Justice: the ABSU Law Clinic Experience*

**Lead Presenter:** Orji Agwu Uka

The fundamental purpose of any Justice System should be to provide its citizens facing legal disputes, the mechanisms through which they can ably and efficiently secure justice. The system has the obligation to guarantee that justice is as fair, efficient and cheap as it can be for those who arrive there on their own. Those who choose to represent themselves should be enabled to effectively do so while those who require legal representation but cannot afford such, should equally be empowered to get one.

The reality of the situation in Nigeria and indeed most third world countries shows that impediments to access to justice are overwhelming. These include delays, cost of litigation, the complex legal rules and procedure, lack of adequate public awareness and knowledge of the basics of the legal system, unequal access to legal representation as well as the over reliance on litigation as the exclusive medium for obtaining remedies from the justice system. These and other factors continuously impede access to justice and result in a growing lack of public confidence in the justice system.

The above scenario has created the aching need to explore reform measures and exploit innovative ideas in the justice system to enhance access to justice especially for the poor who incidentally form the majority of the citizenry of these countries. The session, “ENGAGING LAW STUDENTS IN THE PROVISION OF ACCESS TO JUSTICE: THE ABSU LAW CLINIC EXPERIENCE” aims to highlight the activities of the ABSU Law Clinic, a University based legal clinic that has continued to hit quiet but giant strides in the area of justice education by carrying out a broad range of community services especially for the poor while providing the students with experiential knowledge of the law that cannot be gained in a classroom environment.

The ABSU Law Clinic was primarily established as an educational mechanism, whereby students ‘learn by doing’ through the use of experiential problem based situations, while simultaneously being exposed to ethical and morally conscious scenarios. Today, the Clinic imparts free but quality community based legal services to the underserved members of the immediate communities and has attained a significant breakthrough in that regard.

The session tells the story of the Clinic through the eyes of a past clinic head who was directly involved in the activities of the clinic. Through his experience, the conference participants will come to terms with a basic knowledge of the workings of a law clinic in a developing society, appreciate the mode of operation of the Clinic, especially the Prison Services Clinic, identify the measures adopted by the Clinic in providing access to justice for the less privileged in the society and identify the difficulties encountered by the Law Clinic in particular and the challenges of implementing such projects in similar academic institutions in general. In the final analysis the session will offer analysis of the measures employed to tackle the highlighted difficulties.

## **Proposal Abstract**

**Title:** *Evidences and Challenges of Clinical Legal Education in Europe: Does Clinical Legal Education in Europe Support Justice Education*

**Lead Presenter:** Dubravka Aksamonvic

**Co-Presenter:** Marguerite Angelari

Clinical legal education in Europe is relatively recent phenomena. First clinical programs were established in eastern European countries in early 90's, supported by US partners. Nowadays clinical legal education is being accepted by many law schools throughout eastern and western Europe.

Despite strong influence that US donors and partners had on shaping clinical programs in Europe, clinical programs are not a copy of US model of clinical legal education, nor do legal clinics in Europe serve the social function in the society in a way they do in US. Clinical legal education in Europe is often perceived as new teaching methodology. Social component and potentials of legal clinics as pro bono legal service providers are often neglected.

In that sense this presentation will address history, developments, role and future challenges of clinical legal education in Europe. Some examples of best practice in clinical legal education in Europe will be explored. Special attention will be given to Norwegian model of clinical legal education which successfully incorporates social and educational functions.

This presentation will also argue that European legal education and European society in general is still not ready to except the role of clinics as pro bono providers in a way they are accepted in US. Some logical explanations for that will be given. The presentation will also deal with EU efforts undertaken with purpose to modernize legal education. Special respect will be given to novelties and projects that aim at improving access to justice and justice education.

### **Presentation Summary**

**Title:** *Educating Lawyers for Social Justice—the Role of the University-based Legal Clinic*

**Lead Presenter:** Patricia Atim P'Odong

**Co-Presenters:** Christopher Mbazira, Sandra Oryema

In this panel, faculty from the Public Interest Law Clinic [PILAC], the first university based legal clinic in Uganda, and Catholic University's Columbus Community Legal Services [CCLS], one of the first university legal clinics in the United States, discussed the opportunities and challenges that university-affiliated clinics face in their efforts to affect broader social change. Both clinics collaborate with legal services agencies, policy organizations, courts, and university researchers to expand the impact of their social justice work.

Lisa Martin and Stacy Brustin from CCLS discussed several of their projects including: a community partnership in which students staff a court resource center for unrepresented litigants in D.C. child support court; a policy initiative in which faculty and students successfully advocated for a legislative resolution declaring domestic violence a violation of human rights; and empirical research undertaken with faculty in the Sociology department which demonstrated that administrative law judges were abiding by new appellate law.

Patricia P'Odong, who was accompanied by staff attorney, Sandra Oryema, described the numerous projects that PILAC faculty and students have undertaken including: conducting outreach programs that have reached over 500 people in target communities; operating mobile service clinics; analyzing the Marriage and Divorce Bill among others and making oral submissions before the relevant Parliamentary committee; and in the process publishing papers examining the adequacy of proposed National Legal Aid Policy to enhance access to justice.

The presenters discussed the promise and limitations that these efforts to leverage the resources of the university to promote community change entail. The projects have the potential to impact the community using

clinic and university resources; demonstrate that the university is a community partner, and expose students to a variety of ways to advance access to justice.

At the same time, limitations on clinic resources and other external barriers can inhibit the impact of these projects. Some of the limitations discussed include: the limited time and capacity that clinics have to devote to these projects, particularly in one semester clinics; university and external politics; students' limited knowledge base; legal restrictions on student practice; and the length of time it takes to build strong, ongoing relationships with community partners.

The presenters and attendees shared the following “lessons learned” from their experiences:

- Select community partners carefully to ensure that the partner has qualified staff; is committed to regular and consistent communication with clinic students and faculty; and is respected in the community;
- Set realistic limits on what the clinic and its students can achieve given the dual mission of the clinic to educate students and serve the community;
- Host conferences, workshops or round-tables at the University so that courts, government agencies, and community based organizations view the law school/university as a partner and resource;
- Offer the resources of the law school and other departments to research and evaluate access to justice programs for community partners who might not otherwise be able undertake such assessments.

**Links:**

[P'Odong power point presentation](#)



# Plenary Sessions

## Opening Plenary, December 10, 2013, 9:30 – 11:00

General Welcome - JGU Vice Chancellor, Professor C. Raj Kumar; Introduction to GAJE – Mr. Filip Czernicki, President, GAJE; Professor Catherine Klein – Introduction to the Conference; A Key Note Address – Professor N. R. Madhava Menon, ABA Chair on Continuing Legal Education, National Law School University of India.

Transcript of Professor Menon's keynote address is found earlier in this Report

## Plenary on Legal Empowerment of the Poor, December 11, 2013, 9:00 – 10:30

Professor R. Sudarshan, Dean, School of Government and Public Policy, JGU; Dr. Naresh Singh, Visiting Professor, JGU and formerly, Director, Commission on Legal Empowerment of the Poor; and Professor Jane Aiken, Professor, Georgetown University Law Center, Community Justice Project

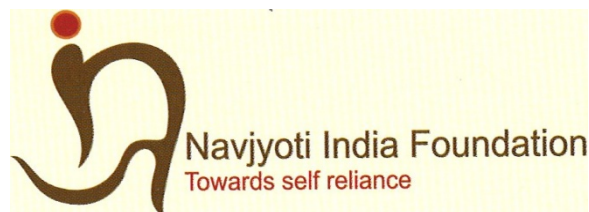
### Links:

[Naresh Power Point Presentation](#)

[Aiken Power Point Presentation](#)



# FIELD VISITS



**December 12, 2013**

## **The Institute of Rural Research and Development (IRRAD)**

The Institute of Rural Research and Development (IRRAD) is an initiative of S.M. Sehgal Foundation. The Foundation, registered as a trust since 1999, furthers the wellbeing of rural communities in India. IRRAD engages with communities in the areas of natural resource management, income enhancement (primarily small-scale agriculture), education, health and sanitation, capacity building, and rural governance to improve current conditions and future prospects for India's rural communities. IRRAD also conducts rural research as a premier knowledge institute for rural development and poverty reduction in India. For the past 10 years, IRRAD has focused on developing innovative, replicable models on water, sanitation and hygiene; agricultural income enhancement; and rural governance. Each of these models, flexible by design, is made up of smaller components, or modules that can stand alone or be combined to suit local needs.

## **Navjyoti India Foundation**

Navjyoti India Foundation, a voluntary organization, was founded in 1988, with a handful of supporters and great deal of determination by Dr Kiran Bedi, first woman IPS Officer and Ramon Magsaysay Awardee. With an objective of correction, de-addiction and rehabilitation of the drug addicts as a crime prevention measure, Navjyoti soon forayed into leading other sections towards self reliance by engaging in newer programs such as education of slum children, vocational education, rural development, women empowerment and rehabilitation of women inmates. Navjyoti has been impacting lives of over lakhs of people through its bottom-up approach of inclusive development. The organization is currently touching the lives of 3 lakh 25 thousand people, in 30 unauthorized and resettlement colonies of Karala and Bawana and 40 villages in Sohna Block, Haryana through initiatives like Education Program, Skill Upgradation Program- B School for the marginalized and Community Development Program.





IRRAD Rural Office in Mewat



Worker's Rights Explanation in Mewat



Girls School in Mewat



# EVENING EVENTS

Closing Dinner, Delhi, December 14, 2014



Participant Talent Show, December 11, 2014



<b>Essential, invaluable Jindal law student volunteers</b>
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All participants and attendees at this conference extend their heartfelt thanks to the following wonderfully helpful and thoughtful students who volunteered their time to assist the organization and administration of this conference:

1. Arkasnat
2. Abhijeet
3. Apoorva Singh
4. Apoorva Yadav
5. Uday Vir
6. Aman Garg
7. Paras Devgn
8. Gorang Goyal
9. Abhishek Jain
10. Vinay Krishna
11. Narayan Gupta
12. Kaushal Sharma
13. Shireen Moti
14. Nithin Pavuluri
15. Pandu Vanga
16. Gowresh
17. Zothansanga
18. Aditya Rana
19. Nirupam Gehlot
20. Mitisha Dhaka
21. Naveen Jain
22. Rajeev Gandhi
23. Harshil Agrawal
24. Mayank Goel
25. Pozhil
26. Roan Matthew
27. Vidushi Dixit
28. Srimoyee Biswas

**INSERT PDF FILE OF:  
CONFERENCE REGISTRANTS**



**Conference Participants — Group Photo**



# Training of Trainers Report

7<sup>th</sup> GAJE Worldwide Conference

Part 2—Training of Trainers Workshop at National Law University

Delhi, India

16-18 2013



## TOT Workshop Schedule

### Monday, 16 December

- 8:00 – 9:00: Registration for delegates attending workshop only
- 9:00 – 13:00 pm: Opening Plenary and sessions on the Social Justice Mission of Law School Clinics
- 13:00 – 14:00: Lunch
- 14:00 – 17:30: Sessions on Introduction to Clinic Design & Integrating Professional Responsibility and Ethics
- 19:30: Opening Dinner

### Tuesday, 17 December

- 9:00 – 13:00: Additional sessions on designing various models of social justice clinics
- 13:00 – 14:00: Lunch
- 14:00 – 17:30: Sessions on running a social justice clinic

### Wednesday, 18 December

- 9:00 – 13:00: Concurrent workshops on various aspects of clinical teaching and professional development of clinical teachers
- 13:00 – 14:00: Lunch
- 16:30 – 17:00: Closing Plenary Session

## Workshop Design Objectives

The expected outcomes for the programme are that after attending the workshop delegates should be able to:

1. Describe the fundamental principles of educating for social justice from the perspectives of educational institutions and the wider community, both globally and locally
2. Identify the professional practice concepts and rules and wider ethical considerations that apply across and within particular jurisdictions to social justice education initiatives
3. Design a programme that could be implemented in a named country that might serve social justice education goals whilst complying with educational and professional practice requirements
4. Present a set of sample exercises, in interactive format, to demonstrate the planning and delivery of a social justice education-focused programme
5. Demonstrate, through the use of practical examples, one or more of the skills that lawyers need to acquire and develop in a social justice-oriented clinic (in particular alternative means of dispute resolution and communication with clients and third parties).

## Workshop Session Summaries

**Topic:** *What Does It Mean To Run a Social Justice Clinic*



**Session Coordinator:** Frank Block

**Facilitators/Presenters:** Catherine Klein, Jeff Giddings, Richard Grimes, Leah Wortham, and Srikrishna Deva Rao

The Training of Trainers workshop opened with a full morning session on the social justice mission of law school clinics. The purpose of the session was to present the scope of interests and challenges when setting up a law school clinic with an explicit social justice mission. The session began with a short plenary presentation by three of the session planners: Frank Bloch, who discussed the relationship among certain key goals of social justice-oriented clinical programs, including skills training, social advocacy, and research; Jeff Giddings, who focused on the interrelationship between such clinic's service mission and student learning, and Catherine Klein, who described differences between clinics engaged in community work and those providing individual representation as ways to address broader social justice issues. For the next part of the workshop, the participants were broken down into five small groups, each charged with representing one of five stakeholders at a future meeting at which a law faculty member would be presenting a project to open a social justice clinic. The five stakeholder groups were faculty, law school and university administrators, students, community representatives and NGOs, and government and the bar. Each of the groups then met to discuss their views of such a project, both pro and con, and to formulate the positions that they would put forward at the meeting. Two members of each group were selected to represent the group at the meeting—one tasked with presenting the views in favor of the clinic and the other with presenting the opposing views. After a break, the session resumed with a simulation of the meeting with Jeff Giddings in the role of the faculty member proposing the clinic. The representatives from each group, acting in role, brought out a full range of positions on the issues which demonstrated the complexity of the challenges proponents of social justice clinics may face. The

participants were also able to judge the effectiveness of the various stakeholder arguments. Leah Wortham then wrapped up the session by facilitating a discussion of what was learned about successful strategies for advocating for a social justice clinic.

## **Final discussion of what we have learned about effective strategies for advancing a plan to create and sustain a social justice clinic**

[session typed by Ulrich Stege, facilitated by Leah Wortham]



### **Strong arguments to convince a law school to create a social justice clinic:**

- The more costs that clinical programs requires are minor regarding the enormous benefit, that such a program could bring to a Law School.
- It is important to link the Clinic project to the entire mission of the Law School (e.g. Public Law Schools have a social justice mission *per se*).
- A clinical program can help a Law School to distinguish itself from another Law School in terms of positive competition (e.g. in rankings).
- It is important to have a classroom component for the clinic. This helps the Law School to engage itself as it fits better in the academic program.
- The assessment of the clinical program is crucial (problems vs. benefits).
- It is most important to meet the regional needs with the Clinical program (e.g. also important for funding).
- It is crucial to highlight the added value that a clinical program can bring to the classical academic curriculum in terms of a more practice oriented legal education.
- Sometimes a very realistic approach is helpful: “take what you can get”.
- Clinical programs can enhance the visibility of the Law School within the communities, which could be very attractive.
- Try to emphasize the added value of CLE in front of decision makers (in universities but also at political level).



- Clinical programs help to create a more practical and social justice oriented legal education though the entire Law School (not only inside the clinical program).
- Clinics can help to bring political relevant issues inside in the academic sphere/debate and could be a helpful tool to enhance a critical thinking and reflecting amongst future professionals and decision makers.
- Clinics can help to create strategic alliances with stakeholder outside the University (like NGO's or Bar Associations).
- Clinics are a good tool to enhance and put into practice exchange programs (nationally and globally). They can make Law School to true global players.
- Clinics can support and complement the national legal aid programs.
- They can be an interesting tool for strategic litigation, thus the transformation of the law.
- Clinics help to look into overlooked areas of law.
- Clinics could enhance cooperation between Universities and Industries.
- The ideas of CLE could be spread around with the following tools:
  - Hand out to partners and stakeholder a handbook about CLE:
  - An advisory panel (with partners and stakeholder) could be created in order to oversee and to assess the clinical activities.
  - An annual report could be established and send around.
- It could be important to find faculty members or other stakeholders who can have a personal interest in the subject of a specific clinic (e.g. someone with a disabled relative who would support Disability Rights Clinics).
- The Student's demand in a more social justice and more practical approach could be very important (this could be checked through the involvement of student focus groups.)
- It is important to always communicate about the clinic ("50% is work and 50 % is talking about it").

## Topic: *Key Issues of Clinic Design*

**Session Coordinator:** Jeff Giddings

**Facilitators/Presenters:** Steve Rosenbaum, Lisa Bliss, David McQuoid-Mason, Lindi Coetzee, Leah Wortham



The Clinic Design session started with a 15 minute activity that saw participants assigned to one of 4 groups to address a question about designing a clinic to meet particular interests. One group addressed an NGO the planning for a community development clinic. Another considered what objectives a law school can set when developing an externship program. The third group discussed how a philanthropic recognizes should set of objectives for a Street Law program while the fourth group worked on how a student group could develop their volunteer advice program into a clinic that combines social justice and student learning.

This activity was followed by a 25-30 minute panel discussion about the key features of the various clinic models being considered – community lawyering, street law, externship & in-house. The expert panel consisted of Leah Wortham (externships), Steve Rosenbaum, Lisa Bliss, Chris Simmonds (representation clinics), Lindi Coetzee, David McQuoid-Mason (Street Law) & Paul McKeown (community development). Jeff Giddings provided a set of slides to frame the discussion about the contributions clinics can make and the contributions of particular models. The discussion addressed:

- The strengths of each model;
- The objectives suited to each model;
- Resourcing issues;
- The use of models in combination; and
- Supervision

Groups moved to the seminar rooms for a 30 minute facilitated discussion, again based around particular clinic models. Members of the expert facilitated discussion of the question: ‘How should this type of clinic be designed and why?’ The following questions were provided to assist the groups:

- What objectives should be recognized for this clinic?
- What types of experiences do you want the students to have? How can we design the clinic to make that happen?
- How much time should the students devote to the clinic?
- What sort of classroom component should you have?
- What should you do to foster reflective practices?
- What should you do to maintain a strong commitment to social justice?

The session finished with a reporting back from each of the four groups along with a review of the various teaching methods used during the session.

### **Notes from the Street Law Sessions**

Thirty-eight persons attended the Street Law sessions. The task allocated to us during the plenary was completed using small group discussions. Each group was asked to identify objectives. After the group work each group reported back and the facilitators provided a debriefing. What are included below are the contributions of the different small groups during that session.

**QUESTION: A PHILANTHROPIC ORGANISATION WANTS TO SET UP A STREET LAW PROGRAM. WHAT WOULD YOU TELL THEM ABOUT THE OBJECTIVES THEIR PROGRAM SHOULD PERSUE**

**GROUP 1 ANSWER:**

1. Needs of the community
2. Representation of target group
3. Learning by teaching
4. Creating a sense or culture of justice

5. Networking
6. Reforming methodology

**GROUP 2 ANSWERS:**

1. Finding the needs of the community
2. Identifying and train the target group
3. Disseminating laws in user friendly manner
4. Choose students interested in particular thing
5. Conduct student orientation and review their presentation each time

**GROUP 3 ANSWERS:**

1. Identify social issues according to the community you are teaching
2. Link the street law curriculum (done internally)
3. Hypothetical issue: juvenile delinquency
4. Linking the source with the objective
5. Building of legal expertise in the field
6. Enable the students to support their advocacy skills

**GROUP 4 ANSWERS:**

1. Who is your target audience? (define it)
2. What are you helping with?
3. Identify key staff to form working relationship
4. Conduct a needs analysis in community i.e. align with objectives of university and Bill Gates Foundation
5. Student skills development
6. Program design: activities, assessments etc.

**SUMMARY OF ALL INPUT FROM ALL GROUPS:**

1. Identify social issues for target groups
2. Program design
3. Identify and train target groups
4. Creating culture of justice
5. Who are the partner groups?
6. Advocacy and awareness campaigns
7. Choose committed students
8. Create network
9. Prioritise targets
10. Identify staff
11. Build legal expertise
12. Get 'gate keeper' buy-in
13. Create new teachings strategies and materials
14. Identify research materials
15. Put materials in simple language
16. Student skills development
17. Supervise student practising lessons
18. Do not give legal advice
19. Political neutrality
20. Which project to do
21. Government support

**Links:**

[Giddings design power point presentation](#)



## **Topic: *Professional Responsibility and Ethics***

**Session Coordinator:** Ernest Ojukwu

**Facilitators/Presenters:** Catherine Klien, Leah Wortham, and Paul McKeon

The objective of this session was to have participants “identify the professional practice concepts and rules that apply across and within particular jurisdictions to social justice education initiatives” in order to suggest ways to effectively make law students able to, recognise and reflect upon ethical issues likely to arise in the professional context; understand approaches to ethical decision-making; and develop ability to respond appropriately to ethical issues and exercise judgment.

The session commenced with a Master class where participants were introduced to the goals of the session by Ernest Ojukwu; a case study by Paul McKeown that was discussed by participants and ethical issues identified from the scenario; the 4 component models of professional ethics education by Leah Wortham; and the activities for group work by Catherine Klein. The master class lasted for about 40 minutes.

The Master Class was followed with group work that lasted for about 35 minutes. The groups were A- Community Lawyering; B- Externship; C- Street Law; and D- In-house Clinic. The following issues were discussed in the groups:

- a. What kind of ethical issues have come up most frequently in your clinic/or in the legal profession in your country?
- b. How does your university/clinic/country treat ethics in legal education?
- c. What do you consider most important to include in a legal ethics lesson?
- d. What delivery method do you suggest?

Thirty-eight participants attended this session discussion ethics issues in street law clinics. The task allocated to us during the plenary was completed using a brain storming exercise with the big group. Group was asked to identify the key ethical issues when using the Street Law clinical model. What are included below are the issues identified by participants to the Street Law sessions.

**QUESTION: WHAT KIND OF ETHICAL ISSUES WILL COME UP IN A STREET LAW SETTING?**

1. How students must respond to legal questions?
2. What if students have to find clients themselves?
3. Giving legal advice
4. Authorities impose what topic is allowed or not allowed
5. Highly topical issues
6. Stay objective in controversial issues
7. Mandatory reporting
8. How to remain objective
9. How to deal with sensitive topical situations
10. Protect privacy of training participants
11. Inappropriate dress and language
12. Understand your community and ethical issues
13. Not patronizing clients
14. Respect freedom of expression
15. Active listening
16. Be culturally sensitive

17. Conflict between school management and learners- how are you going to deal with it?
18. Remain professional

**Links:**

[Case Studies-GAJE 1](#)

[Case Studies-IJCLE](#)

[Legal Supermarket-GAJE 2](#)

## **Topic: *A Basic Design for a Social Justice Clinic***

**Session Coordinator:** Margaret Barry

**Facilitators/Presenters:** Steve Rosenbaum, Susan McGraugh, David McQuoid-Mason, Lindi Coetzee, Leah Wortham

**Short Abstract:** This program will identify strategies for designing four types of clinical programs: in-house clinics; externships; street law clinics; and community lawyering clinics. First, we will discuss basic considerations in designing a clinic — the why, what, who, where, when, and how of clinic design, and provide a framework for considering each clinic type. Next, participants will gather in small groups based on clinic type to identify who your clinics will serve, what preparation students will require to provide such service and the extent to which the program can be sustained. Third, the small groups will report back, providing a chance to consider similarities and differences in clinic planning across the groups. Finally, participants return to their small groups to develop a 2-year business plan. Participants should leave this session able to develop a sound clinical program.

Master Class 3 began with a plenary that provided an overview of goals and issues for designing several kinds of social justice clinics: in-house, externship, community lawyering and street law clinics. Margaret Martin Barry provided introduced the subject, (see Master Class 3 Power Point), then group leaders in each of the clinic areas discussed relevant considerations specific to the types of clinics: Steve Rosenbaum , Susan McGraugh and me (in-house clinics); David McQuoid-Mason and Lindi Coetzee (Street Law); Paul McKeown (community lawyering); and Leah Wortham (externships). We then broke into small groups of no more than six participants to set goals and then develop a business plan – following an outline we provided. Richard Roe joined as a Street Law group leader and Don Peters led a group that wanted to explore developing social justice clinics in Laos. It was rewarding to see how far the groups got. We drew from the planning outline provided in DAVID MCQUOID-MASON AND ROBIN PALMER, AFRICAN LAW CLINICIANS' MANUAL, reflected in the sample business plan provided below. This manual and ERNEST OJUKWU, SAM ERUGO , CHARLES ADEKOYA, CLINICAL LEGAL EDUCATION: CURRICULUM LESSONS AND MATERIALS had both been posted to the GAJE ToT website prior to the workshop. Both provide detailed considerations for establishing social justice clinics.



Interdisciplinary In-House Clinic Planning Team

The following is a sample business plan for an interdisciplinary in-house clinic that was developed by one of the subgroups.

<p style="text-align: center;"><b>Business Plan for Center for Legal Empowerment (CLE)</b> <i>(recorder, Rachel Lopez)</i></p>
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Steering Committee

- connecting up with community need and create a dialog
- learning from people in local community and institution
- capitalize limited resources
- provides structure of accountability
- bring interdisciplinary perspective and insight into how they might help
- helping with planning and sharing responsibility/workload
- getting buy-in from faculty
- fund-raising

Objectives

- empowering the community
- learning in context
- holistic

Policy Statement

- Our mission is to promote a society based on equal opportunity through providing a service that empowers our clients to understand and access the law and to develop the capacity of our students to effectively engage with community.

Name

- Center for Legal Empowerment (CLE)

Clinic Models and Financing

- in-house clinic: fully sponsored by the law school and taught by full-time faculty
- fund-raising strategy such as grant-making locally and internationally; fund-raising for capacity building
- assessment via grading to ensure that students' work in the clinic is recognized in the same way that other courses within the law school are recognized.
- two hours of substantive law/theoretical, two hours of practicum work, themes,
  - o practicum work: community legal education connecting with students from the school of performing arts
  - o substantive law: drawing on other faculty outside of clinic to get expertise

Constitution/Manual

- control and autonomy over the budget line items
- professional responsibility/ethical rules
- guidelines for community engagement (both when working with groups and individuals)
- retainer agreement with clients
- MOU with pro bono lawyers and partner organizations

Staff/Administration

- core faculty paid for by university; students for administrative work and support work; getting administrative support from the law school so you can use them part-time.

## **GROUP SESSION 5: STREET LAW SESSION 4:**

### **Preparing a Business Plan for Clinic**

The reports for the following two group sessions' reports are combined. During both these sessions participants were divided into region specific small groups. During the first session groups were asked to identify the key issues in designing a clinic. Groups were asked to answer the questions using what facilitators termed as 5 Whiskeys and a hotel. This literally means that groups had to answer the following:

1. Why?
2. What?
3. Who?
4. Where?
5. When?
6. How?

In the next session region specific groups were asked to develop a draft business plan for a clinic. Time allocated did not allow for extensive work on a proposed business plan. Facilitators chose a number of headings from a range of possible headings contained in a business plan. Groups were asked to consider the following headings for the business plan:

1. Name of clinic
2. Policy statement/Vision/Mission Statement
3. Objectives
4. Clinic model
5. Financing the clinic
6. Management and structure of the clinic
7. Staffing
8. Commencement date
9. Relationship with other organizations and the faculty
10. Training
11. Course curricula.

This report below includes region specific responses from small groups for both sessions. Reason for combination is that the information from the first session has a direct impact on the content of the second session.

### **CLINIC DESIGN: MENA-REGION 1**

#### **WHY?**

- To inform communities
- Bring good to public and social justice
- It is a 'must' as a methodology in legal education
- To improve student skills: learning by doing increases effective learning
- Practical and out of classical methods
- New approach
- To increase awareness on social (gender) inequalities.

#### **WHAT?**

- CLE on "women rights"
- Students should do research, collect empirical data on the situation (simplified according to

- target group i.e. high school)
- Easier to reach and access high schools
- Based on the empirical data a booklet will be prepared and simplified according to target group (two presentations: peer training) + papers + petitions + assessment (reflective)
- Getting permissions (from high school administration)

#### WHO?

- Teachers: supervisors (interdisciplinary)
- University students attending clinic
- High schools teachers (observant)
- Some experts (visiting experts, NGO reps. Etc)
- High School Students (general community) Clinic students

#### WHERE?

- Experiential site: high school
- Group learning site: classroom, clinic (office)

#### WHEN?

- Experiential + group learning goes hand in hand (simultaneous)
- First preparation phase: practice in the same semester
- 1-2 semesters will be better (depends on nature of the class and whether course carries credits or is voluntary)

#### HOW?

- Elective course on a voluntary basis
- Funds come from university resources (some other actors may be involved: funding agencies: SIDA, EU, OSI etc)

<b>BUSINESS PLAN: MENA-REGION 1</b>
-------------------------------------

#### 1. NAME: Women's Rights Clinic

#### 2. POLICY STATEMENT:

- VISION: a Just society where gender equality prevails through new approaches to Legal Education.
- MISSION: To improve legal education through a student-orientated methodology, Increase awareness on social inequalities and improve legal literacy
- To Support access to justice

#### 3. OBJECTIVES:

- To inform the community
- To bring good to the public
- To increase awareness on gender inequality inherent in society
- To bridge the gap between theory and practise in legal education
- To improve the legal and social skills of students in a social justice context
- To create a sense of professional identity among students
- To improve teaching methodologies
- To inform high school students on their right

#### 4. CLINIC MODEL: STREET LAW:

- Credited elective course for university law students

- It may start as a voluntary, non-credit bearing course, after it is well established you can pull more students: different approaches

#### 5. FINANCING:

- University
- Research funds and
- External funds like SIDA, EU, OSI (ethical considerations)

#### 6. & 7. MANAGEMENT AND STRUCTURE:

Dream situation: independent, free from faculty: creates a free space to function

CLINIC DIRECTOR, FULLTIME SUPERVISOR (PHD)

ADM ASSISTANCE: FULL TIME – SALARY ACADEMIC STAFF

\*RES. ASSISTANT (SUPERVISOR 1) \*RES ASSISTANT (SUPER 2) \*OTHER ACADEMIC STAFF \*RES ASSISTANT (SUPER3)

\*EX CLINICAL STAFF & STUDENTS (ALL UNIVERSITY STUDENTS)

#### 7. COMMENCEMENT: Starts in first semester (depends on the country)

#### 8. RELATIONSHIP WITH OTHERS:

- Administration of university,
- Administration of local education officers,
- Administration of high schools,
- NGOs,
- Staff from different faculties

#### 9. TRAINING: 3 LEVELS:

- Training of “mentors, supervisors” (research assistants) M&E methods + evaluation +ethics (TOT)
- Training of “university students” in peer training and participatory training techniques +ethics training
- Training of high school students

#### 10. COURSE CURRICULA: log frame that sets out content of course over every week of semester

### CLINIC DESIGN: MENA REGION 2

#### WHY?

- serving community – experimental learning
- lawyering skills – training students
- student exposure to real life –
- increasing public awareness

#### WHAT?

- Refugee law (going to camps and to create legal awareness), human rights clinic and human trafficking, women’s rights, children’s rights
- Training the Students: ethics, laws, teaching methods, materials
- Presentation at high schools
- Skills – lawyering skills, interviewing skills, presentation, communication skills, legal writing, lecturing skills, team work
- Structure – Elective or mandatory community service course  
1 term, 3<sup>rd</sup> – 4<sup>th</sup> years  
Supervision  
Interviewing (before)

WHO will do it?

- 3<sup>rd</sup> and 4<sup>th</sup> year students under supervision of a professor (selection procedure for students)

WHERE?

- high schools
- refugee camps
- domestic workers

WHEN?

- First and second semesters
- Weekdays- 3hours a day

HOW?

- Dividing in groups
- Collecting materials
- Preparing and presenting lectures – before field visits



<b>BUSINESS PLAN: MENA REGION 2</b>
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1. NAME: human rights clinic
2. POLICY STATEMENT:
  - to legally empower members of society and vulnerable groups (women, children, refugees, domestic workers)
  - To enhance students' lawyering skills in a social justice context
  - To increase the awareness of students on social justice and human rights
3. OBJECTIVES:
  - Training students: ethics, law, teaching methods
  - Network (NGOs, bar associations)
  - Presentation at high schools, camps and embassies
4. CLINIC MODEL: STREET LAW
5. FINANCING:
  - University budget
  - NGO's (external funding) in kind providing resources



6. MANAGEMENT AND STRUCTURE:



7. COMMENCEMENT DATE: 2011 already started (reviewing)

8. RELATIONSHIP WITH OTHERS:

- Bars
- Ministries of justice and labour – high education
- NGOs
- Other universities
- Governmental institutions
- High schools

9. TRAINING:

- Staff workshops – exposure, conferences, visits, exchange programs
- Student workshops – visits from guest professors or speakers

10. COURSE CURRICULA:

- 16weeks (1 semester) 3 credits
- 4 weeks training students in an interactive method
- 2 weeks prepare street law
- 10 weeks street law
- 3 exams (1<sup>st</sup>, 2<sup>nd</sup> midterm, 3<sup>rd</sup> final exam) – theoretical will be memorandum designing a lesson plan and presentation of a reflection journal.
- 3hours | credits

<b>CLINIC DESIGN: MENA REGION 3</b>
-------------------------------------

WHY?

- Students to learn through teaching
- Legal skills
- Social justice
- Raise legal awareness
- Law school ranking

WHAT?

- Refugee Law

WHO?

- Teachers
- Lecturers
- Members of NGOs
- Lawyers for bar association
- Expert persons from government and UN
- International NGOs
- Refugee community leaders

- Learners:
  - Students
  - Refugees
  - NGOs
  - Media
  - Public servants
  - Members of bar association

#### WHERE?

- University
- NGOs
- Refugee camps
- Public building

#### WHEN?

- Whole year

#### HOW?

- Adapt the context, materials and methods depending on the learners
- For students: case study, grads
- Media: stories
- NGOs, tools
- Funds
- Networking
- Sustainability

<b>BUSINESS PLAN: MENA REGION 3</b>
-------------------------------------

#### 1. NAME:

- Refugee Street Law Clinic

#### 2. POLICY STATEMENT:

- To promote practical, legal skills in refugee laws and raising awareness and tolerance in the society regarding refugees

#### 3. OBJECTIVES:

- For students: practical legal skills
- Enable students to lead awareness session in refugee law for refugees
- To make the university a leading institution in the field of refugee law which contribute to the good prestige and reputation of the university

#### 4. CLINIC MODEL:

- STREET LAW

#### 5. FINANCING:

- Ministries, EU, UNHCR, NGOs, university, big law firms

#### 6. MANAGEMENT AND STRUCTURE:

- Street Law unit. Director and board with 3 members

#### 7. STAFF:

- Director, secretary, fundraiser, voluntary students (LLM, PHD, BA LLB )

8. COMMENCEMENT DATE:
  - September 1<sup>st</sup> 2014
9. RELATIONSHIP WITH OTHER ORGANISATIONS AND FACULTY:
  - Bar association
  - NGOs, government, media, refugee leaders, embassy
10. TRAINING:
  - By lecturers and experts (lecturers, NGOs, government officials)
11. COURSE CURRICULA:
  - Credit, elective course

<b>CLINIC DESIGN: ASIA REGION</b>
-----------------------------------

**WHY?**

- Teach students practical skills
- Bridging the gap between theory and practise
- Outreaching the community
- Creating social empathy
- Legal awareness for target communities

**WHAT?**

- Students conduct needs assessment
- Identification of the problem
- Identification of legal principles
- Seminars
- Develop curriculum and interactive teaching tools

**WHO?**

- students
- supervisors
- NGO Partners
- Community
- Government officials
- Employers
- Administration of the University
- Instructor

**WHERE?**

- On campus
- NGO Partners' offices
- Visit to local courts
- International Organisations (UNDP)

**WHEN**

- 'Front Loading'/ Pre term workshop
- Weekly Team Meetings
- Trouble shooting/ Sessions

## HOW

- Credit – pass/fail
- Provide feedback
- Funding – University
- Access to migrant workers through NGO partners.

### **BUSINESS PLAN: ASIA REGION**

#### 1. NAME OF CLINIC: Migrant workers rights Clinic (MWRC)

#### 2. POLICY STATEMENT:

MWRC was established during December 2013 to educate migrant workers on legal issues of concern to them. The aim of the clinic is to make the law accessible to the grassroots migrant population.

It also aims to turn students' attention to issues of social justice and gaps in the provision of legal services to vulnerable communities. The initiative provides unique opportunities for law students to gain practical legal skills by experiencing the law in action outside the classroom.

#### 3. OBJECTIVES:

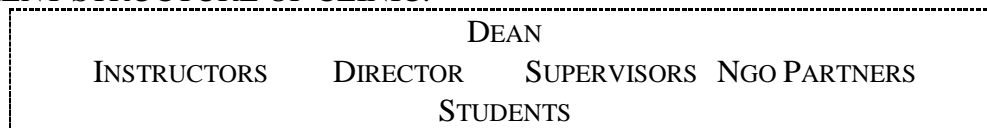
- Students will conduct seminars of legal relevance to the target communities.
- Students will direct the migrant workers to the relevant service providers.

#### 4. CLINIC MODEL: Street Law

#### 5. FINANCING CLINIC:

- Tuition fees and grants
- Faculty
- Self finance and fundraising
- Alumni contributions
- Law firm partners sponsorships
- Bar Association sponsorships

#### 6. MANAGEMENT STRUCTURE OF CLINIC:



#### 7. STAFFING:

- Administrative staff, Instructors, supervisors

#### 8. COMMENCEMENT DATE: December 2013

#### 9. RELATIONSHIP WITH OTHER ORGANISATIONS AND FACULTY:

- Bar Association/ Law society
- Courts
- International organisations
- Government officials
- National clinical legal Association

#### 10. TRAINING:

- Substantive Law
- Interactive Teaching Methods
- Para-legal services

## 11. COURSE CURRICULA:

- Domestic and International Provisions
- Journals
- Feedback forms
- Assessment forms
- Lesson plans
- Practice sessions
- Research



Laos Clinic Planning Subgroup

### CLINIC DESIGN: SUB-SAHARAN AFRICA, AUSTRALIA, AND NORTH AMERICA

#### WHAT?

- Street Law for prisoners (including women and children)
- Students teach under supervision
- Street Law for indigent persons requiring pro bono services
- Practical project for large classes
- Constitutional Law, Family Law, Human Rights, Criminal law etc.
- Learning Skills – Advocacy, Ethics, Research, Teaching
- Community lawyering

#### WHY?

- To improve access to justice
- To provide legal education to members of the community
- Students to earn pro bono credit
- To reach as many law students as possible in a large class
- To enable students to learn by teaching/doing

#### WHO?

- Students under supervision
- Members of community
- Members of vulnerable/affected groups

#### WHERE?

- Schools/(Public /Law Schools
- Communities

- Prisons
- Detention centres

#### WHEN?

- During the school terms
- During school holidays

#### HOW?

- Orientation Workshops
- Assessment of students
- Placement
- Externships
- Teach students to be sensitive to cultural differences
- Lesson plans
- Needs assessment

<b>BUSINESS PLAN: AFRICA, AUSTRALIA AND NORTH AMERICA</b>
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1. NAME: Community Engaged learning project (CELP)
2. POLICY STATEMENT: To provide opportunities for law student to engage in community legal education
3. OBJECTIVES:
  - To provide opportunity for large classes to benefit from and participate in legal education.
  - To develop skills in social justice
  - To develop lawyering skills, e.g. advocacy, ethics and research
  - To developing students' teaching skills
  - To develop knowledge in substantive legal areas e.g. constitutional law, family law, property, human rights law, criminal law, etc.
  - To provide access to justice for communities and other groups
4. CLINIC MODEL: Pro bono project involving Street Law and community lawyering (multi facettted clinic)
5. FINANCING:
  - Law school
  - Development partners
  - Bar association
6. MANAGEMENT AND STAFFING STRUCTURE:
  - Co-ordinator
  - Finance administrator
  - Community liaison officer
  - Faculty officer
  - Student clinic trainers/ faculty trainers

	FACULTY ADVISOR CO-ORDINATOR	
FINANCE ADMIN	COMMUNITY LIAISON OFFICER	FACULTY TRAINERS
	STUDENT TRAINERS	
7. COMMENCEMENT DATE: next summer (2014)/next academic year(2014)
8. RELATIONSHIP WITH OTHER NGOs/FACULTY:
  - Partner with local school system

- Partner with legal aid
- Partner with development organisations
- Partner with county jail/detention centres
- Partner with prison authorities
- Partner with faculty/ volunteers

#### 9. TRAINING:

- 2- Day orientation (involving law teachers, experts, policy makers)
  - Sensitize about community dynamics
  - Interactive teaching strategies
  - Lesson plan drafting
  - Dress code
  - Professional ethics
  - Methodology to conduct needs assessment within community
  - How to compile/write a reflective journal
  - How to compile a portfolio of evidence to be submitted by students for assessment?

#### 10. CURRICULUM (50 Hours):

- Training of trainers (faculty) 3 hours
- Training the students in participatory training methods (2 days)
- Training students to prepare lesson plans, write reflective report and how to compile a portfolio for assessment by academics
- Visit to community (3 hours a week, 30 hours per student)
- Report writing (1 hour a week, total of 10 hours per student)
- Evaluation (portfolio of evidence and practical exam)

#### Links:

[Master Class 3 Power Point Presentation](#)

[African Law Clinicians Manual](#)

[Maranville et al Guide to Designing Experiential Courses](#)

## **Topic: *Running a Social Justice Clinic***

**Session Coordinator:** Susan Brooks

**Facilitators/Presenters:** Richard Grimes, David McQuoid-Mason, Ujiwala Sakhalkar, Leah Wortham

The afternoon session on Tuesday was devoted to discussing opportunities and challenges of running a social justice-focused clinical program. The participants worked in small groups to discuss the specific challenges they found most concerning, and to identify effective strategies for addressing those challenges. After working for most of the afternoon in small groups, we gathered together to share our collective wisdom on effective strategies.

First discussed opportunities in social justice clinics and then discussed challenges, listing:

- Negative attitudes
- Managing expectations of the community
- Funding
- Political interference from the university



- Student safety
- Imbalance demand and what can supply
- Assessment
- Understanding of client satisfaction?
- Self focus of students “rock star phenomenon”
- Secondary PTSD
- Conflicts of interest
- Defining the community for community lawyering
- Complexity of partnering
- Cultural sensitivities

## **Report Back Session**

[typed by Leah Wortham as groups gave their reports]

Five minutes from the four groups re strategies for addressing challenges for social justice clinics included:

### **1. COMMUNITY LAWYERING GROUP**

#### **LACK OF INSTITUTIONAL SUPPORT:**

- get Dean/other leader on board to support
- get influential lawyering community members to talk to the Dean

#### **CONTINUITY:**

- involving students in managing the clinic through shifts during holidays and exams

#### **STUDENT GRADING:**

- qualitative & quantitative

#### **NEED GOVERNMENTAL APPROVAL/SUPPORT IN SOME COUNTRIES:**

- seminar for stakeholders, e.g., UNDP. Work with students before a questionnaire. Come in with business plan

#### **MANAGING COMMUNITY EXPECTATIONS:**

- educate community what can and cannot do
- make sure students don’t create false expectations
- written agreements with NGO partners
- Logistical challenges, e.g., transportation

#### **CLINIC AS “ROCK STAR”:**

- Have a media policy. Who should talk and what they should say
- Never forget it’s about serving clients & educating the students, but not glory for the clinics

### **2. EXTERNSHIP GROUP**

#### **CAPACITY OF STUDENTS TO BE READY TO DO THE WORK:**

- orientation weeks or weekend
- class component (maybe frontload)
- supervision or class component at the faculty

#### **SUSTAINABILITY:**

- student academic credit for the courses
- teachers get “credit” for the work they put in—ideally part of calculation of their teaching load

- communication: 50% work and 50% talking about it. Make sure others know about the program and its benefits.

#### PREPARATION RE CULTURAL SENSITIVITY OR SECONDARY POST TRAUMATIC STRESS DISORDER (PTSD):

- cultural diversity, e.g., refugee programs, people with disability
  - possibility to involve experts from outside
- secondary PTSD

#### MANAGEMENT OF PARTNERSHIP:

- setting clear objectives
- handbook from university partner, clear expectations
- degree of formality needed may vary
- regular feedback meetings

### 3. **STREET LAW GROUP**

#### POLITICAL INTERFERENCE:

- Choosing title with acceptable language in the particular cultural context, e.g., antidiscrimination rather than gay rights or sex-worker rights

#### FINANCING:

- Building partnership law firms: contribution, fellowships, pro bono
- Student fees
- Development
- Starting small, e.g., student workers
- university grants, local government
- alumni contributions
- income generation from research or other things

#### SUSTAINABILITY:

- funding
- qualified staff
  - train
  - collect feedback
  - train students

#### CULTURAL SENSITIVITY:

- communication workshops
- teach ethics
- use interactive methods

#### RESISTANCE BY LEGAL PROFESSION:

- involve the leadership
- lobby for legal reform
- call on lawyers & judges to train the students

#### MOTIVATING STUDENTS & STAFF:

- certificates
- academic credit
- make students feel “part of the family”
- ways to send students to conferences
- exchange programs

#### 4. IN-HOUSE CLINIC GROUP

##### MANAGING EXPECTATIONS:

- various groups raise this issue: students, communities, teachers, bar assns, universities
- not time to discuss all. Students looking for graded & credited course. Should meet this expectation.
- Students may need help with time management, e.g., help them to understand the importance of their job, give feedback that show outcome of their work
- Memoranda of understanding can help
- Help for clinicians in managing time: delegate more to volunteer teams
- Learn from each other. Don't "reinvent the wheel." Cooperate with experienced partners.

##### SUPPORT IN THE FACULTY:

- Develop materials to show the faculty what you are doing & capacity of clinics to solve some problems of the law faculty

##### PROBLEM OF FITTING IN THE CLINIC DURING THE SEMESTER:

- Advice only clinic
- refer to other partnerships

The sessions on Day 3 were devoted to specific skills. Delegates will have the opportunity of considering one or more lawyering skills (including ADR, interviewing, drafting, research and advocacy) in the context of a social justice clinic. There will also be a drop-in session for those wanting specific advice on skills in particular and clinic in general.

### **Topic: *Collaboration and Interdisciplinary Work***

**Leads:** Lisa Bliss, Susan McGraugh, and Martha M. Peters



The concurrent skills session on collaboration and interdisciplinary work explored in which areas we collaborate, the importance of understanding differences in working styles and other aspects of ourselves and those with whom we work, and engaged in a collaborative exercise. The groups collaborating debriefed their experiences working on social justice themed posters and identified takeaways from the session that could be applied in their classrooms and other work contexts.

## **Topic: *Client Interviewing and Counseling***

**Leads:** Margaret Barry and Brian Landsberg

**Links:**

[Barry and Landsberg, Interviewing and Counseling Teaching Materials](#)

[Barry and Landsberg, Additional Interviewing and Counseling Teaching Materials](#)

## **Topic: *Dispute Resolution***

**Leads:** Don Peters and Jeff Giddings

About twenty participants attended the session on dispute resolution with emphasis on negotiation and mediation, presented as part of the concurrent “master classes” portion on the last day of the TOT Workshop. Jeff Giddings and Don Peters co-facilitated because Maurya Chandra misread the schedule and arrived just after the session ended. The session generated substantial interaction and discussion, as well as opportunities to participate in two very short improve exercises and one brief, 15 minute negotiation. Time expired before we could conduct the planned small group exercise where participants brainstormed options for improvisation exercises and brief negotiations that fit their legal and cultural contexts.

Jeff and Don began the session with a role played demonstration of a dispute between faculty colleagues about a conflict generated when both scheduled the same room for a dispute resolution class. Capturing participant interest, they demonstrated how positional, rights-based negotiation led nowhere while interest-based analysis created a mutually beneficial resolution that prevented further escalation of tension between colleagues. Discussing this demonstration provided a useful way to define negotiating and mediating that featured the task of writing a one or two sentence definition of negotiation and then comparing it to how Jeff and Don define it in their clinical work.

This was followed by alternating presentations of slides working through useful frameworks for planning, implementing, and reviewing negotiation, its inevitable tensions, and seven elements approach. A fun and discussion provoking improvisation exercise called cross the line followed the mini-lecture about the inevitable tensions that exist between creating and claiming value when negotiating. A fascinating and brief experience with the ultimatum game highlighted the importance of the legitimacy element. Everyone proposed 50-50% splits in the first round which probably should be expected from a gathering of collaborative clinicians and NGO officials.

A short negotiation exercise highlighting the reality that interests can be independent allowing the creating of all win outcomes followed a short break giving participants an opportunity to read their less than one page instructions. Modeled on the sisters quarreling over an orange episode popularized by Mary Parket Follet in the 1920s, participants enjoyed either finding that they needed separate parts of the rare bananas or wondering why they neglected to learn this.

Excellent questions and discussions ensued about abuses of family mediations in Indian lok adalat contexts where represented spouses [usually husbands] routinely took unfair advantage of unrepresented counterparts [usually wives], and frequently filed spurious criminal law charges to enhance their bargaining leverage. Regrettable technology problems occurred as first no compatible computer was provided and the person solving that neglected to plug in the laptop provided and its battery expired shortly before the session

ended. Nonetheless, participants commented that it was a good introduction, and that many looked forward to using and adapting the slides presented.

**Links:**

[Dispute Resolution Power Point Presentation](#)

[Bananas-Dr. Fiction VN \(1\)](#)

[Bananas-Dr. Peale VN \(1\)](#)



Dispute Resolution Session Participants

## **Topic: *Legal Drafting***

**Lead:** Steve Rosenbaum

### **Summary of Legal Drafting Workshop**

About 20-25 participants attended the session on Drafting Legal Documents as part of the concurrent “master classes” portion on Day 3 of the Training of Trainers. Participants were asked to select a workshop that focused on a particular skill.

I facilitated the session, using a short lecture and interactive exercise. Although this was one of the last sessions of the TOT (and prone to “conference fatigue”), I believe it generated substantial interaction and discussion, as well as opportunities to participate in a series of short improvisational oral exercises.

I drew heavily from materials prepared by Rupert Haigh ([rupert.haigh@forum-legal.com](mailto:rupert.haigh@forum-legal.com)) and the Canadian Institute for Administrative Justice (David C. Elliott, *Legal Drafting: Language and the Law*), beginning with this overview:

People generally read legal documents looking for answers to questions. More often than not, they find “information anxiety”-- the black hole between data and knowledge. This happens when “information” doesn’t tell us what we want or need to know. The starting point to fill that black hole is to accept that what we write is not for ourselves but for others.

When we start to think of getting the message across to those for whom we write, we become interested in clarity and precision. That leads us to ask what helps people understand texts (and to use those things in our writing); and to ask what impedes understanding (and avoid those things in our writing).

Unnecessarily complex language, redundant words, and language that fails to communicate, impose an enormous financial burden on all levels of society. Even minor improvements to the language of the law can



bring substantial savings of time; time which can then be put to more productive use. We can “reverse the extraordinarily strange situation that free societies have arrived at where their members enter binding obligations they do not understand and are governed from cradle to grave by texts they often cannot comprehend.”

We reviewed the typology of “Lawyer Writers” as defined by D. Elliott:

**Non-Writers** will do almost anything to avoid writing. They use an-ill fitting precedent, give no thought to communication – and don't see anything wrong with this sort of letter.

**Technical Writers** do care about what they write, but only enough to get it right. As long as the lawyer writer is satisfied that the words do “get it right,” no more needs to be done. Technical writers have no concern about using archaic legal language, overlong sentences, do not recognize redundancies, and see complexity as an inevitable necessity of legal writing. They make no attempt to simplify what they write - creating a self fulfilling prophesy - that legal writing has to be complex.

**Legislative Counsel** have been the most innovative of legal writers, and their contribution is either unknown to or overlooked by the legal profession. For the most part, there is no comparison between the modern Act (at least *à la canadienne*) and the standard legal precedent. The legal profession can learn much from legislative counsel.

**Communicating Lawyers** are not satisfied with “getting it right,” but move on to make the writing communicative and intelligible. They balance precision and clarity.

I then went around the room, asking people to read short phrases from business letters, contracts and legal memoranda (intentionally poorly drafted by R. Haigh) and to correct the phrasing so that it would approximate what the Legislative Counsel or Communicating Lawyers might write.

This was followed by a discussion of how various faculty conduct legal drafting exercises in their own classes and clinics.



Awaiting Workshop's Closing Comments



# **Global Alliance for Justice Education (GAJE)**

## **Training of Trainers Workshop on Clinical Legal Education**

### **7th Worldwide Conference “Advancing Justice Education through Global Commitments and Connections”**

Jointly organized by  
**National Law University, Delhi**  
Under the auspices of  
**National Academy of Law Teachers,  
Chair on Professional Ethics  
&  
Global Alliance for Justice Education  
16th-18th December, 2013  
at  
National Law University, Delhi  
Sector – 14, Dwarka, New Delhi – 110 078**