

**GLOBAL ALLIANCE ON JUSTICE EDUCATION (GAJE)**



**DRAFT REPORT OF THE 4<sup>TH</sup> GAJE CONFERENCE HELD IN  
CORDOBA, ARGENTINA FROM 27 NOVEMBER TO 2  
DECEMBER 2006**

**DATED: 30 APRIL 2007**

<b>Table of contents</b>		<b>Pages</b>
<b>A</b>	<b>Acknowledgments</b>	<b>iv</b>
<b>1</b>	<b>Introduction</b>	<b>1</b>
<b>2</b>	<b>Strand A: Addressing unmet legal need and legal service alongside legal education</b>	<b>2</b>
2.1	Theory and practice: The illusion of transformative conflict resolution: Mediating domestic violence in Nicaragua	3
2.2	Workshop on community lawyering	4
2.3	It's about justice, not simply the law- the community legal centre model in Australia, Canada and the UK	5
2.4	Student engagement with justice issues – some examples from Australia	5
2.5	Public interest litigation as an instrument of social change: India	6
2.6	Legal aid and poverty reduction: Innovative approaches to leverage of civil resources, coordination of service providers and the role of lawyers	7
<b>3</b>	<b>Strand B: Professional responsibility: Educating lawyers in social justice</b>	<b>8</b>
3.1	Beginning, maintaining and growing a justice program: The international bridges to justice model	9
3.2	Social justice education in law school in the era of social change	9
3.3	Legal ethics education as a contribution to the justice mission of the legal Profession	10
3.4	The critical global classroom project of LATCRIT Inc.: Applying theory to practice for progressive lawyers and law students in study abroad	13
3.5	Educating and supporting a commitment to public service lawyering –role and strategies used by CLE programs	14

<b>4</b>	<b>Strand C: Socially relevant legal education: Matching the curriculum with social needs</b>	<b>14</b>
4.1	Improving indigenous access to, and experience in, law school: An Australian experience	15
4.2	Documentary video-making as a tool for teaching about injustice	16
4.3	Narrative theory and clinical legal education: A structured approach to public interest advocacy	17
4.4	From routine skills-oriented law clinics toward public interest law challenges in the societies of late modernization	18
4.5	Using refugee and human rights law as a vehicle to teach about social justice: Case studies on Guatemala and Haiti	20
4.6	Collaborating towards justice	22
4.7	Teaching social justice: the impact on persons with disabilities	22
4.8	Justice education projects from the South America Region	24
<b>5</b>	<b>Strand D: Poverty, reform and education: effecting change through education and research</b>	<b>25</b>
5.1	The role of community economic development law clinics in educating lawyers for social justice	26
5.2	Using the internet to promote justice education	27
5.3	Critical assessment of law school-based social action	29
5.4	Educating lawyers of tomorrow for social change	30
<b>6</b>	<b>Strand E: Public legal education: The role of law schools in improving legal Literacy</b>	<b>31</b>
6.1	Integrating law students into lawyers' work for social justice across legal culture	31
6.2	Workshop on legal literacy (presented in 4 parts)	32
<b>7</b>	<b>GAJE business meeting</b>	<b>34</b>

## **A Acknowledgments**

GAJE relies on volunteers for the success of its conferences and workshops and Cordoba was no exception. Students, law teachers, lawyers and GAJE members in Argentina went to great lengths to ensure that the conference succeeded. Carlos Varas was the chair of the Local Organizing Committee and was ably assisted by Soledad Sequeira, Romero Celeste and Lucas Gilardone and their assistance is highly appreciated and acknowledged.

The support and assistance of other global GAJE members was also evident and appreciated particularly the Conference Organizing Committee whose members were: Mariela Puga (Chair - Argentina), Erika Castro (Colombia), Filip Czernicki (Poland), Yuval Elbashan (Israel), Neil Gold (Canada), Richard Grimes (UK), Lubna Hammad (USA/Palestine), Lusine Hovhannisian (Hungary/Armenia), Joy Aiema (Kenya), Subhram Rajkhowa (India), Antoinette Sedillo Lopez (USA), Javier Truchero (Spain). Ed Santow (Australia) was the liaison between the Conference Planning Committee and the GAJE Steering Committee and was very instrumental in putting together an effective Conference program.

Frank Bloch (USA) (the outgoing GAJE Steering Committee Convenor) was the liaison between the Local Organizing Committee and the GAJE Steering Committee and his efforts, commitment and outstanding performance has been noted and appreciated. Asha Ramgobin (South Africa) was the chair of the Conference Fundraising Committee and is thanked for accepting the daunting task.

Delegates at the Conference and all GAJE Members globally also receive special mention for their continued support of GAJE activities. GAJE also acknowledges the support of the FORD Foundation (China) for supporting the Chinese delegates to attend the Conference and the Open Society Justice Initiative (Budapest) for supporting a number of delegates to the conference. The organization and the conference reporter also express gratitude to all the workshop facilitators and contributors to this report.

George Mukundi (Kenya)

**4<sup>th</sup> GAJE Conference Reporter**

## 1 Introduction

The 4<sup>th</sup> GAJE conference was held in Cordoba, Argentina from 27 November to 2 December 2006. The conference was hosted by the Cordoba National University. The main conference theme was **‘Educating Lawyers for Social Justice: Law, Poverty and Social Change’**. Like its other predecessor conferences in India, South Africa and Poland, the conference was structured into thematic workshops which were clustered into five main strands. Over 125 global participants representing more than 25 countries were in attendance.

The whole conference was interactive and participants reestablished and made useful contacts. The conference opening ceremony was also attended by the Cordoba National University academic administrators, the GAJE local organizing committee, local communities and global GAJE members. The key note speaker at the opening ceremony was Mr. Roberto Nancucheo, an ‘indigenous peoples’ traditional leader in Argentina, who spoke passionately about his peoples’ pursuit for social justice and the role of lawyers and law in effecting social change. Subsequent speakers and workshops themes effectively linked his speech with the conference theme and desired outcomes.

During the course of the conference, the local organizers also facilitated a visit to some of the historic places in Cordoba such as *Museo Casa De Ernesto “Che” Guevara* which is today a museum celebrating the life of Ernesto ‘Che’ Guevara a freedom fighter and revolutionary in Argentina. For further details to this museum, visit [www.altagracia.gov.ar](http://www.altagracia.gov.ar). Delegates also visited the *Museo de la Estancia Jesuitica de Alta Gracia- Casa Del Virrey Liniers* also in Cordoba which is a Jesuit monastery and place of art. For details on this museum see [www.museumliniers.org.ar](http://www.museumliniers.org.ar). Participants had an opportunity to also visit the Tuwinen and *Le Plete* clinics, which share offices with a number of other NGOs working in the area of social justice in Cordoba.

The main conference and workshops were unique in that for the first time in GAJE conferences, simultaneous translation from English to Spanish and vice versa was made available for the diverse participants representing the two language speakers. Further, for the first time the Steering

Committee in consultation with the conference organising committee decided to incorporate the main conference theme with the training workshop approach to emphasise the importance of the training component and to enable delegates to attend both the formal and training elements within a more manageable timeframe.

This report puts together summaries of the five strands of the various conference workshops which were:

- A. Addressing unmet legal need and legal service alongside legal education
- B. Professional responsibility: educating lawyers in social justice
- C. Socially relevant legal education: matching the curriculum with social needs
- D. Poverty, reform and education: effecting change through education and research
- E. Public legal education: the role of law schools in improving legal literacy

The strands were divided into various sessions which run during different dates but for the sake of coherence the report addresses each strand at a time. The summaries were done by facilitators and or volunteer reporters of the various sessions. Several summaries also attach some of the workshop presentations and/or further details of the workshops. To read the attachments double click on the object icon displayed immediately after the summary.

## **2 Strand A: Addressing unmet legal need and legal service alongside legal education**

Strand A had five sessions as follows: Theory and Practice: the Illusion of Transformative Conflict Resolution: Mediating Domestic Violence in Nicaragua; Workshop on Community Lawyering; It's about Justice, not Simply the Law - The Community Legal Centre Model in Australia, Canada and the UK; Student Engagement with Justice Issues – Some Examples from Australia; Public Interest Litigation as an Instrument of Social Change: India; and Legal Aid and Poverty Reduction: Innovative Approaches to Leverage of Civil Resources, Coordination of Service Providers and the Role of Lawyers.

**2.1 Theory and Practice: The Illusion of Transformative Conflict Resolution: Mediating Domestic Violence in Nicaragua** – Presenters: Raquel Aldana (USA); Silvia Juarez (Nicaragua); Gretel Sequeira (Nicaragua); Martin Geer (USA) - Summary by Martin Geer

This summary is a rendition of the GAJE Conference 2006 workshop descriptions for this session which was as follows: In 2003, the Nicaraguan Supreme Court, with funding from the Inter-American Bank and others, began a pilot project called Caminos to introduce mediation to six rural communities in Nicaragua where there are currently no courts. The Caminos project guidelines permit the mediation of domestic violence disputes, even though it prohibits the mediation of cases involving "grave" violence.

Based on the efforts of a feminist cooperative in Mulukuku, Nicaragua, the Maria Luisa Ortiz, one of the pilot Mediation Centers was assigned to Mulukuku. From the inception of the project three years ago, the William S. Boyd School of Law at the University of Nevada, Las Vegas and the Maria Luisa Ortiz Cooperative have been collaborating to evaluate the effectiveness of the Mediation Center in Mulukuku to assess how and whether domestic violence cases should be mediated in Mulukuku.

The Cooperative runs a health and legal clinic in the community, and it provides medical treatment, psychological counselling, and legal representation of hundreds of victims of domestic violence. The Legal Director of the Cooperative Gretel Sequeira will spoke on the Cooperative's handling of domestic violence cases before and after the introduction of mediation in Mulukuku.

Boyd Professors Aldana and Saucedo have conducted field research in Mulukuku on the implementation of the Mediation Center, with a specific focus on domestic violence cases. They reported on these preliminary findings and placed them in a theoretical framework based on similar research by anthropologists, sociologists, and lawyers in others parts of the world.

The University of Central America (the UCA) runs an excellent legal clinic in Managua, and conversations have begun among Boyd Law School, the Cooperative, and the UCA, to involve Managua and US law students in an experiential learning course in Mulukuku. The UCA Clinic

Director discussed the clinic model at the UCA and the proposed collaborative project in Mulukuku.

## **2.2 Workshop on Community Lawyering – Presenters: Susan Brooks (USA); Karen Tokarz (USA); Fran Ansley (USA) - Summary by Susan Brooks**

The three organizers of this workshop began by briefly giving some of their perspectives on community lawyering, and why they chose to involve students in community lawyering. Fran Ansley then introduced the techniques developed by Augusto Boal, who developed something called the "Theater of the Oppressed," which uses methods drawn from the world of theater to help individuals and communities problem solve and arrive at more constructive approaches.

The presenters then invited the participants to share stories of frustration that they had encountered in pursuing these endeavors. At the same time, they acknowledged that most of the participants could easily share stories of satisfaction if time permitted, but it was agreed that frustration stories are generally more interesting and can allow engagement of theater methods to help each other in ones work.

After hearing three stories of frustration, the group selected one of the stories for further work. The group then explored other ways that the story-teller/protagonist - and the rest of the participants - might in future approach the kind of situation revealed in that story. This exploration was done by replaying the scene of a pivotal moment in the story, with the participants stopping the scene at various points to offer different approaches 'in role'. By the end of the workshop, the protagonist, as well as the rest of the group, seemed to feel some sense of relief as well as a better understanding of the issues and dynamics involved in the story as a result of revisiting this very difficult situation. The group also learnt something about working through, and perhaps anticipating difficult moments in doing community lawyering, as well as understanding one particular technique that may be helpful in doing such challenging work.

### **2.3 It's about Justice, not Simply the Law - The Community Legal Centre Model in Australia, Canada and the UK** – Presenters: Julie Bishop (Australia); Anna Cody (Australia); Helen Yandell (Australia) - Summary by Julie Bishop

The workshop participants were introduced to community legal centres models working in the area of poverty law in the United Kingdom (UK), Canada and Australia. The workshop looked at the Centres' strengths and their challenges. They identified the distinguishing features of the Community Legal Centre Model as being:

- Based in their community ties and managed and directed by the community
- Although funded organisations they are also grassroots organisations
- Multi-disciplined in terms of the composition of staff such as lawyers, social workers, educators, housing workers, financial counselling which allowed all facets of the clients' problems to be addressed.
- Centres/clinics offer more than casework legal education/literacy but also identify and work on law reform, public policy and community development project so as to address the systematic barriers to justice for clients.

Participants finally discussed the role of law-students in the centres and the different functions they perform.

### **2.4 Student Engagement with Justice Issues – Some Examples from Australia** – Presenters: Mary Anne Noone (Australia); Judith Dickson (Australia); Julie Bishop (Australia); Helen Yandell (Australia) - Summary by Judith Jackson

The aim of the workshop was to explore how to challenge law students to consider issues of social justice and their connections with their professional responsibilities.

Mary-Anne began by explaining the clinical legal education programmes in Australia which are usually based in the community – usually in the community legal centres with a strong university-community connection. After a brief description by Judith and Helen of the programs, Julie Bishop gave a dramatic example of students pushing their supervising lawyers beyond conventional solutions. Volunteer students in a central Australian CLC ran a 'women camp' over 5 days with a

young aboriginal woman, a lawyer, a social worker, actors musicians and students, to talk and teach about domestic violence.

After this simulation the workshop considered two scenarios, one from Australia and one from Russia involving disability and military compensation. The group identified specific and systematic social justice issues brainstorming ideas for ways in which students could both be led to and could lead discussion and action to address these issues. The group struggled at times to move beyond the specific case tasks. The following suggestions were made:

- Meeting with client group and workers to find out real needs.
- Moot court to develop ideas for litigation
- Researching on draft submissions for law reform
- Law reform submissions
- Lobbying

In conclusion, the presenters highlighted the work done in Australia by students in both clinics and as volunteers in community legal centres for example community development projects, law reform, submissions to government, media interviews, legal advice ‘tents’ for school leavers, pictorial leaflets for Sudanese communities. It was suggested that clinical legal educators should tap into the skills and knowledge of students to be creative and engage them in social justice mission.

## **2.5 Public Interest Litigation as an Instrument of Social Change: India – Presenter: Subhram Rajkhowa (India)**

The presenter introduced the topic and then went on to make a detailed presentation of the diverse aspects of public interest litigation. He dwelt on the role of the Supreme Court of India in developing public interest litigation by expanding the scope of *locus standi* and the importance attached by it to *pro bono* issues. He discussed the different categories of cases like those of bonded labour, non-payment of minimum wages, petitions from jail inmates, deaths in custody, and atrocities on women, environmental pollution, ecological balance and family pension: alluding to the guidelines issued by the court.

He then discussed successful intervention cases by students' organisations in the state of Assam and other parts of the country in areas of human rights, indigenous issues, health and housing. He discussed how law clinics have successfully taken up cases and also discussed the role of the State Human Rights Commissions and the Forum of State Information Commissions. The coordination between law school clinics, NGOs and the Bar, community lawyering and with training institutes also evoked useful interactions.

The success stories were further deliberated upon by the participants and the challenges both in the country and neighbouring states were focused upon. The highly interactive session came to the conclusion that the success stories in India can be taken up by law clinics in other parts of the world to use in social justice and social change.

**2.6 Legal Aid and Poverty Reduction: Innovative Approaches to Leverage of Civil Resources, Coordination of Service Providers and the Role of Lawyers – Strand A-**  
Presenters: David McQuoid Mason (South Africa); Ed Rekosh (USA/Hungary); Atanas Politov (Bulgaria/Hungary); Gustavo Maurino (Argentina) - Summary by David Mcquoid Mason

The session was organised by the Public Interest Law Initiative, Budapest. It was divided into two sections – one entitled 'What has law to do with it?' and the other 'What are the problems with existing services for the poor?'

During the first session on 'What has law to do with it?' David McQuoid-Mason discussed the relationship between law and social and economic rights – particularly as it applied to the South African situation. Gustavo Maurino then dealt with the problem of ineffective and unaccountable institutions in Argentina, while Atanas Politov discussed the problem of lack of legal identity and citizenship and its impact on returnees in Bosnia-Herzegovina. Thereafter there was a discussion with the audience concerning law as both an obstacle and an opportunity; other legal identity problems affecting indigenous people in some countries, and migrant workers in others (such as China). The first session ended with a general discussion about the relationship between formal

and informal law where often the law that appears in the statute books is not the law that applies in practice – particularly in poor and rural communities.

The first part of the second session on ‘What are the problems with existing legal services for the poor?’ began with a discussion by Gustavo Maurino and David McQuoid-Mason on the problem of ignorance of legal rights and the need for legal literacy. The panellists dealt particularly with the degree to which such ignorance was due to lack of information, and how much was due to deliberate obfuscation or overuse of jargon by the legal ‘oligopoly’. It was pointed out that much ignorance about the law was due to lack of information, but that mystification of the law also played a role and that attempts to overcome this had been made in Anglo-American systems by the introduction of a ‘plain English’ movement for legislation and legal documents. The audience then engaged in a discussion of whether it really was ignorance or rather that people knew that the system is expensive, inefficient and biased against them. There was also a debate about whether legal literacy programs gave rise to ‘empty promises’ or were usually used for ‘political mobilization’ instead of genuinely empowering people about the law.

The last part of the second session on ‘What are the problems with existing legal services for the poor?’ began with a discussion by Gustavo Maurino on cooperation between law clinics, the courts and the bar. David McQuoid-Mason then described the cooperation that takes place in South Africa between the law clinics, the Legal Aid Board justice centres and paralegal organisations. Finally, Atanas Politov discussed how a diverse approach can be coordinated. He also suggested how the effectiveness of such an approach can be measured, and how a continual improvement monitoring mechanism can be built into the system. The panel presentations were followed by a discussion with the audience.

### **3 Strand B: Professional responsibility: educating lawyers in social justice**

This strand had five sessions as follows: Beginning, Maintaining and Growing a Justice Program: The International Bridges to Justice Model); Social Justice Education in Law School in the Era of Social Change; Legal Ethics Education as a Contribution to the Justice Mission of the Legal Profession; The Critical Global Classroom project of LatCrit, Inc.: Applying Theory to Practice for

Progressive Lawyers and Law Students in Study Abroad; Educating and Supporting a Commitment to Public Service Lawyering –Role and Strategies used by CLE programs

### **3.1 Beginning, Maintaining and Growing a Justice Program: The International Bridges to Justice Model** – Presenter: Sue McGraugh (USA)

The presentation looked at four separate models of justice programs. All of the programs were begun as non-university entities. The first program, International Bridges of Justice, is a successful NGO based in Geneva. It began on a shoestring budget, the IBJ program has since grown to include offices in Geneva, Beijing, Anhui province and Africa. Like the other programs discussed in the presentation, IBJ relied on complimentary relationships with governmental agencies and partnerships with local bar associations in maintaining and growing its program.

Four common characteristics were identified that contributed substantially to the success of the justice programs. The first characteristic was dynamic leadership, defined as persistence in the face of adversity. A second characteristic was the development of strong local partnerships. Successful efforts at fundraising were also crucial to the success of the programs. Finally, all the programs were active participants in the education of lay people on their rights under the prevailing justice system.

### **3.2 Social Justice Education in Law School in the Era of Social Change** – Presenters: Cai Yanmin (China); Liz Cooper (USA); Barbara Schatz (USA); Mao Ling (China); Chen Jianmin (China); Liu Gang (China); Jennifer Lyman (USA); Lusine Hovhannisian (Armenia/Hungary); Filip Czernicki (Poland); Arkady Gutnikov (Russia)- Summary by Mao Ling

The workshop was hosted by the Chinese delegates. Professor Cai Yanmin gave an overview of the social justice education programs in China from three aspects. First she illustrated the main problems arising from the social change in China which includes the big gap between the wealthy and poor, increased environmental pollution and corruption as some of the biggest challenges. Secondly, she introduced how law schools in China try to develop the social justice education

through clinical legal education and the mission and characteristics of CLE in China. Finally, she analyzed the challenges of CLE and social justice education in China. In order to show how clinical students provide legal aid to the disadvantaged groups, a video was shown depicting the clinical students from Renmin University dealing with an employment case. Professor Liu Gang and Professor Pan Wenjun made commentaries on the case.

Elizabeth Cooper then made a presentation titled “Innovations in Clinical Legal Education: exploring the Value of Legislative and Policy Clinics”. She discussed three areas into which clinical offerings have expanded: shift from the litigation-focused clinics into the needs-and-rights-focused clinics; shift from the individual-client-focused clinics into the low-income-communities-focused clinics; the growth of clinics focusing on business-related matters. As a result, she was of the view that the new clinics shall focus on how to create non-litigation-based remedies to systemic injustices facing the poor and disenfranchised. She also highlighted the need for teaching a policy and legislative advocacy clinic. Finally, she identified the essential ingredients for a successful advocacy clinic.

Filip Czernicki introduced the development of CLE and the legal aid program in Poland, with an emphasis on refugee clinic. After the three presentations, group discussions were conducted surrounding three questions: “how clinics and non-clinical teachers instill students to pursue social justice values after graduation?” “what class activities shall be designed to help students persuade officials to change the policy?” and “how to help clinical students in refuge clinic work with clients from different culture background?”

**3.3 Legal Ethics Education as a Contribution to the Justice Mission of the Legal Profession**– Presenters: Sara Chandler (UK); Nigel Duncan (UK); Clark Cunningham (USA). The presenters were joined by Adrian Evans (Monash University, Australia) in preparing this session- Role playing participants: Julie Bishop (Australia); Richard Boswell (USA); Sally Hughes (UK)- Summary by Sara Chandler and Clark Cunningham

The workshop was held over two sessions. The first session investigated ethics teaching at undergraduate level. There were about sixty participants who were asked to work in four groups (1 Spanish, speaking and 3 English speaking).

(i) Spreading the Clinical Experience

The group took a scenario prepared and presented by Nigel Duncan and discussed teaching methodologies for sharing the experience of one student who goes to court with a qualified lawyer and encounters a number of ethical dilemmas. Each group devised different methodologies ranging from seminars discussions to theatre presentations with a teacher interrupting the scenario. Other methodologies included video presentation for discussions, students' role plays and use of reflective journals by the non-clinic students.

(ii) Putting ethics into practice

The participants remained in their groups and watched a short power point presentation by Sara Chandler which introduced two exercises used to assist students to build their own ethical standards above and beyond the rule book. The first exercise asked each group to list what they believe to be the values of the legal professional. They wrote up the values on flipcharts taped to the walls. When the exercise was finished the participants then walked around to see what list each group had produced.

The second exercise in this section consisted of participants working in pairs. Each received an envelope which contained an unacceptable phrase designed to undermine the values which had been identified in exercise one. Participants discussed their responses and sought to find an appropriate and effective rejoinder which would challenge the speaker in a way that would enable recognition of the unacceptability of the phrase or the activity proposed.

(iii) Assessing Lawyers' Values Post admission

The third section was prepared by Adrian Evans and consisted of a scene enacted by three participants. They took the role of three government lawyers to meet and discuss the drafting of proposed legislation. The dilemma is that one lawyer supports the right of individuals who will be displaced by the water project proposed by the legislation; one lawyer sees all the community

benefits of the water project but knows that compensation for displaced individuals can not be contemplated by the government since it would cost too much. The third lawyer tries to reach a compromise. In the course of the discussion between the protagonists it became apparent that the lawyers challenge each other's ethical positions. These raised the issue of reports to the Bar, and post qualifications ethical training and assessment. The participants then engaged in a discussion about ethical training and assessment after qualification.

(iv) Approaches to teaching legal ethics

Clark Cunningham concluded the second session with an overview of approaches to teaching legal ethics, drawing on his experience as Director of the National Institute for Teaching Ethics and Professionalism (USA). He identified four general topics typically addressed in law school courses on "legal ethics": (1) Rules that regulate lawyers and govern ethical decision making, (2) Being a lawyer (structure of legal profession, different ways of practicing law), (3) The lawyer-client relationship (interviewing, advising), and (4) How the legal system really works, especially for poor people (access to justice, legal aid, public interest litigation). He suggested some innovative ways to teach ethics:

- 1) Stories of lawyers as heroes: Find lawyers in your community invite them to class;record their stories for the future
- 2) Role play difficult decisions in class
- 3) Recruit and train non-lawyers to role play clients
- 4) Teach ethical decision making in clinics

He then listed several ways to encourage innovative teaching of ethics:

- 1) A national competition for law teachers -- involve bar associations and judges in selecting winners and making award
- 2) A national institute for teaching ethics that sponsors annual teaching workshops
- 3) Give teachers annual fellowship to develop new ways of teaching
- 4) Endow professorships in legal ethics

The final topic addressed was the use of "Standardized Clients" to assess competency in lawyer-client communication and ethical decision-making. This methodology is adapted from the well-

established use of “Standardized Patients” in medical education. A Standardized Client (SC) is a lay person who has been trained to present a realistic simulation of a real client and to evaluate the performance of the law student or lawyer who interviews the SC. An extensive pilot project at the Glasgow Graduate School of Law (Scotland) has established the validity and reliability of SCs to assess basic interviewing skills. A highly-regarded lawyer association in Scotland – the WS Society – is now building upon this methodology to assess licensed lawyers as part of a new speciality accreditation program.

Three web sites were identified for further information:

- The Effective Lawyer-Client Communication Project: <http://law.gsu.edu/Communication/>
- Burge Endowment for Law & Ethics: <http://law.gsu.edu/Professionalism/>
- Professor Cunningham’s home page: <http://law.gsu.edu/ccunningham/>

**3.4 The Critical Global Classroom project of LatCrit, Inc.: Applying Theory to Practice for Progressive Lawyers and Law Students in Study Abroad** – Presenters: Colin Crawford (USA); Frank Valdes (USA); Hogo Rojas (Chile) - Summary by Colin Crawford

Professor Hugo Rojas, Universidad Alberto Hurtado, in Santiago, Chile, and Professor Colin Crawford, Georgia State University College of Law, Atlanta, USA, who are both members of the Board of Latin@ Critical Theory, Inc. (often known just as "LatCrit"), jointly spoke about "The Critical Global Classroom project of LatCrit, Inc.: Applying Theory to Practice for Progressive Lawyers and Law Students in Study Abroad." The Critical Global Classroom, or CGC, is a unique foreign study program designed by LatCrit and aimed to train progressive law students in legal theory and practice. In two past iterations, the CGC took students to Puerto Rico, Chile, Argentina, and South Africa. Professors Rojas began with a theoretical exploration of the goals of the CGC, and specifically described the concept, which began with an intensive two-week introduction to critical theory and social justice. Professor Crawford then gave a historical description of the CGC and explained that LatCrit is now considering a streamlined program, in light of increased transportation and other costs that have begun to make the original, more ambitious conception less financially viable. In this new iteration, the program, in either Summer 2008 or 2009, may be offered simultaneously in the Caribbean (with a base at the Universidad

Inter-Americana, in San Juan, Puerto Rico) and/or in Mexico. As both Professor Rojas and Professor Crawford emphasized, the central purpose of the CGC, namely to link students to social justice and legal activist networks in the global South, remains central to the concept. More details about the program can be gathered by going to the LatCrit website: [www.latcrit.org](http://www.latcrit.org)

**3.5 Educating and Supporting a Commitment to Public Service Lawyering –Role and Strategies used by CLE programs** – Presenters: Martin Bohmer (Argentina); Idil Elveris (Turkey); Filip Czernicki (Poland); Bruce Lasky (USA/Cambodia); Ernest Ojukwu (Nigeria); Nandang Sutrisno (Indonesia); Guadalupe Barrena (Mexico); Marta Villareal (Mexico). Moderator: Mariana Berbec-Rostas (Hungary) - Summary sourced from the Cordoba Conference descriptions

Educating and Supporting a Commitment to Public Service Lawyering - role and strategies used by CLE programs was a parallel session organized by the Open Society Justice Initiative (the Justice Initiative). It aimed at presenting, discussing, and identifying best practices in promoting and sustaining public service commitment of law students after they graduate. The session focused on exploring litigation and non-litigation public service initiatives by law school clinics, their successes and challenges in engaging in such work as a university program. Invitations to discuss the above issues had been sent to current clinical programs that have a public service component from Argentina, Cambodia, Hungary, Mexico, Poland, South Africa, and Turkey. The Open Society Justice Initiative contributed to the session by an overview of its engagement and work worldwide since 2002.

#### **4 Strand C: Socially relevant legal education: matching the curriculum with social needs**

Strand C had eight sessions as follows: Improving Indigenous Access to, and Experience in, Law school: An Australian Experience; Documentary Video-making as a Tool for Teaching about Injustice; Narrative Theory and Clinical Legal Education: A Structured Approach to Public Interest Advocacy; From Routine Skills-Oriented Law Clinics Toward Public Interest Law Clinics: Challenges in the Societies of Late Modernization; Using Refugee and Human Rights Law as a

Vehicle to Teach About Social Justice: Case Studies on Guatemala and Haiti; Collaborating towards Justice; Teaching Social Justice: The Impact on Persons with Disabilities; and Justice Education Projects from the South America Region.

**4.1 Improving Indigenous Access to, and Experience in, Law school: An Australian Experience** – Presenter: Anna Cody (Australia). The presenter was joined by Vedna Jivan (Australia) in preparing this session- Summary by Anna Cody

The session began with a description of the University of New South Wales clinical legal education programs. It then focussed on the work of the indigenous legal education committee, in response to the level of attributions of indigenous law students and the alienating experiences of law school for indigenous law students.

Two courses were described: one of them focuses on oral and written communication skills based on real client interviewing. The need for flexibility in course design, making the law school studies relevant and adapted to students' level of ability was discussed.

The evaluations of the course were discussed which rate the subject highly. Various questions were asked by participants:

1. Do indigenous students feel stigmatised by participating in these courses-  
Answer: It was explained there are small numbers of students participating and they are optional.
2. Could these courses be offered to all first-year students  
Answer: No – too resource intensive.
3. Could other minority groups' students do these courses?  
Answer: No place of indigenous students is particular within Australia.

The second half of the workshop focussed on a class given within the main clinical courses for mostly non-indigenous students. An experience of an indigenous scholar coming to the class to teach, “working with indigenous clients and communities” was discussed. The academic used her personal story to describe/explain/teach working with indigenous communities. The law students

reacted strongly against the presenter thinking she was a “victim”, was unhelpful for not giving a list of steps to take in working with indigenous clients. The workshop participants asked “how would you deal with the situation?”

They worked in small groups to answer this question and suggested:

1. Opening the discussion to analyse “victim” “genocide”. To get students to unpack the term.
2. Create a debate about indigenous issues without polarising, such as arguments for why behaving like a victim, why not.
3. Have them suggest alternative methods for learning about indigenous clients/communities.
4. Imagine she is a client, how to present this story to the court.

The actual response was given: - A discussion was held in the class and then a description of the same class was given with different response from the students. The second time the class was given; the teacher introduced the indigenous scholar, her commitment to indigenous education and her professional qualification.

This time the student’s response was positive. The question remains: how to challenge students to work effectively with indigenous communities/clients and to be able to listen to different ways of teaching and confronting materials.

A work in progress ( A video was also shown of the clinical program).

#### **4.2 Documentary Video-making as a Tool for Teaching about Injustice – Presenter: Fran Ansley (USA)**

The presenter Frans Ansley has been serving for eight years as “principal humanities adviser” for a documentary video about impacts of globalization on communities near her home in the South-eastern U.S.A and also on communities in Mexico – impacts including plant closings, immigration, and low-road economic development.

A rough cut video was screened, subtitled in both English and Spanish depicting issues ranging from plant closings, immigration and low road economic development. She then discussed some effective ways of using video and the video-making process to engage law students and community members in thinking about global economic injustice and possibilities for resistance.

### **4.3 Narrative Theory and Clinical Legal Education: A Structured Approach to Public Interest Advocacy – Presenter: Tim Casey (USA)**

The presenter engaged participants through a discussion of narrative theory as related to public interest advocacy. He suggested that narrative theory explores the way people convey experiences through storytelling. Lawyers, tell legal stories - stories where the law or legal structures impact the lives of the characters. The capacity to tell compelling stories increases ones ability to serve clients. Yet the traditional legal education curriculum does not teach effective storytelling; indeed, the prevailing pedagogy is ill suited to such a task. Clinical legal education, however, provides an ideal pedagogical model where narrative theory can develop into effective legal advocacy.

Participants then reviewed the elements of narrative theory as including key questions to consider in giving a story such as:

- What type of story will advance the goals of the client?
- Who is the audience (judge, jury, public)?
- Who are the characters (client, opposing party, witnesses, lawyers, judge, jury, and public)?
- What is the scene? Where does the relevant action occur?

The participants then engaged in an exercise that applies the elements of narrative to real cases. The workshop concluded with a self reflective critique intended to foster new storytelling methods.

His presentation is attached hereunder



**4.4 From Routine Skills-Oriented Law Clinics Toward Public Interest Law Clinics: Challenges in the Societies of Late Modernization** – Presenters: Arkady Gutnikov (Russia); Dmitry Shabelnikov (Russia); Oleg Anishchik (Russia); Siarhei Salei, (Belarus/Poland); Lusine Hovhannisian (Armenia/Hungary); Gustavo Maurinho (Argentina)-  
Summary by Lusine Hovhannisian

The panel was devoted to the discussion about the issues in different countries with respect to teaching public interest law in legal clinics and their roles. The main question that the panel focused on was: *Who and how can move the development of clinical legal education from a routine practical teaching approach toward Public Interest Law clinics?*

The panel commenced with a description of a successful clinic where students were excited to be enrolled in and serve the clients; clients were happy with the services and the majority of teachers were also keen and delighted to teach in the clinic. Only a few teachers felt that there was something missing. Participants were asked to brainstorm on the reasons that the minority of teachers may feel unhappy about. This triggered the discussion leading towards presentations.

Some of the ideas presented during the brainstorming session are as follows:

- common understanding of the legal profession as a “business”;
- university education movement into “practical educational services”;
- social phenomena of illiberal democracy;
- lack of public sphere;
- lack of understanding of the concept of justice;
- lack of moral values;
- priority of individualistic approach to advocating public interests;
- lack of resources for realizing potential public activism of students, teachers, lawyers;

- lack of “public interest law discourse”;
- poor quality of school and higher education;

The presentations were from Russia, Argentina and Central and Eastern Europe and each of them identified 4 issues common to all, which then became questions for group discussions in the end of the session. Each of the groups was asked to pick one of the issues for discussion and come up with ideas about possible solutions.

*Russia:*

The panel began with the presentation of the issues in clinical legal education in Russia where the clinics appeared as a response to highly theoretical and conservative approaches to legal education in the mid 90’s. As a result, these clinics are good in preparing legal professionals for their routine activities and for more efficiently serving the current legal system. The students mastered the basic skills of drafting legal documents, interviewing, counselling -the objectives that the law schools pursue. The clinics, however, are not able to go beyond the traditional understanding of law and traditional attitudes to the legal profession. Clinics have the potential and should take the responsibility of providing an opportunity for students to master the skills such as critical thinking and analysis as well as to consciously foster new values in the students – rather than purely make them better “servants” of the existing system. The clinics therefore had the capacity if they took the opportunity to play a big role in reforming the higher legal education in Russia.

*Argentina:*

Gustavo Marino talked about the clinical legal education in Argentina, the historical background of the development of public interest law in general and how the clinics took on the role of promoting PIL strategies in legal education. While clinics became active actors in the promotion of PIL, they however lacked the pedagogical component of teaching the skills. Thus, the current clinical programs have an extensive experience in public interest litigation with the involvement of students, professors and practicing lawyers from the law firms. They also lack the teaching component in the curricula to help build the needed skills for the practice of law.

*Central and Eastern Europe:*

Lusine Hovhannisian gave a brief introduction about the developments in clinical legal education in Central and Eastern Europe, where clinics rapidly developed in the mid 90's. To date, with the EU-led processes, the clinics are actively reforming higher legal education in view of making it more practical. The clinical legal education in this region has similarities with Russia, as it built good teaching skills and practices incorporated in the curriculum. However, it did not go beyond instilling social and public interest values in their education.

Issues for the group discussions were as follows:

- Should Public Interest Law clinics focus on skills teaching?
- How to find supervisors able to undertake the role of teaching public interest law methodologies and respective values?
- How to find students interested in pursuing PIL career?
- Are the clinics to teach the problem-solving skills: why and how?

The groups were then asked to think about the issues in the context of the presentations, discuss it and come up with ideas. Overall, the panel was interactive as it gave an opportunity for the audience to participate both during the presentation session through questions and ideas at the brainstorming as well as during the group work.

**4.5 Using Refugee and Human Rights Law as a Vehicle to Teach About Social Justice: Case Studies on Guatemala and Haiti** – Presenters: Lori Nessel (USA); Karen Musalo (USA); Richard Boswell (USA) - Summary by Richard Boswell

This presentation provided the participants with a brief description of three different programs which involved either clinical or experiential courses in the law school setting. Professor Nessel described the Social Justice Program at Seton Hall University Law School (USA) which is undergoing review to bring it in closer alignment with the law school's mission statement. Additional information can be found on Seton Hall's program at <http://law.shu.edu/csaj/index.html>. As a Catholic law school, Seton Hall has as one of its missions the connection of social justice and the teaching of law to its students.

To this end, the law clinic has a range of clinical offerings which include a human rights and refugee clinic (among others). Professor Musalo of the University of California, Hastings described a project which grew out of her refugee law course and clinic. (Information on the case can be found at [www.uchastings.edu/cgrs/](http://www.uchastings.edu/cgrs/) ) The idea for the project developed in part from the case and involves an effort to bring attention to the plight of Guatemalan women who have become victims of what is called “femicidio” or “femicides.” While Femicides in Ciudad Juarez, Mexico have been widely publicized, the more widespread phenomena in Guatemala has received little attention. The focus of the project has grown into a partnership with women’s rights organizations in Guatemala and an effort to place pressure in Guatemala to take action to investigate the brutal killing of thousands of women each year in that country.

Professor Boswell described a project at the University of California, Hastings which involves law faculty who take 10-14 Hastings law students to Haiti each year to engage in an exchange with law students, faculty in a remote area in the western province of Grand Anse, Haiti. The project developed as a result of encouragement by the Haitian-American community in the San Francisco Bay Area who were seeking support for a new law school with a focus on social justice. The work with the law school in Haiti has grown over the last seven years with the law students and faculty at Hastings who have raised money to establish a computer lab, satellite internet hookup materials for the law library. Recently, the work in Haiti has provided the impetus for creating a human rights clinic at UC Hastings with some of the students working on cases based in Haiti. The Hastings to Haiti project is described more fully at <http://hastingstohaiti.org/Pages/about.htm> - the human rights project which grew out of the exchange program can be found at <http://www.hastingshumanrights.org/>

Following these presentations, the presenters engaged in a simulation of a discussion between the faculty involved in the above described projects. One of the issues raised involved the selection of students who would be selected to go on the visits to Haiti (questions involving diversity, class standing, attitudes, etc.). A second issue involved a critique of the underlying premise of the visits (whether these types of exchanges were worthwhile, were balanced or had the potential of being culturally imperialistic). The third issue involved issues in the femicide project (whether the project itself was politically sensitive given the historical relations between the United States and

Guatemala. Following the presentations attendants were broken down into 3 groups who were to continue the discussions which had been started in the simulation.

#### **4.6 Collaborating towards Justice – Presenter: Alan Lerner (USA)**

The presenter began the session by pointing out certain critical differences between the goals of teaching law and other disciplines. He demonstrated that since clients' legal problems exist within the complex context of each client's life, the lawyer who seeks to isolate the "legal" problem and solve it with a solely "legal" solution may do more harm than good. Legal education thus needs to teach students to explore beyond the presented legal problem, and to collaborate with other to create solutions that truly benefit the client. Examples were given of the need to teach law students to collaborate across disciplines.

#### **4.7 Teaching Social Justice: The Impact on Persons with Disabilities – Presenters: Christina Zawisza (USA); Michael Perlin (USA); Lee Ann Basser (Australia); Paolo Annino (USA); Alan Bruce (Ireland); Robert Dinerstein (USA); Chrisann Schiro-Geist (USA)- Summary by Christina Zawisza.**

This session was designed to introduce a discussion about the particular social needs of a particular client population that is often overlooked or invisible and to match the curriculum in legal clinics to these needs. Professor Chris Zawisza, Associate Professor of Clinical Law and Director of the Child Advocacy Clinic at the University of Memphis School of Law, moderated the session.

The core questions discussed included concepts about "disability" and contradictions about disability that are introduced to students in a clinical setting. Professor LeeAnn Basser from the School of Law at LaTrobe University in Melbourne, Australia discussed various definitions of "disability" from the perspective of the right to health and introduced three models of disability: individual deficit/medical model, social model and human rights model. She discussed anti-discrimination law and policy in Australia.

Paolo Annino, Clinical Professor of Law and Co-Director of the Children's Advocacy Center at Florida State University College of Law in Tallahassee, described the experience of his students in studying access of physically disabled individuals to the State Capitol by measuring the height of street curbs. They found that 85% of street curbs barred access. Their conclusions were presented to the City Commission and resulted in improved access. Dr. Schiro-Geist presented an interdisciplinary perspective on disability from her background as a rehabilitation counselor and discussed concepts of disability as applied to employment. She also introduced participants to the importance of interdisciplinary work in the clinic setting and acquainted them with The University of Memphis graduate certificate program in Disability Studies.

Robert Dinerstein, Professor of Law at American University, Washington College of Law, discussed various contradictions in concepts of disability, such as the dilemma of emphasizing disabilities sufficiently to obtain accommodations in the workplace, but not to such a degree as to prevent employment. The reluctance of law students to disclose a disability and thus the inability of the professor to assist the student was another example of a contradiction posed by Professor Dinerstein. Michael Perlin, Professor of Law and Director of the Online Mental Disability Law Program at New York Law School, discussed five generations of "mental disability rights" and characterized the current status of disability law globally as the latest prong of the struggle for civil rights. He challenged participants to think about litigation strategies in regional and human rights courts and commissions.

Professor Zawisza described the travails of Matthew, the named plaintiff in the federal M. E. v. Bush class action lawsuit which she co-counseled. This lawsuit challenged the failure of the State of Florida to provide appropriate mental health treatment to the 45,000 dependent and delinquent children in state custody. Matthew's foray from homelessness through at least twenty temporary foster care placements, his entry into the delinquency system and finally his exit to the criminal justice system in adulthood illustrates another contradiction of "disability," that of a state created mental illness. Professor Zawisza described a shift in her point of view about children's mental disabilities from a medical model to a prevention model that can be implemented by successful enforcement of the federal Adoption and Safe Families Act's requirement of permanent homes for foster children.

Professor Roni Rothler, Director of the Disability Rights Clinic, the Emanuel Rackman Law Center at Bar-Ilan University in Israel, sent a power point presentation that addressed various accommodations that could make services more accessible to the disabled, such as visual and audio devices, enlarged texts, picture illustrations, three dimensional maps, etc. Amita Dhanda, Professor of Law at the National Academy of Legal Studies and Research in Hyderabad, India, and Dr. Alan Bruce a sociologist and Director of Universal Learning Systems, an international consultancy firm, were unable to attend the conference but participated in developing the program.

The workshop portion of the session focused on an international discussion of concepts and contradictions in “disability.” Clinical legal educators from China discussed various client needs that could not be successfully addressed due to the lack of effective remedies for disabled individuals. They also explained the beginning efforts in China to enact anti-discrimination laws. A clinician from India discussed successful public interest litigation that improved access for the disabled in his province. Participants from the United Kingdom discussed the fact that while good legislation was on the books, there were substantial hurdles in effective implementation of the legislation.

See also attached some of the presentations



E:\GAJE conference report\Christina Zawireport\RothlerPres[1]report\panino[1].ga

**4.8 Justice Education Projects from the South America Region**-Presenters: Jimena Saenz (Argentina); Juan Pablo Becca (Chile); Beatriz Lodono Toro (Colombia); Myrta Morales Cruz (Puerto Rico), Analia Ayuso (Argentina); Carlos Varas (Argentina); Lucas Gilardone (Argentina); Maria Christina Plovovich (Argentina)- Summary by Lucas Gilardone).

The session was an overview of the justice education projects from some of the participants from the South American Region. Lucas Gilardone described the clinic at Cordoba National University as follows: The clinic was established in 2003. In 2004 it was started to work as a program of a

local penal law institute called INECIP ( *Instituto de Estudios Compados en Ciencias Penales y Sociales*) attempting to improve the levels of internal democracy, transparency and equality levels.

The clinic started to work in a group of teachers, lawyers and students in which every single member were able to propose a case selecting the focus, the arguments and the legal strategies in a plain and open discussion. The main rationale for such an approach was that discussions were important aspects of the work of lawyers and such was aimed at improving decision making skills. The clinic started to work with cases of children and youngsters involved in legal troubles. The original aim was to get the kids out of police station cells throughout city of Cordoba, because they were not prepared for such a life and had to share the same cells with adult offenders. After making proposals for some changes to the state authorities and having no serious responses, the clinic went to the courts and managed to have all the kids sent to separate place. Unfortunately, the new place was an old jail, after a while they were sent to the appropriate institution.

It became clear to the clinic that it had to widen its scope and vision of the problem, as soon as it displayed a structural problem of discrimination on inequality of treatment between youngsters and adults, due to the main ideas of the juvenile court system of ideas and practices. The clinic works with a “pool” of NGO’s on litigation as well as in conducting research of the cases. The clinic is currently preparing for new cases in association with Tuwinen and *Le Plete* clinics, in what we call “*litigio espejo*” (mirror advocacy), since the cities share the same problems with the same kind of population.

The clinic is determined in the ever changing circumstances it faces every day, to find and explore new access keys to social changes, develop some skills to renew its vision and focus.

## **5 Strand D: Public legal education: the role of law schools in improving legal literacy**

This strand had four sessions as follows: The Role of Community Economic Development Law Clinics in Educating Lawyers for Social Justice; Using the Internet to Promote Justice Education; Critical Assessment of Law School-Based Social Action; and Educating Lawyers of Tomorrow for Social Change.

**5.1 The Role of Community Economic Development Law Clinics in Educating Lawyers for Social Justice** – Presenters: Peggy Maisel (USA); Susan Jones (USA). The session was combined with a session on The Need for a Clinical Approach: Food and Eradication of Poverty (India) and Promoting Empowerment and Self-help (Puerto Rico) – Presenters: Siva Kumar (India); Myrta Morales Cruz (Puerto Rico) - Summary by Peggy Maisel

Professor Siva Kumar from India started the session by describing a compulsory course in Law, Poverty and Development that is taught to all Indian law students. He prepared a paper describing this course that is available in the conference materials. He asked for ideas on how to use clinical methodology to teach this course in an interactive way to large classes of students.

Susan Jones, the Director of the Small Business Clinic of George Washington University School of Law in Washington, D.C. discussed strategies for revitalizing economically disadvantaged communities through micro enterprise development. She reported on the history and work of the 50 clinical programs engaged in small business or community development in the United States and described potential benefits of community economic development clinics in other countries.

Peggy Maisel, Director of the Community Development Clinic at Florida International University College of Law in Miami Florida, described how to start a CED clinic. She discussed the clinic goals, the curriculum, how many students participate, personal rewards and challenges and opportunities for interdisciplinary work. She provided copies of an outreach brochure and discussed how law students provide community education workshops and how the clinic reaches potential entrepreneurs and other clients.

Myrta Morales Cruz described the work of her Community Development Clinic at the University of Puerto Rico. She discussed how students work with community groups to help empower and assist them with social and economic campaigns. She described the clinic's work to stop the destruction of low income housing and other social justice projects.

The presentations were followed by lively audience questions and comments. Some of the discussions focused on the differences in working with grassroots community groups, such as in

Puerto Rico, and the focus on working with small businesses and entrepreneurs in Washington, D.C. and Miami. There were comments on the value of different approaches in different contexts and the need for both types of strategies to promote social justice. Distinctions were drawn between what law students learn in both types of clinics and how to structure an effective learning experience.

**5.2 Using the Internet to Promote Justice Education** – Presenter: Clark Cunningham (USA); Arkady Gutnikov (Russia); Michael Perlin (USA); Lusine Hovhannisian (Armenia/Hungary) - Summary by Clark Cunningham

This session was sponsored by the GAJE Communications Committee. Web sites are an increasingly useful resource for lawyers and legal educators working toward social justice: both as a means of distributing information about and obtaining support for their own work and as a way to acquire materials, ideas and potential collaborators. Justice education is a novel topic at most law schools around the world. Web sites which provide information about models of justice educations elsewhere can be very persuasive in encouraging law schools to develop their own programs and can provide sample course materials and teaching methods.

The session was chaired by Clark Cunningham (USA), Chair, GAJE Communication Committee and Editor of the GAJE Web Site. The session began with the following short presentations:

Arkadiy Gutnikov (Russia) demonstrated and discussed the web site of the Russian-language web site sponsored by the Clinical Legal Education Centre: <http://www.lawclinic.ru/> He explained how this web site began primarily as a network of clinical education programs in Russia and then expanded to include teaching resources.

Lusine Hovhannisian (Hungary/Armenia) made a presentation on the web site of the Public Interest Law Initiative (PILI) (<http://www.pili.org/2005r/>). PILI is an international organization headquartered in Budapest that advances human rights worldwide by stimulating public interest advocacy and helping to develop the infrastructure to sustain it. PILI Programs include Legal Aid

Reform, Legal Education Reform, Promoting Pro Bono Practice, NGO Advocacy Training, and Public Interest Law Fellowships. Four different PILI web sites were demonstrated:

- 1) PILI.org includes Events (materials from trainings are posted on the web to share the learning from individual training events with a wider audience) and a Resource Database. A wide range of resource material is available for download on Clinical Legal Education.
- 2) PILI.ru is tailored to Russian audience and focused on PILI's Russian work. This site provides access to the latest PILI reports, publications, as well as to relevant reports of other organizations and links to Russian partner organizations.
- 3) DADEL stands for Database on Anti-Discrimination and Equality Law. This site provides comparative resources on anti-discrimination law and policy including: Analytical summaries of international case law and legal instruments, links to full original documents, links to relevant NGO resources, instruments, jurisprudence, analytical summaries (facts, reasoning, decision) and links to full decisions on original web sites.
- 4) PILIFellows.Net is a site for the Public Interest Law Fellowship Program, which combines academic and practical training, with the purpose of educating and building the capacity of a new generation of public interest advocates in selected countries around the world.
- 5) ProBonoUgyved.hu will connect law firms interested in pro bono work with organizations and individuals in need of legal assistance.

Michael Perlin (USA) discussed the use of the Internet for online, distance learning to make available courses in mental disability law to attorneys, activists, advocates, mental health professionals and governmental officials in nations with developing economies. These courses -- developed at New York Law School by Professor Perlin -- have both pedagogic and social change significance, as they encourage and support the creation and expansion of grass-roots advocacy movements that may optimally lead to lasting, progressive change. The presentation specifically focused on a course section taught in Nicaragua, considered plans to replicate (in modified form) the Nicaraguan experience throughout other nations with developing economies in Central America, Central and Eastern Europe, Africa, and Asia, and assessed its potential impact on developing-economy nations. The course is taught on a "closed" website (to which registrants need a password), <http://nyls.eduprise.com> Information about the courses, the teachers, the programs, and the materials can be found at [www.nyls.edu/mdl](http://www.nyls.edu/mdl)

Ved Kumari (India) was originally scheduled to present the Gender and Law web site, which is designed as a resource for law teachers interested in including gender issues in their courses: <http://www.wcl.american.edu/gender/wilp/gala/website/> Because she was unable to attend the conference, Clark Cunningham demonstrated the web site.

Session participants then contributed their own knowledge about and experience with justice education web sites. The session concluded with a discussion to provide guidance to the GAJE Communication Committee for the continuing improvement of the GAJE web site: [www.gaje.org](http://www.gaje.org)

### **5.3 Critical Assessment of Law School-Based Social Action** – Presenters: Frank Bloch (USA); M.R.K. Prasad (India) - Summary by Frank Bloch

This workshop addressed the need for a critical assessment of social action projects undertaken by justice educators and their students. It began with a brief opening session in which M.R.K. Prasad and Frank Bloch discussed the main topic of the workshop: the dilemma posed when a justice education project in which students are involved directly in social action does not address effectively the issues of poverty and social change that the project was intended to address. They then presented two examples of activities undertaken by law students at the V.M. Salgaocar College of Law in Goa, India, in order to help the workshop participants explore when and how critical assessment of ongoing social action should be undertaken, and to examine how such assessments can be integrated into a justice education curriculum.

The first example involved a truck accident where a young laborer fell off a truck and died on the spot. His widow filed for compensation before the Motor Vehicles Accidents Claim Tribunal, where she was entitled to a substantial sum without having to prove negligence, but the insurer of the truck disclaimed liability on the ground that the worker was a mere passenger. Ultimately, the matter was referred to a Lok Adalat and both parties agreed to an amicable settlement in which the insurance company paid an amount significantly below the standard schedule. The second example involved a case where a farmer applied for benefits under which a landless poor person could get a loan to buy a pair of bullocks, using the name of one of his laborers without his

knowledge. The laborer moved on and the farmer stopped making payments on the loan, prompting the bank to attach the laborer's house as they could not find the bullocks. The only way that the laborer could come out of the situation was to return to work for the farmer, thereby making him, in effect, a bonded laborer.

Working off of these examples, as well as others presented during the course of the discussion, the workshop participants explored the relationship between effective social action and effective justice education. They also addressed the social responsibilities of justice educators, their institutions, and their students, when action is taken that would ordinarily be helpful (such as, in the examples presented, engaging in an alternative dispute resolution mechanism or helping implement a social welfare scheme) turn out to be harmful to the individuals involved.

The workshop then broke into two small groups (each taking as its talking points one of the two examples from Goa) to offer guidance on two key issues: 1) What is the obligation of law schools and law teachers engaged in social action to assess the effectiveness of that activity? 2) In what ways can the critical assessment of law school-based social action be integrated into the justice education curriculum? In their reports back to the full group at the end of the workshop, the participants agreed that integrating a critical assessment of work undertaken by clinical law teachers and their students is an essential part of a justice education oriented clinical curriculum, and that having students engage in such projects uncritically can undercut the goals of justice education.

#### **5.4 Educating Lawyers of Tomorrow for Social Change:** – Presenter: Claudia Hernandez (El Salvador) (Summary sourced from Cordoba Conference workshops descriptions).

The session was organised by the Human Right Institute at Universidad Centroamericana José Simeón Cañas" (IDHUCA). It was a presentation of a successful case of advocacy born out of its legal clinic work. After attending several cases of people being killed or threatened for being witnesses of crimes, IDHUCA wrote a bill proposal that, for the first time in El Salvador, would set up a system to provide protection to crime victims and witnesses. The bill was eventually adopted by the Legislative Assembly and became effective in September 2006. The workshop

portrayed how students' work in a legal clinic can have an impact on an entire country, even under daunting circumstances.

## **6 Strand E: Public legal education: The role of law schools in improving legal literacy**

This strand had two main sessions which were presented in various parts and days. The sessions were: Integrating Law Students into Lawyers' Work for Social Justice across Legal Culture; and Workshop on Legal Literacy (presented in 4 parts) both discussed hereunder

### **6.1 Integrating Law Students into Lawyers' Work for Social Justice Across Legal Culture**

– Presenters: Liz Ryan Cole (USA); Arturo Brandt (Chile); Marty Geer (USA); Karrin Hoessing (Spain); Belinda Sifford (USA) - Summary by Liz Ryan Cole

Today's law students spend time away, not only from their law school, but also from their home country. They spend some of that time working with lawyers and judges in "internships" or other apprentice-like situations, sometimes earning academic credit. The Cordoba Conference presented a remarkable opportunity for teachers and practitioners, many of whom supervise students in practice to come together for a working discussion. A panel began the discussion describing their own experiences in legal practicums working with students and lawyers across legal cultures. Panelists included a law student, a practicing lawyer and 4 law professors.

- Arturo Brandt, a lawyer in Santiago, Chile who has been both a student outside his own legal culture, and a mentor to a US law student externing in Chile,
- Liz Ryan Cole, Vermont Law School - director of the Semester in Practice and Environmental Semester in Washington.
- Marty Geer, University of Nevada at Las Vegas, who has been a Fulbright scholar in India, taught in Russia and was a faculty process supervisor for a student from VLS's SiP who spent a semester in India.
- Karrin Hoessing, a law student at Vermont Law School who spent a semester in Barcelona, Spain.
- Peggy Maisel, Florida International School of Law, with experience in South Africa.

- Belinda Sifford, New College in San Francisco, with many experiences working outside her own legal culture including in the US Virgin Islands, Mexico and Cuba.

Their premise was that effective apprenticeship experiences promote the teaching and practice of social justice. Discussion leaders and most participants had taken part in exchanges across legal cultures, as teachers and as students. Participants discussed benefits and obstacles involved with these experiences

Topics that were covered included lack of common understandings about terms as ordinary as what we mean by student, what we mean by practice and supervised practice, what we might mean by internship and externship and how to begin to get some agreement. The participants shared some resources (especially including the text, *Learning From Practice*, published by West, and the organization, CLEA – the Clinical Legal Education Association, based in North America but open to lawyers interested in clinical teaching method). They shared some personal experiences that were successful and some that were not. They discussed a number of models that participants were familiar with.

**6.2 Workshop on Legal Literacy (was presented in 4 parts)** – Presenters: Richard Grimes (UK); David McQuoid Mason (South Africa); Becky Parker (UK), Lindi Coetzee (South Africa) and Mike Cowling (South Africa) - Summary by Richard Grimes

The Public Legal Education (PLE) workshop had 5 specific, planned, learning outcomes as follows:

1. understand the meaning, benefits and challenges of PLE
2. identify the means through which PLE can be delivered
3. appreciate how to evaluate specific PLE delivery
4. be aware of implications of delivering PLE, particularly from the law school's perspective
5. be able to prepare and deliver an effective PLE session

The workshop was designed to address legal literacy in general with specific reference to the role of law schools in its provision. Whilst effective legal literacy programmes can be and are delivered through a range of different agencies in both the governmental and NGO sectors the law school emphasis was important due to the law schools' pivotal position, experience and expertise as legal educators.

Delegates at the workshop came from: Argentina, Australia, China, Chile, Czech Republic, Colombia, India, Mexico, Nicaragua, Poland, South Africa, UK and USA. 20 attended. There was a wide range of PLE experience in the group mainly of the campaigning nature – raising awareness in the community through focused campaigns on specific issues such as domestic violence. Much of this had been using hard copy publicity – leaflets and posters. Some delegates were familiar with the interactive Street Law<sup>1</sup> methodology.

Based on a clinical or hands-on approach to learning, the workshop was made highly interactive throughout. It was spread over 4, 2-hour sessions taking delegates from an introduction to the concept of PLE to a set of presentations where theory on PLE was put into practice.

In keeping with the methodology used through out delegates were then asked for feedback on the workshop as a whole. In a questions and answer session delegates were asked to respond to the learning outcome set above. Definitions of PLE were given along with benefits and challenges. Examples of means and evaluation of delivery were provided and implications for delivery, especially from the law school perspective were clearly stated. The teams had already demonstrated their ability to prepare and deliver an effective PLE session, save perhaps for the lack of specificity on learning outcomes. Delegates gave very positive feedback, with several saying that they intended to return to their own countries and implement active PLE sessions.

Throughout the sessions a record of proceedings was kept in the form of notes made on flip charts that were posted around the room, in English and Spanish. These included the learning outcomes

---

<sup>1</sup> Street Law originated at Georgetown University, Washington DC in 1972 where groups of law students went into local schools to teach pupils about basic rights and responsibilities. The idea was that both the pupils and the students would learn in the process. A structured methodology now exists that has been developed by Street Law Inc also of Washington DC and the Street Law approach or adaptations of it is now being used in over 30 countries of the world to promote a better understanding of law, democracy and human rights

for the workshop, the product of brainstorming session and demonstration materials. These were taken down at the end of the workshop by local students for use in future training and PLE sessions.

See hereto attached a more detailed summary of the workshop.



F:\GAJE conference  
report\Summary of w

## **7 GAJE Business Meeting**

Approximately 30 delegates participated in the two (2) hour business meeting that followed the conference. Elections for new steering committee members had occurred on the previous Thursday whose members are:

**Africa:** Thulisile Mhlungu, George Mukundi

**Australasia:** Ed Santow, Vanessa Sweeney

**East Asia:** Mao Ling, Carlos Medina

**Eastern Europe (including Russia):** Filip Czernicki, Maria Kolkova

**South and Central America (including Mexico):** Eva Rodriguez, Carlos Varas

**South and Central Asia (including the Mideast):** Lusine Hovhannisian, S.Sivakumar

**North America:** Clark Cunningham, Catherine Klein

**Western Europe:** Joanne Coysh, Stephen Levett

**At-large:** David McQuoid-Mason

Frank Bloch and Clark Cunningham facilitated the Business meeting while Catherine Klein helped to take notes (Summary by Catherine Klein).

### **Summary of Discussion:**

The attached charts (Pt.1 and Pt.2) capture the major points that were discussed.



C:\Documents and  
Settings\mukundi\My

The notes below supplement the charts. A discussion of the history of GAJE from 1996 to the present was made. Frank Bloch and Clark Cunningham also highlighted GAJE's past accomplishments as being:

- Four(4) successful international conferences (Trivandrum: 1999; Durban: 2001; Krakow: 2004; Cordoba: 2006)
- Two(2) regional conferences (Sidney: 2002; New York: 2006)
- Exchanges: formal and informal sparked by GAJE
- Establishment of newsletter
- Scholarship, including Child Advocacy Book and other articles

Discussions then focused on and invited delegates to deliberate on the future of GAJE in terms of structure and activities. Ideas and issues generated include:

- GAJE should do more of the same but better! Possibly not just international conferences in 2 or 3 years
- **Fundraising:** There was long discussion on raising money: In the past 7 years more than \$100,000 US was raised to support GAJE delegates and activities; from OSI, Ford, other agencies, schools and individuals, to help pay fees, sponsor people to attend conferences, support regional conferences; build in fundraising from beginning of effort to host new conference. GAJE as an organization, however had never raised funds? And questions were posed as to whether it was necessary? What legal structure was required to do this? Do GAJE members see the organisation as a funder of projects or as source of information exchange? Consensus seemed to be that GAJE was preferred as a source of information exchange
- How can GAJE members enhance the relationship already built with funding organizations: increase its "alliance"? Can GAJE partner with such organizations on projects such as conferences and workshops?
- **Structure:** There were discussions on the need to revisit the issue of GAJE's legal structure: should it be incorporated? Would incorporation have an effect on fundraising efforts? What other options are available?
- **Membership:** How can the organisation get more members actively involved in a meaningful way that captures peoples' talents and interests?

- It was necessary to raise the profile of GAJE
- Would be useful to have some kind of GAJE foundation? Would this be a good idea?
- It was necessary to create a GAJE brochure: one that could be downloaded from the website
- There was need to improve the look and content of the GAJE website: discussed possibility of getting some expert help on this
- Have regional coordinators to help spread information in regions, assist people going to a particular region, spearhead regional activities
- Revisit idea of regional listservs
- Currently GAJE comprised of approximately 500 members from over 60 countries
- It would help the profile of GAJE through creation of a DVD/ video/ photos/ powerpoint on GAJE which among other positive outcomes would help members to seek support for participation at conferences, etc. -getting more students involved
- GAJE delegates at individual schools should be explored.
- The membership database on website should be updated.
- GAJE could launch recognition awards
- Need to have GAJE presence at other events/conferences: linking GAJE to other regional activities: ie, Law in Society Conference in Berlin this upcoming summer; AALS—hosts meetings, breakfasts, etc.
- **Language issues:** How can the organisation be more multilingual? Discussed the possibility of having Spanish language translation of the website?

**Finally delegates volunteered to serve on the following committees.**

**Fundraising/Legal Structure:**

Colin James (Australia), Carlos Vargas (Argentina), Leah Wortham (USA) and Minna Kotkin (USA). In addition, Judith Dickson (Australia) and Barbara Schatz (USA) offered to help with the legal structure issues.

**Communication:**

Colin James (Australia), Raven Lidman (USA), Veronika Vlckova (Czech Republic), Frank Bloch (USA), Celeste Romero (Argentina)(for Spanish), Mao Ling (China), Soledad Sequeira

(Argentina), Arkaty Gutnikov (Russia), Belina Sifford (USA); Jennifer Lyman (USA), Juan Pablo Beca (Chile).

**Membership:**

Mandava Prashad (India), Sivanandan Sivakumar (India), Judith Dickson (Australia), Analia Ayuro (Argentina), Juan Pablo Beca (Chile)

**Volunteers for regional coordinators:**

South Asia: Mandava Prasad (India)

Aus/NZ: Judith Dickson (Australia)

E. Europe: Veronika Vlckova (Czech Republic)

East Asia: Liu Donghua (China)

