

**REPORT OF THE 5TH GAJE CONFERENCE  
HELD IN MANILA, PHILIPPINES  
6 - 13 DECEMBER 2008**  
[www.gaje.org](http://www.gaje.org)

## **Executive Summary**

The Global Alliance for Justice Education (GAJE) is an association of people committed to achieving justice through education. Membership is open and free to anyone interested in justice education. GAJE members are mainly involved in clinical legal education as a key component of justice education. GAJE also advances other forms of social justice, which includes human rights education, and the continuous education of lawyers, judges, non-governmental organizations and the public.

GAJE has organised five worldwide conferences in [India \(1999\)](#), [South Africa \(2001\)](#), [Poland \(2004\)](#), [Argentina \(2006\)](#) and the [Philippines \(2008\)](#) for its members to deliberate and share strategies on justice education. The 2008 Conference was held at the Ateneo Law School in Manila, Philippines, and was attended by more than 150 law teachers, law students, lawyers and social activists from 43 different countries spanning every continent.

The main theme of the 2008 Conference was 'Justice Education in a Community Context'. A positive key-note address was given by Chief Justice Artemio V. Panganiban (Ret.). The Chief Justice emphasised the intersection of what he called 'enduring mantras' of good governance in democracies with the new paradigms of justice, such as mediation, public interest law, international connections, and human rights commissions. The Chief Justice congratulated GAJE for its pioneering work in promoting justice education.

This conference was structured in the form of workshops that ran over sessions dealing with ten themes. In addition, there were eleven field trips in and around Manila, and eight regional meetings, as well as the plenary Membership Meeting. Summaries of presentations were prepared by facilitators and presenters as well as volunteer law student reporters from Ateneo Law School. Several summaries include links to workshop presentations.

During the Membership Meeting new representatives were elected to the Steering Committee. Members also discussed the Justice Education Initiative and reflected on the organization's achievements and proposed objectives for the future.

The Conference was a great success, giving many the opportunity to discuss projects and proposals for justice education initiatives, to network, to brainstorm, and to establish friendships and strengthen professional connections across borders. This report reflects some of these achievements.

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### **Acknowledgments**

Thanks go firstly to the 2009 GAJE Conference Organizing Committee, chaired by David McQuoid-Mason (South Africa), with membership of Mariana Berbec-Rostas (Romania), Frank S. Bloch (USA), Jeff Giddings (Australia), Arkady Gutnikov (Russia), Catherine Klein (USA), Bruce Lasky (Thailand), Mao Ling (China), Mariela Puga (Argentina), Edward Santow (Australia), Leah Wortham (USA), Clark Cunningham (ex officio) and George Mukundi (ex officio).

David McQuoid-Mason also chaired the programming committee which consisted of Mariana Berbec-Rostas, Arkady Gutnikov, Catherine Klein, Bruce Lasky and Leah Wortham.

Clark Cunningham, the outgoing GAJE Steering Committee Convenor, was the liaison between the Local Organizing Committee (LOC) and the GAJE Steering Committee and his hard work, commitment and outstanding achievements have been greatly appreciated.

Also working hard on the ground was the LOC, chaired by Carlos Medina, Executive Director of the Ateneo Human Rights Center (AHRC). The members of the LOC were Godfrey Martinez Candelaria, Associate Dean, Law School of Ateneo de Manila University; Marlon J. Manuel, Coordinator of the Alternative Law Groups (ALG); Carolyn Mercado, Senior Program Officer, The Asia Foundation; Ray Paolo J. Santiago, Program Manager of the Working Group for an ASEAN Human Rights Mechanism; and Hector D. Soliman, Local Project Director for the Justice Reform Initiatives Support Project (JURIS), an initiative of the Canadian International Development Agency (CIDA) and the Supreme Court of the Philippines.

The volunteer students from the Ateneo de Manila University Law School provided excellent support organising presentation rooms, IT assistance for presenters and taking notes in all the sessions.

Thanks to the hard-working students from the Bridges Across Borders (South East Asia) BABSEA, who gave wonderful uplifting support in getting us to do 'ice-breakers' and energisers at crucial times during the conference.

Finally, making it all possible were the sponsors and major supporters, including Ateneo Human Rights Center (AHRC) at the Ateneo de Manila Law School, Bridges Across Borders Southeast Asia (BABSEA), Burge Endowment for Law & Ethics at the Georgia State University College of Law, Center for Computer-Assisted Legal Instruction (CALI), and Robert M. Kaufman Fund at the New York Community Trust.

## **1. Introduction**

The 5<sup>th</sup> GAJE conference was held in Manila, the Philippines, from 7 to 13 December 2008. The conference theme was 'Justice Education in a Community Context' and was hosted by the Ateneo de Manila University Law School. At the opening plenary the conference was opened by the Dean of the Ateneo Law School, Dean Cesar L. Villanueva who gave a warm welcome to GAJE members. The keynote address was then delivered by Chief Justice Artemio V. Panganiban (Ret.).

The Chief Justice referred to the optimism of the Barrack Obama victory as a milestone in the battle for human dignity and equality. He identified the achievements of the democratic governance in the Philippines, the Constitution, the Bill of Rights, the Commission on Human Rights, and the Declaration of State Policies that formalises the objectives of adequate social services, full employment, rising standard of living and improved quality of life for all. Specifically, the Chief Justice emphasised the constitutional references to the role of women in nation building, and the rights of indigenous communities in the framework of national unity and development.

The Chief Justice set the tone for the conference by suggesting two projects for consideration by GAJE members. First, he referred to the International Criminal Court (ICC) which came into being on 1 July 2002. Although currently there are 108 parties to the ICC statute, many countries including the Philippines and the United States have yet to join. The Chief Justice urged members of GAJE to do what they can to persuade non-member countries to join the ICC. The Chief Justice also referred to PERLAS – Public Education on the Rule of Law – an organisation started by the Lawyers League for Liberty with the support of the Supreme Court of the Philippines and the Philippines Department of Education, as well as the World Bank, USAid and the Asia Foundation. The aim of PERLAS is to teach the fundamentals of democracy and the rule of law, justice and peace to school children.

Participants at the opening plenary were treated to the showing of a very moving video about the farming community from Calatagan, Batangas who marched to Manila recently to successfully press the Office of the President to protect their lands against industrial development. Some conference participants were later able to visit this area on a field trip to meet the farmers and their report appears below together with a link to a related video.

The conference was structured into thematic workshops with ten main streams and over 60 individual presentations. There were also eleven experiential and observational field trips at different sites within and around Manila. These trips were arranged by the local organising committee and gave many people a direct and sometimes confronting experience of issues relating to justice and human rights. From these experiences, contacts were formed and motivations strengthened to stay in touch and work together despite the borders and distances that have been limitations in the past.

This report brings together summaries and outcomes of the various conference presentations as well as the field trips, and regional meetings. The real success of the conference will show in how GAJE develops from this moment, and the effect it has on transforming legal education and improving the emphasis on justice education in the community context.

## **2 Streams**

### **2.1 Stream 1: New initiatives in justice education**

#### *2.1.1 Using team based learning to promote justice and develop professionalism – Sophie Sparrow (US)*

Using hands-on exercises, this workshop introduced participants to the idea of team-based learning as distinct from group learning. Participants worked in teams to answer questions and solve problems related to justice education and professionalism. Participants engaged in reading, writing reflecting and team discussions about ways to incorporate teams into justice education.

More information on team-based learning is available at:  
<http://www.teambasedlearning.org/>.

#### *2.1.2 Effective interviewing as a tool for justice - Ann Juergens (US), Angela McCaffrey (US)*

This interactive session considered whether each graduate needs basic interviewing competence in order to facilitate access to justice. The workshop also discussed the elements of basic interviewing competence and considered what special skills are needed when interviewing people that have experienced trauma.

Although there was widespread agreement that basic interviewing skills should be expected of anybody qualifying to practice law, it was acknowledged that not all universities provide law students with training on interviewing skills. In some jurisdictions such as Poland, universities believe that students learn these practical skills during their apprenticeships. This places pressure on law firms to provide law graduates with training on interviewing techniques and does not necessarily ensure that law students are competent in interviewing before they graduate. For many participants it is important that students are given more than just basic interviewing skills so that they are equipped to deal with complex situations such as clients who have cultural/ language barriers or have experienced trauma.

The session then looked at the goals of interviewing a client, the methods of achieving these goals, and looked at methods to teach students basic interviewing skills.

### *2.1.3 Justice education and happiness: the role of positive psychology in institutional change – Dr. Colin James (Australia)*

This session examined empirical research in several countries that confirm the high incidence of clinical depression among lawyers and law students, and the likely causes. Dr James suggested how the perspectives of positive psychology can promote justice education by helping law schools to sustain optimism and positive self-esteem in their students. Positive psychology focuses on positive emotions, positive character and positive institutions, and connects notionally with therapeutic jurisprudence, collaborative law, restorative justice and transformative mediation. Therapeutic jurisprudence, which is ‘law properly understood as applied psychology’ holds the key to transformative education of lawyers and ultimately of the community. Law students can be helped to distinguish and value the three levels of happiness that may help protect them from depression in their professional work: pleasure (*hedonic* - chocolate, fast cars, and sex), engagement (*flow* - the depth of involvement with one's family, work, romance and hobbies) and meaning (*eudaemonia* - using personal strengths to serve some larger end) (Seligman 2002). Finally, Dr James recommended law teachers, lawyers and law students work to improve the quality of their personal and professional lives by identifying and playing to their own psychological and personality strengths, for example by using the VIA test on the website - [www.authentichappiness.com](http://www.authentichappiness.com)

### *2.1.4 Measuring a law school's delivery of justice education - Adrian Evans, (Australia)*

This interactive session was designed to critique a proposed method for assessing whether a law school is a credible justice educator or not. A series of questions were proposed to participants, for example, ‘Is legal ethics a compulsory part of your law course?’ ‘How many school staff have a pro bono track record?’ Participants offered corrections to these questions and suggestions for the overall approach, which will be incorporated into a

forthcoming chapter of Frank Bloch's *The Global Clinical Movement* as follows:

- Structure the proposed measures as a self-assessment , 'cook-book' style recipe rather than a rigorous set of criteria (but include the latter as part of the GAJE Justice Education Initiative;
- Suggest changes to the title to 'A Recipe for Justice Education' or 'the Justice Education Cookbook'; and
- The emphasis on methodology should be on encouraging raised standards of justice education. There is, however, a place for a pronounced normative set of standards that give voice to those justice educators that might wish to audit their own or other's law schools or legal education institutions.

The session also considered whether there should be a system of accreditation for a law school's willingness and ability to deliver justice education.

#### *2.1.5 Performance critique: effective feedback for law students/young lawyers* - Liz Ryan Cole (US) and Peggy Maisel (US)

This interactive session provided an overview of the Myers-Briggs Type Indicator (MBTI) and discussed how teachers can better communicate with and provide feedback to colleagues and students.

The MBTI assessment is a psychometric questionnaire designed to measure psychological preferences in how people perceive the world and make decisions.

It is most commonly used as a non-diagnostic indicator and can be very insightful in understanding people as well as communicating effectively with a broad range of students. In social justice legal work with law students, MBTI can help us to understand the preconceptions that we bring to clinical teaching and field supervision.

Myers Briggs can provide us with a mirror so we can evaluate our preferences and work on areas that are less developed. It is also useful when grouping students during class and providing students with feedback. Making students aware of their preferences can help them to become more understanding and can encourage extroverts and introverts to work better together.

#### *2.1.6 A relationship-centred approach to fetal alcohol syndrome: a model of practice to frame real world strategies* - Susan Brooks (US), David Boulding, Esq. (US)

This presentation explored a newly articulated approach to legal education and practice called Relationship-Centered Lawyering, which is grounded in human development and social interaction theories. After briefly outlining the theory, the presenters demonstrated its usefulness with a role-play, where participants interviewed a client with fetal alcohol syndrome or some other chronic brain loss issue. The participants engaged in a lively discussion of

the theory, as well as the interviewing exercise. All agreed that they would like to try the techniques suggested at their home institutions.

*2.1.7 Clinical supervision: choices and challenges* - Associate Professor Michelle Gilman (USA)

This presentation highlighted the differences between training new attorneys in a law practice and supervising law students as part of a clinic. It was designed to encourage participants to think consciously and carefully about the choices they make as clinical teachers. The participants began by brainstorming the goals of supervision in a law practice versus a clinical setting. The list of goals for clinical teachers was much longer. In addition to imparting lawyering skills, clinicians stress values such as reflection, professionalism, and judgment. The participants then brainstormed methods used to train lawyers and law students in light of the identified goals. While lawyers are typically trained through modelling and explicit direction, law students are trained through a wide array of techniques, many of which are non-directive. Michelle then showed three film clips to the group. The participants in the clips were two clinical teachers and two law students. The first clip demonstrated a non-directive form of supervision; the second clip demonstrated a directive form of supervision; and the third clip consisted of interviews of the law students who participated in the sessions. Although the students felt they could learn to be lawyers under either method of supervision, they preferred the non-directive form of supervision because it allowed them to be more creative, to exercise their own judgment, and to work collaboratively. It gave them the confidence to solve novel problems in the future. During the discussion period, participants reflected on their own supervision styles in light of the two “extreme” examples presented in the film clips.

**2.2 Stream 2: Developing and mainstreaming justice education in the law school and other curricula**

*2.2.1 Teaching legal writing: comparative approaches (the clinical context)* - Laurel Currie Oates (US) and Mimi Samuel (US)

This presentation was divided into two parts.

During the first part, Professors Oates and Samuel discussed the importance of good research and writing skills in promoting justice and models for helping students, judges, and attorneys develop their research and writing skills. The participants then divided into small groups in which they discussed ways in which they might integrate the teaching of research and writing into their own curricula and projects.

During the second part of the presentation, Professors Oates and Samuel demonstrated methods and materials that could be used in teaching students and other professionals to write more effectively.

*2.2.2 Law school mechanisms in the Americas for expanding the pool of social justice lawyers* (no report)

### 2.2.3 *Learning to see – Alan M. Lerner (US)*

In this presentation, the goal was to teach, through participatory demonstration, how:

- to improve one's powers of observation;
- to distinguish between the data observed, the inferences one draws from the data, and the reason for drawing those inferences; and
- to improve the ability to communicate about the foregoing.

Participants were divided into groups randomly and presented with a photographic image of an individual. They were asked to examine it as carefully and thoroughly as they could in approximately two minutes, then write down what they each saw. Thereafter, they were shown other images containing images of people, including photographs from current events and well known works of art. They were asked to discuss these images in small groups. As a group, they recorded what they saw, observations about this process, and the bases for these inferences.

Alan directed the discussions by asking questions such as “Where was this photo taken?” “What is the person's mood?” “Why did you draw that inference?” and “Why do you think that you didn't mention that background?”

Alan then returned the participants' attention to the first image, which had not yet been discussed. Participants were asked to analyse it without referring to their original notes. Because time ran out, participants were encouraged to later compare their original and their most recent descriptions, identifying how their observations had changed when using the new method of “seeing”.

Other discussions in this session included the importance of differentiating between actual observations, and the inferences drawn from them.

Participants also discussed how this exercise could be utilised by teachers.

### 2.2.4 *Pursuing the path to social justice along roads less travelled - Alan M. Lerner (US), Dr. Panarairat Srichaiyarat (Thailand), Lan Rongjie (US), Bruce Lasky (Thailand)*

#### *Session I: Reaching Out – Bringing Lawyering Skills and Professional Roles to Non-Clinic Students*

The aim of this presentation was to demonstrate how to create social justice awareness by exposing non-clinic students in traditional law courses to clinic teaching methodologies.

The presentation also illustrated how to teach doctrinal material and lawyering skills as well, as well as the positive role of lawyers and their moral commitment to social justice through carefully constructed simulations.

Two examples were given, the first being the *volenti non fit injuria* principle, that where one consents to the act, one has no claim for legal relief from its consequences. The principle is unclear in many countries, because it is not written law. The Thai courts have accepted it as a principle of defence, yet have not identified its elements.

The second example was the *volenti* principle in its application to the law of sexual harassment in Thailand. The term sexual harassment also has no legal definition in Thailand, and thus remains unclear, and almost no Thai lawyers know of any precedent where the *volenti* defence is used in sexual harassment claims.

This uncertainty within the law was demonstrated during lawyer/client role plays within the seminar, in which participants adopted different roles in a legal scenario, including a harassed woman, her husband, their lawyer and an observer. Participants in the interview became confused by the lack of clarity in the applicable provisions. Everyone concluded that every legal system has grey areas, and that law professors, students and lawyers should perceive these areas of uncertainty as an intellectual challenge.

Ultimately, the group decided that these grey areas, and role plays such as these, where the characters possessed disparate views of the law and its impact, were an effective way to communicate to students an understanding of social justice and ethical issues, and the positive role lawyers may play.

### *Section II: Bring the Law Students to the field: Empirical Research as Policy Advocacy*

The objective of this session was to encourage law faculties, particularly clinicians, to employ clinical education as an effective instrument of empirical research and policy advocacy, and give law students a practical opportunity to get involved in policy making and reshaping the law and the society. It demonstrated that students are often extremely passionate about participating in government, yet often are given no voice.

Furthermore, in semi-democratic countries such as China or Vietnam, the public is often not heard due to lack of education of communication skills.

This seminar taught that law schools and legal clinics have the necessary resources to combat this problem, and to train students in research and advocacy, and enable them a voice in the community. An example of this process was an NGO staffer in Manila, Philippines, whose trip to a local prison reveals to him the gross injustices in the criminal justice system, which are being overlooked by the government and legislature.

Lerner, Srichaiyarat, Rongjie and Lasky discussed the necessity of legal clinics conducting policy-oriented empirical research, with examples from Sichuan University School of Law in China.

The session's conclusion was that when the law is unclear or unjust, it is the obligation of lawyers to seek a remedy, and bring about social change.

#### *2.2.5 Educating law students in the shadow of the Tower of Babel - Lindi Coetzee (South Africa), Andre Mukheibir (South Africa)*

This interactive seminar, involving a Power Point presentation, a brainstorming session, then a question and answer session, canvassed the problem of teaching and receiving feedback in a multilingual classroom.

The session concluded that:

- Language proficiency testing is required
- Competency in legal writing should either be obtained through a free-standing course or incorporated into substantive law.

Lindi Coetzee and Andre Mukheibir liaised with legal writing experts at the GAJE Conference for the purposes of following up these ideas.

2.2.6 *The University of Philippines College of Law: elite training and the pursuit of justice* (No report)

2.2.7 *Mainstreaming justice in traditional law courses* - Ved Kumari (India); Arkady Gutnikov (Russia), Tatiana Zykina (Russia), Steven Schwinn (USA)

The goal of this session was to share ideas and experiences on how teachers can incorporate social justice issues into the traditional law syllabus.

Tatiana Zykina teaches Labour Law at the Arkhangelsk State Technical University, Russia. Despite there being no “pure” discrimination cases in Russia, Tatiana said there are regular occurrences of employee discrimination in the workplace, where employees are too afraid of dismissal to complain. She also explained that often women are paid less than men and in the spheres where mainly women work, like medicine and education, the wages are low. Her school has a labour law clinic and some of these aspects are examined in her coursework.

In his course “Introduction into the Law” at St. Petersburg Institute of Law, Arkady Gutnikov introduces jurisprudence, criminal law, administrative law, family law, constitutional law, commercial law, and civil and criminal procedure. In the classroom, he discusses the difficulties in accessing law, lacunae in the law, the varied impact of the law, and its ability to empower or disempower. Arkady Gutnikov uses a range of teaching methods, including role play, case study, social projects, surveys, essay writing, discussions, and moot courts.

Ved Kumari from the Faculty of Law at the University of Delhi focused on gender issues while teaching criminal law and family law. In criminal law, she included critical readings in the course materials highlighting how the law was discriminatory in its conception, interpretation and implementation. She found more resistance in family law. In this course, she formulated critical questions on each topic and incorporated them into the course material, thereby creating awareness about such issues amongst students.

Steven Schwinn from John Marshall Law School assigned his Constitutional Law students to write portions of an amicus brief in a same-sex marriage case at the Maryland Court of Appeals. He divided students into groups by legal issue; then asked them to write a brief on their issue and its relationship to the ban on same-sex marriage in the state; and then he compiled their work and plugged it into the faculty amicus brief that he filed in the case. He assigned the brief in addition to a more traditional exam; both contributed to the students' final grades. Steven also mentioned a civil rights clinic for first-year law students in combination with an elective seminar and legal writing course in the first year. In that course the students represented victims of police brutality and a prisoner on a post-conviction innocence claim.

Louise McKinny who teaches an optional course on Law and Poverty at Case Western Reserve University School of Law, USA, said that she had immensely benefited from the session and will use the aforementioned case immediately in her course in the coming semester.

The webpage <http://gaje.org/index/conference/sessions/show?id=30> includes links to the outline of the compulsory Law and Poverty course taught by Professor Amita Dhanda in NALSAR, India, the power points and handouts used in the session, and lists of relevant materials and websites. The PowerPoint entitled “Mainstreaming Justice in Traditional Law Courses” contains questions that may be raised in law courses to analyse justice issues.

2.2.8 *Training law students to teach about law, human rights, and democracy - in high schools to communities* - David McQuoid-Mason (South Africa), Nandang Sutrismo (Indonesia), Wendy Morrish (BABSEA), Sharan Dawoo (Laos), Lindi Coetzee (South Africa)

#### Session I:

In this session, participants were divided into four small groups and asked to draw a picture of the human body and indicate which parts of the body related to which human right. The groups then reported back on the human rights identified by them and a consolidated list of their rights was reflected on a flip chart. The participants were then given a copy of the abbreviated Universal Declaration of Human Rights (UDHR) and asked to identify how many of the rights identified in their consolidated list were in the UDHR. This exercise may be useful for categorising the different types of human rights, and identifying the constitutional rights in one's country. Thereafter, David McQuoid-Mason, Nandang Sutrismo, Wendy Morrish and Lindi Coetzee made short presentations on how they train law students to teach about law, human rights and democracy, and the challenges they faced when undertaking such training. The participants then discussed in small groups the challenges that law schools face in training law students to teach about law, human rights and democracy. Each group reported back on their suggestions for overcoming the challenges.

#### Session II:

In the second session, participants brainstormed a list of interactive teaching methods for teaching law, human rights and democracy. In groups of five, participants then used different interactive learning methods to teach a lesson. They were referred to the lesson plan attached to the session program for guidance or to invent their own lesson plan structure – provided it included the objectives of their lesson. The groups were given time to plan an interactive lesson and to be prepared to present their lesson. One group presented a lesson on freedom of association and assembly to the other participants who acted as law students. The lesson was then double-debriefed by the participants – first as law students and then as law teachers. The lesson plans of the other participants were displayed on a blackboard.

### **2.3 Stream 3: Community lawyering – new initiatives in justice education**

#### *2.3.1 Creative innovative community partnerships to advance social justice: maximising resources, combining expertise and improving community conditions - Lisa Bliss (US) and Sylvia Caley (US)*

##### Session 1:

The first workshop on creating innovative interdisciplinary partnerships introduced the process and focused on the crucial steps in developing community collaboration. Lisa Bliss and Sylvia Caley introduced participants to a medical-legal partnership, the Health-Law Partnership and used it as a model community collaboration project. Participants engaged in a brainstorming exercise to generate ideas for potential partnerships in their communities.

##### Session 2:

This workshop addressed the need to define roles and expectations among partners. Participants were provided with pointers regarding funding their collaboration and the need for program education.

#### *2.3.2 Poverty lawyering and legal empowerment of the poor: an opportunity or challenge for law schools? - Mariana Berbec Rostas (Hungary), Prof. David McQuoid-Mason (South Africa), Simon Rice (Australia), Mary Anne Noone (Australia), Nandang Sutrisno (Indonesia), Vidjia Phun (Cambodia), Srikrishna D. Rao (India)*

The session started with a brief introduction by Mariana Berbec-Rostas on issues of poverty lawyering and law schools' roles in promoting anti-poverty law initiatives. Each panellist was asked various questions regarding their initiatives.

In Australia the major initiatives currently focus on teaching legal rights and poverty, social justice reform and public policy advocacy. Primarily the courses target senior law students and are elective and non-clinical. Nevertheless, students get to practice their knowledge and skills of public advocacy by completing various projects on policy and law advocacy at the end of the course. The most challenging issue according to Marry Anne Noone is to incorporate the poverty matters into the law school curriculum. Being an interdisciplinary matter, it is less legalistic. Mr. Rice said it is also extremely important to stress that poverty lawyers are very well-trained. Mostly the courses are one-semester courses focusing on law reform theories, advocacy and community development. Ms. Liz Curran from World Vision added that students also assist NGOs in working with the poor and developing public policy advocacy papers, which they sometimes present later presenting to various policy makers.

In Indonesia, the Islamic University has had the Clinical Legal Aid Centre since 1978. A new initiative that started in late 2007 is community empowerment. The university created an outreach office in the community, which was severely affected by the 2004 earthquake. There, students provide legal counselling and legal literacy workshops with the community. In addition, as a joint project with the faculty of engineering, the university assisted the community with a new project: building new houses that are more earthquake-resistant. The course is a one-year course for students. One of the challenges in Indonesia is to meet the demands for poverty lawyering, in a context of limited resources and the increased legal needs of the poor.

In South Africa, poverty lawyering manifests itself primarily in legal aid clinics, in providing support to the community-based paralegals, and teaching Street Law in impoverished public schools. Street Law includes teaching the community about prisoner rights, and healthcare rights such as access to health services and medicine. When students teach Street Law and participate in other projects, it is credited to them as a one-year university course.

In India, the program focuses on paralegal training. The Open University is currently finalising a development of a Paralegal Diploma curriculum, which will focus on training paralegals to assist vulnerable groups in the community. It is not yet clear how these programs will integrate into the classical clinical course, but the idea is to target the poor and provide them with professionally-trained paralegals to support and promote their everyday rights.

In Cambodia, the Panassastra University is focusing on teaching the community about fundamental human rights. It's a one-year course for students of law and other faculties. It is interdisciplinary and primarily a Street Law program for community members, taught in high schools, orphanages, women shelters, and tri-cycle communities.

The discussion that followed focused primarily on the following issues: why law schools should engage in promoting poverty lawyering, which would be the course focus, and what kind of course it should be, how to support the

community work that the law schools already do, and how to convince the university and law school administration about the need for such courses.

One conclusion identified a clear need for law school initiatives to focus on poverty lawyering and legal empowerment, and it would be ideal if these courses were interdisciplinary.

The group also identified a need for more theoretical introduction into rule of law theories and foundations for poverty law and lawyering. One suggestion was to present it as an orientation course for all students at law schools. Another idea was to place issues related to law and legal needs of the poor into the existing courses on welfare and socio-economic rights, land law, constitutional law, criminal law and procedure. The group agreed on the need to liaise with law school administrators and deans in respect of the above proposals.

Other discussion focused around issues of official recognition and prioritising such courses. Participatory and interdisciplinary requirements would create additional challenges with regards to its placement within one or another type of law school.

The session concluded with the role of bar associations in promoting a more responsible legal profession, because they are well-informed about the issues related to structured poverty and its effect on a person's daily life.

### 2.3.3 *Lawyer incubator workshop* - Fred Rooney(US), Luz Herrera (US)

This workshop included a presentation and brainstorming session about how community lawyering works in other law schools and jurisdictions. It identified the need for alternative models in the US and abroad which incorporate private attorney models beyond pro bono.

### 2.3.4 *People's guide to resisting forced displacement* – David Pred (Cambodia), Natalie Bugalski (Cambodia) and Sao Sotheary (South East Asia)

David Pred, Natalie Bugalski and Sao Sotheary showed a music video at the start of this session. Entitled "Land and Life" and produced by "Bridges Across Borders Southeast Asia", the video focussed on the issue of forced displacement.

Afterward, Natalie Bulgalski delivered a PowerPoint presentation on development-induced displacement in Asia, focussing on the situation in Cambodia. David Pred then gave another PowerPoint presentation on the Community Guide to Challenging Forced Displacement, a collaborative popular educational tool undertaken by Bridges Across Borders Southeast Asia (BABSEA), the Centre on Housing Rights and Evictions (COHRE) and the International Accountability Project (IAP). The central aim of the initiative is to empower communities facing development-induced displacement in Asia

through contextually relevant training about their rights, the risks and resistance strategies in relation to forced displacement.

The presenters discussed how communities threatened with displacement typically face significant barriers to accessing critical information about their rights or avenues for defending them. These communities are also often unaware that companies, donor agencies, multilateral institutions and governments have obligations to protect and respect their rights, and are in many cases acting in contravention of their obligations by forcibly displacing people in the name of development. In addition, communities facing development-induced displacement are frequently oblivious to the fact that numerous other communities across the region are experiencing similar struggles and have in many cases implemented successful resistance strategies that could be replicated. As a consequence of this lack of information and awareness, vulnerable communities are too often excluded from decision-making processes about the direction and shape of development. In many cases, it simply does not occur to people that they could and should have a voice in the development agenda.

The Community Guide project was initiated to address these significant barriers to just and inclusive development.

The Community Guide seeks to:

- Raise awareness within at-risk communities about their rights and the corresponding duties of governments and other relevant actors, such as international financial institutions and corporations;
- Educate activists about extralegal strategies they can employ to protect and defend their community's rights, such as community organisation, engaging existing grassroots networks, conducting evidence-based media and political advocacy, developing negotiation skills, organising non-violent direct actions and pursuing international grievance mechanisms such as the World Bank Inspection Panel; and
- Utilise effective popular education methodologies and interactive training techniques to deliver the content of the People's Guide to the target audience.

The second half of the presentation consisted of an interactive Community Guide lesson on the Right to Adequate Housing. The lesson used various interactive methodologies, including closed-eyes imagination, drawing, group discussion/presentation, role-play and a question and answer session.

*2.3.5 Mediation and juvenile diversion training: the link between justice education and the reduction of crime in the community - Mary K Hanna (US) and Randy Duque (US)*

Session 1:

This session examined the use of mediation clinics in child custody cases and the use of a facilitative model founded on interest-based negotiation. Through

mediation clinics, law students can use a collaborative process to mediate custody arrangements between parents. The basis of this approach is that 'communication between parties leads to empowerment'.

The benefits of 'active listening' were highlighted. This skill

- Confirms to the speaker that they have been heard, thereby empowering them; and
- Awards individuals the opportunity to self-check and clarify their interest.

The skill may, however, be daunting for law students in the real world of custody mediation.

Mediation encourages communication between parties and also reduces the child's exposure to damaging conflict. The process is, therefore, of benefit to the child, even if their legal rights are not directly represented in mediation.

Session 2:

The second part of this workshop examined the Juvenile Offender Diversion Program and its effectiveness in promoting conflict resolution and reducing violence and recidivism amongst juvenile offenders due to its interactive and experiential learning opportunities. The diversion program in Philadelphia was used as a case study.

Some voiced concerns that the Program appeared to be behavioural modification training, though its benefits in resolving conflict were outlined, namely:

- Understanding the mental concept of conflict;
- Different styles of conflict; and
- The importance of understanding the consequences of one's behaviour

Juvenile offenders can ultimately apply these skills to resolve other potentially destructive issues in their lives.

The session identified some universal themes of relevance, including:

- The need for reducing violence and delinquent behaviour; and
- The success of experiential learning.

Some challenges of the Juvenile Offender Diversion Program include:

- The need for support from a law enforcement agency; and
- The requirement that the program be relevant to the community.

2.3.6 *Reaching further: The role of legal aid services and law reform activities in informing access to justice for community* - Liz Curran (Australia)

Policy should be informed by the real life experiences of a community as well as community needs, capacity and knowledge. Case histories, data and experiences of unjust laws should feed into policy to make it relevant, simple and fair. Non Government Organisations ("NGO's") can influence policy by

entering data about a client's experience with the law into a central repository, which can then be released as a "register".

Lawyers need to realise that the most marginalised often do not have the knowledge, capacity or confidence to identify human rights' infringements. Lawyers need to be in communities working in partnerships and capacity-building with community groups so that they can advocate on their behalf and work closely with NGOs. Research shows that marginalised individuals don't go to lawyers but go to other professionals (such as doctors) when they need assistance. If these other professionals are uninformed about where to refer a person, legal problems may continue to go unrecognised. The key to change is therefore getting NGOs, decision-makers, legal professionals, community groups and others to work together, and empowering marginalised individuals through community education.

### 2.3.7 *The art of partnering: Lawyering in the community* - Elizabeth Newman-Henriquez (USA) and Martha Garcia (USA)

This interactive used case studies, a PowerPoint presentation and video clips to examine an interdisciplinary community project in which law became the gathering point for group building, education, consciousness-raising and healing. The session discussed the elements of successful collaboration and models for collaboration. It also examined the values behind interdisciplinary work when working with survivors of trauma and highlighted the value of interdisciplinary work.

Presenters guided participants through discussion on the following themes:

- The definition of "violence-free lives"
- Preparing students to work with traumatised women and process it afterward
- How to create and complete such a program the difference between Australian and American immigration laws
- How projects can assist women in crisis
- The importance of debriefing

Although there were no group conclusions, there were opportunities for individuals to reflect on the difficulties of performing this type of work. The seminar concluded with the following observations:

- People have different understandings of what constitutes domestic violence
- People face significant challenges in working with victims of domestic violence
- People experience diverse obstacles within legal systems and legal institutions whilst working with victims of domestic violence
- The realities of domestic violence should be integrated into the practice of law.

## **2.4 Stream 4: Legal literacy (street law, legal awareness)**

### *2.4.1 Establishing a community legal literacy program-*

David McQuoid-Mason (South Africa) (Facilitator), Marlon Manuel (Philippines), Sotheary Sao (Cambodia), Monika Platek (Poland), Richard Grimes (England), and Mohammed Habibi (Iran)

#### Session 1:

The session began with a visual exercise; participants were asked to identify the number of squares visible in a diagram (which was a large square divided into 16 smaller squares). Answers varied between 21 and 48. This disparity in perception was used to explain the importance of training requirements being understood consistently by instructors as well as the community.

Thereafter, each presenter made a five minute presentation about the community legal education programs run by their law school, and the challenges involved. The Philippines, Cambodia, Poland and England had well-developed programs, while Mofid University in Iran was still planning its program.

Next, participants identified twenty challenges faced in establishing community-based legal literacy programs, and possible solutions.

#### Session 2:

In the Second Session, participants played a variation of arm-wrestling, a point was awarded each time a player pulled their opponent's hand a certain length toward themselves. Many participants were familiar with the game and cooperated, rather than competed, with their partners, resulting in several high scores.

This exercise demonstrated the importance of law schools and NGO's considering each other "partners" rather than "competitors" whilst working in community legal literacy programs.

Participants then discussed in groups the various methods of training law students and instructors to teach communities about the law.

### *2.4.2 Establishing a clinical legal education (street law) program at your law school: A South-East Asia experience*

Bruce Lasky (Thailand) (Facilitator), Dr. Panarairat Srichaiyarat (Thailand), Thipmany Inthavong (Laos), Ramlah Mohd Noh (Malaysia), Giao Hoang (Vietnam), Vidjia Phun (Cambodia), Nandang Sutrisno (Indonesia), Trang Van Chu Chi (Vietnam), Zulkifli Nur Farzana Bt. Mohd. (Malaysia), Sivaraj Narayanan (Malaysia) David McQuoid-Mason (South Africa), Arkady Gutnikov (Russia), and Monika Platek (Poland)

*Student Presenters:* Maytavee Phiakhan (Thailand), Sauracha Santatirat (Thailand), Kathariya Jaisrithi (Thailand), Wan Nurshafina Wan Mohd Samsudin (Malaysia), Ketsana Sukhathivong (Laos), Henry Tan Shiu Hee (Malaysia), Ignatius Lau Kiew Kwang (Malaysia), Wan Abdul Rahim Wan Jamaludin (Malaysia), Phothasin Saleumsack (Laos), Naruedol Wannarat (Thailand), Nguyen Hong Ha (Vietnam), Bui The Phong (Vietnam), Kim Pichda (Cambodia)

## SESSION 1:

The Session began with a game to exemplify the importance of eyewitness testimony being accurate. Participants were divided into three lines, the three leaders of the lines were shown a picture, and each had to communicate to the person behind them what the picture looked like. The process continued along each line until the final three people drew what had been described to them. All three final drawings were very different. The game also exemplified how important it is to document all information so that those using it later have an accurate “picture”.

After this exercise, participants wrote three positive aspects and challenges of developing a community legal education program. This was followed by presentations on Community Legal Education programs in countries including Laos, Malaysia, Vietnam, Cambodia, Indonesia and Thailand.

## Session 2:

The second session began with the Regional CLE Students leading all the participants in the “famous” BABSEA Banana Dance energiser.

Then, participants were asked to list 5-10 ways to combat challenges faced in establishing a Community Legal Education Program at their law schools, then create a role play.

Such challenges included

- The Dean is not supportive of the program
- Law Professors are not interested in supporting the program or do not know how to teach interactively
- How to effectively evaluate a CLE Community Legal Education Program
- Making the CLE program an accredited course at the university.

Afterwards, Arkady Gutnikov, David McQuoid-Mason and Monika Platek provided insights into how they developed their own programs and compared similar experiences, lessons learned and suggestions for positive, quality expansions of the programs.

Finally, all participants were given a CD compilation of resources put together by BABSEA which included a variety of electronic materials useful in

developing a Community Legal Education (Street Law) Program at Law Schools.

## **2.5 Stream 5: Justice education and professional responsibility**

### *2.5.1 Law schools' ethical duty: Failing to instil public service as a core value of professional responsibility - Professor Doug Coulbert (USA),*

The US Model Rules of Professional Conduct recognise a lawyer's pro bono duty to serve people unable to afford counsel, and provide them with access to justice. Too few lawyers meet these ethical obligations, and law schools do not sufficiently educate students about public service as a core value of a lawyer's professional responsibility. The national response by law students to those affected by Hurricane Katrina is a hopeful sign that the current generation of law students understands and accepts their role as a public citizen.

In order to develop a sense of public service as a core value of professional responsibility the following methods could be adopted:

- law professors can model behaviour for public service by engaging in public service projects with students;
- law schools can organise events and invite public service lawyers to campus; and
- lawyers who serve the public can be honoured, providing greater recognition.

The session acknowledged the difficulty of engendering a commitment to public service in students and colleagues, as well as the differing perceptions of a lawyer's professional role across jurisdictions.

The session concluded that law tutors and lecturers need to take every opportunity in the classroom and curriculum to speak about a lawyer's ethical public service duty, and promote public service activities for students and faculty staff. Each law faculty has a professional responsibility to devote more class-time to public service.

### *2.5.2 Competitions in Legal Education (Cambodian ROLI Experience) - Steven Austermler (Cambodia), Teav Bandol (Cambodia), Peng Sokunthea (Cambodia), and Tep Sokunvannary (Cambodia).*

This interactive session considered various aspects of competitions, including the challenges and rewards of using them.

Participants expressed the view that competitions are a useful and exciting way to teach important skills. However, they must be used with care so that students focus on learning as well as winning.

### *2.5.3 Teaching legal ethics in a corrupt legal system - Leah Wortham (USA), Catherine Klein (USA), Lusine Hovhannisian (USA), Elida Nogoibaeva*

(Kyrgyzstan), Nurzat Myrsalieva (Kyrgyzstan), Mihaela Vidaicu (Moldova), Andriy Meleshevych (Ukraine), Armen Haroutunyan (Armenia)

The session focused on what law teachers can and should do to prepare law graduates who will enter legal systems that may be corrupt, unjust or unethical. Participants were asked to define their goals with the following sentence:

*I will be a success if at least some students walk away able to do \_\_\_\_\_ and motivated to do \_\_\_\_\_.*

The session began with various definitions of “corruption,” “justice,” and “just legal system” to encourage participants to consider their own assumptions about these terms.

Participants then divided into small groups to identify:

- specific features of legal systems with which they are familiar that they consider corrupt/unethical/unjust,
- who is hurt by those features, and
- the ways that legal professionals are pressured to conform.

After sharing reports, the small groups met again to prepare a presentation for the full group focusing on:

- a particular unjust feature of a legal system;
- a course context, e.g., a legal ethics course, a clinical course, or an integration of ethics in a doctrinal course, and
- a teaching plan to addressing the goals selected.

The problems and teaching plans discussed are outlined below.

Group	Unjust system	Teaching method
1	A legal system with a “first cousin” tradition (where personal connections affect legal outcomes)	Invite students out into their local community and interview a variety of lawyers about their experience with corruption. They would bring this information back to the class and debrief.
2	A legal system where tribalism and close personal ties affect legal outcomes (breeding cynicism, apathy and depression in practitioners)	Explain to students the impact of such a system, teach partnership building for support in challenging injustice. identify specific tactics for particular fact scenarios; and address these issues not only in ethics courses and clinics but throughout the curriculum.

3	A legal system within a culture of political and economic corruption	Teaching ethics, values, skills and honour throughout the curriculum, beginning a course by asking students: <i>Why are you going into law? What are your own thoughts about justice? Your own ethics?</i> , teaching street law in high schools so that students contemplate a just legal system and a lawyer's role within it.
4	A legal system of a country in transition from a totalitarian state	Giving concrete examples of problems within such a system, providing a construct against which ethical choices can be evaluated, e.g., schools of moral philosophy, contrasting paradigms of the lawyer-client relationship such as instrumental, collaborative moral dialogue with the client, and directive with lawyer in charge.

2.5.4 *Converging practical education, justice education and ethics: instilling pro bono practices in law schools* - Lusine Hovhannisian (Armenia/USA) (Moderator), Filip Czernicki (Poland), Atanas Politov (Hungary), Dmitry Shabelnikov (Russia) and Leah Wortham (USA)

Participants began by listing what pro bono meant for them. Ideas included:

- in Argentina it was explicitly prohibited in some jurisdictions;
- in US and some other contexts pro bono means lawyers providing services to individuals and non-profits for free, or sometimes for a reduced fee (“low bono”);
- in Australia and some other jurisdictions it may refer also to law reform activities, community education, cases with a public interest element, etc.
- there is a controversy in the US – is pro bono only direct service to individual clients or can it include helping various organisations, law reform activities, helping churches, etc.

Atanas Politov described recent pro bono developments in Europe, with an emphasis on continental Europe. In continental Europe lawyers have traditionally provided free assistance sporadically, but now pro bono work is becoming institutionalized, as demonstrated by two Pro Bono Forums, organized by the Public Interest Law Institute (PILI) in Budapest in 2007 and 2008. Several pro bono clearing houses, legal referral schemes that match

lawyers with clients have been created and are operating successfully in Hungary, Poland, Czech Republic and Russia. Several others are being planned in Bulgaria, Slovenia, Turkey, China and other countries.

Moreover, Western European Countries such as France, Germany and Spain, where pro bono traditionally did not exist, are displaying a great deal of interest in it. Several countries, as well as the International Bar Association, recently adopted pro bono declarations. All this reflects globalization of the legal market

Filip Czernicki and Dmitry Shabelnikov made short presentations on pro bono developments in Poland and Russia, respectively. In Poland, the Law Clinics Foundation instituted a pro bono contest for lawyers, which helped to popularize the idea of pro bono. It also facilitated the signing of the Polish Pro Bono Declaration and is operating a successful pro bono clearing house. In Russia, the PILI has been operating a clearing house for one year, which is growing rapidly. PILI also helped draft the Memorandum on Social Responsibility of the Russian Lawyer, which was provisionally adopted by the Association of Lawyers of Russia.

Afterward, participants brainstormed how the vast resources of lawyers willing to provide pro bono services may be used in legal education and clinics. Examples included lawyers participating in moot court sessions and competitions, and giving motivation presentations about pro bono work and pro bono opportunities for graduates.

Below is the list of ideas and experiences of the participants:

- In Minnesota, law firms sponsor a volunteer network of pro bono lawyers, which acts as a clearing house, and conducts training on immigration law and human rights
- The Minnesota Committee of Justice connects students with attorneys acting on pro bono matters
- In St. Petersburg, lawyers are used in street law programs, and as members of the board of a justice education organisation. They also play the roles of judges in moot courts.
- In the US context, pro bono attorneys who are not interested in litigation, instead provide assistance to self-help centers at courts; Attorneys also team up with students, and help clinics with media strategies
- Immigration clinics working in collaboration with a law firm with expertise in litigation
- At Columbia Law School, an NGO trained lawyers from firms in areas such as domestic violence and political asylum, and the firms consequently teach such skills to students;
- In Australia, law schools have community events to support the graduates, and Australia also has pro bono internships, similar to clerkships, where students are placed in pro bono departments over a summer. This raised the question of how to encourage students into such roles where pro bono is not part of the professional culture
- In Poland, lawyers from firms teach students legal ethics and legal writing, and lawyers and NGOs train each other

Background materials for the session (including several pro bono declarations) may be found at the session's page at GAJE website: <http://gaje.org/index/conference/sessions/show?id=11>.

## **2.6 Stream 6: Clinical education and professional responsibility (Clinics as part of service delivery along with student education)**

2.6.1 *Developing sustainable legal aid systems in countries/regions* (no report)

## **2.7 Stream 7: Global connections – New initiatives in justice education**

2.7.1 *Blogging as global outreach* - Professor Minna Kotkin (USA)

This hands-on session examined the purposes and types of blogs, and their potential to publicise the work of NGO's and clinical programs, creating global linkages.

On a laptop, Kotkin demonstrated the basics of blogging using her blog, [Clinicians with not enough to do](#), as a template. Participants were shown how to create a blog, post entries, and create shortcuts to blogs of interest.

Participants raised a number of questions about blog audiences, time demands, confidentiality, and the difference between blogs and list-serves. The session succeeded in demystifying the blogging process, and in encouraging participants to make use of this technology.

2.7.2 *Linking the global and the local in legal education: Classroom courses and seminars* - Jane Schukoske (India) and Lusine Hovhannisian (USA)

This session explored the importance of linking the global and the local in legal education, the objectives of doing so, how teachers can help students understand these connections, and different techniques, programs, and assignments that can serve these goals. The principal goals of the session were to share the ways in which teachers build empathy and develop teaching models which incorporate global/local linkages.

At the beginning of the session, Jane Revealed results from her pre-conference survey, which contained questions such as:

- Why is it important to teach about the connection between global and local?
- What is "local"?
- What objectives should teachers set?
- What challenges do teachers face in drawing these connections?

Jane provided examples in which a teacher is challenged to make such connections:

- in an LLM program for foreign lawyers in the U.S.A such as the one at University of Baltimore School of Law: <http://law.ubalt.edu/template.cfm?page=351>;
- in a seminar on Law and Social Reform at University of Baltimore School of Law, using readings about Ashoka fellows from countries around the world: <http://www.ashoka.org>, see also <http://proxied.changemakers.net/library/>;
- in the teaching of a seminar on Law and Society in which students studied current law reform proposals;
- in a socio-legal field study by students and Professor Mizanur Rahman of a tribal community, from which a book was written, *Combating the Khasi Uprooting: Humanity Cries (2004)*. See <http://www.elcop.org/>;
- in planning for a global law program, such as the one at the new Jindal Global Law School in India: [www.jgls.org](http://www.jgls.org);
- in law schools abroad through PILI, [www.pili.org](http://www.pili.org)

Some interesting survey responses included

- a class on “what is local?” (When local authenticity is defined by the concerns of the indigenous people or the larger local community);
- the issue of colleagues’ inability to interact with international visitors, and make the best use of their presence and expertise.

The group then discussed issues in the areas of mediation, conflict resolution, human rights, and legal ethics and professional responsibility. Questions asked included:

- How do you link global or international law to local issues in your classes?
- What are the effective techniques for drawing students’ attention to this connection?
- If you were to design a course, what would you propose?
- What would be the challenges of creating such a course?

The reports by the groups have been categorised below:

Topic	Objectives of teaching	Course design
Legal ethics	<ul style="list-style-type: none"> <li>• Raise awareness of other cultural groups in the area of the law school</li> <li>• Develop awareness of local situations which have global consequences</li> </ul>	<ul style="list-style-type: none"> <li>• Include discussion of issues related to immigrants, indigenous people (e.g. Native American tribes) around the law school’s location</li> <li>• Simulations: transactions in</li> </ul>

	<ul style="list-style-type: none"> <li>• Consider different cultural perspectives on ethical situations</li> </ul>	<p>Australia resulting in ethical issues outside</p> <ul style="list-style-type: none"> <li>• On line interviews</li> <li>• Partnerships with other law schools</li> </ul>
Mediation/Conflict Resolution	<ul style="list-style-type: none"> <li>• Breaking the arrogance of US students about perceived superiority of the US system</li> <li>• Connecting to broader issues outside the US, help students understand what systems of justice exists</li> <li>• Introducing traditional non-adversarial systems</li> <li>• Introducing ADR processes internationally and linking them with local disputes</li> </ul>	<ul style="list-style-type: none"> <li>• Linking students with other cultures</li> </ul>
Human Rights	<ul style="list-style-type: none"> <li>• Expose students to local human rights violations</li> <li>• Empower communities</li> <li>• Increase understanding about local community and its needs and how international matters are important locally</li> </ul>	<ul style="list-style-type: none"> <li>• Networking between countries</li> <li>• Tap information from international NGOs working in different countries and reporting about local issues</li> <li>• Identify policies that do not work</li> <li>• Send students into communities and facilitate sharing by students when they come back to the law school</li> <li>• Virtual internships at</li> </ul>

		Queensland University of Technology, Australia, with NGOs abroad, <a href="http://www.law.qut.edu.au/study/courses/pgrad/units.jsp">http://www.law.qut.edu.au/study/courses/pgrad/units.jsp</a>
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### 2.7.3 *Trade and poverty: Education and action* - Steven D. Schwinn (USA)

This session considered a number of issues, including:

- how links between trade and poverty can be better taught in the classroom. Steven demonstrated the resources he used in his classes, which included the *World Bank Handbook on Development, Trade and the World Trade Organisation* and the video *Life and Debt*.
- Possible collaborative opportunities to link trade and poverty in law schools, including clinical opportunities.
- Constraints on this occurring, including the varying definition of “poverty” across nations, regions, and cultures, and how these different conceptions may impede work that attempts to link poverty in different nations, regions, and cultures.
- The possible diverging interests among the several stake-holders that may impede links between poverty; for example, poverty in industrialised and developing nations.

Participants were presented with several models and resources for linking trade and poverty in law school classrooms and clinics. Participants from several countries agreed to explore collaborative opportunities at a later date.

### 2.7.4 *New initiatives and innovations in the global economic justice movement* - Susan Jones (US), Lan Rongjie (China), and George Edwards

This session involved three presentations and general discussion on the following themes:

- economic justice in urban areas, with an emphasis on community economic development and community lawyering. Examples from the USA were used;
- economic justice in rural areas and the absence of lawyers in countryside. China was used as an example; and
- an overview of economic justice concepts in international law and international externships involving economic justice in areas such as micro-enterprise development in Africa and Asia

Following presentations, participants discussed:

- the overarching issue of building economic opportunity for people excluded from the economic mainstream. There are approximately 50 clinics in the US working in small business and community economic development (CED). There is a growing interest in the field. This has been complemented by an emerging number of community development clinics. Case studies were provided on the Pilipino experience of alternative lawyering;
- the importance of the “back to the countryside movement”. Lawyers from rural areas often have no opportunity to practise in those communities or return to rural communities where they were born and raised and where their families remain. There is a growing interest from lawyers in rural areas to return to their home-towns;
- International externs receive \$6,000-6500US as stipend to participate, to cover the costs of travel, lodging and other expenses. Students receive pre-departure training. Some placements look to establish community development opportunities and work in micro-enterprise.

Susan Jones plans to develop a Global Community Development Directory as a follow-up to this session.

#### 2.7.5 *Transnational clinical legal education* - Gwynne Skinner (USA), and Timothy Casey (USA)

This session examined the concept of transnational human rights clinics and incorporating international human rights into domestic advocacy.

In particular, the session considered:

- The value of incorporating international human rights into domestic advocacy for the purpose of providing a transformative experience in the area of social justice;
- How such advocacy can foster discussions regarding social justice; and
- How projects can still meet all pedagogical skills.

The session prompted discussion about how clinics can acquire or develop such projects, and how this law can be used in legislative lobbying on various social issues. The session highlighted that transnational human rights cases are excellent tools for providing students with a transformative experience in a social justice context.

## 2.8 **Stream 8: Clinical legal education**

### 2.8.1 *Fundraising strategies for clinical law programs* – Warren Binford (USA)

This session explored a new fundraising strategy used by leading US law schools for the purpose of raising money for clinical programs. By seeking private endowments, law schools have been successful in raising US\$2-5 million for clinical programs.

This money is pooled and managed by a law school committee as well as

by professional money managers. By limiting the withdrawals every year to 5%, law schools have been able to fund clinical programs without reducing the value of the original endowment, because income is derived from dividends and interests. The strategy has been particularly effective in obtaining a stable source of funding, and has liberated many clinics from the headache of chasing dollars rather than issues.

Clinical programs attract endowments because

- they promote community service, access to justice, student satisfaction,
- media and public recognition and provide donors with academic prestige.

The session then looked at how to begin fundraising, how to develop a pitch, and build a fundraising team. Warren provided practical tips on developing relationships with donors and dealing with the global financial crisis.

#### 2.8.2 *Enhancing justice education by Introducing Public Interest Law to Legal Clinic Programs* - Andriy Meleshevych (Ukraine), Nurzat Myrsalieva (Kyrgyzstan), Elida Nogoibaeva (Central Asia)

This session included a description of public interest law clinics at the American University of Central Asia (AUCA) and the National University of Kyiv-Mohyla Academy, and a general discussion of public interest clinics by the session participants, focussing on two questions: *What is different about public interest cases?* and *Should public interest cases be handled in separate public interest clinics?*

The public interest clinic at AUCA is a 6-credit course for third and fourth-year students. The definition of public interest at AUCA includes cases for 'underrepresented' groups that challenge state policies and could lead to changes in legislation.

The clinic at Kyiv-Mohyla is well-integrated into the curriculum; with students first assigned to research areas of public interest that might be suitable for the clinic to handle (examples of areas include health, education, right to privacy, access to information). As they work through the cases, students gain a profound understanding of the importance of public awareness of these issues, as well as the relative effectiveness of various administrative, legislative, and judicial remedies in a particular public interest context.

The context for the general discussion was a hypothetical, in which a public interest clinic was about to establish a clinical faculty. A key distinction noted between true public interest cases, as opposed to other important 'high impact' cases, was that a public interest case, at its base, looks to the general public's interests, and not those of any individual.

Participants decided it was crucial to show students how to approach a problem by thinking systemically, rather than addressing each individual problem.

The point was also made that to achieve its educational goals, the public interest work must be accessible to the students, and that high-profile cases may be counterproductive in this context. For example, a case at the AUCA clinic involving medical treatment at boarding schools proved to be too complicated for their undergraduate students; it took too much time to learn the relevant laws, lasted far beyond any student's involvement in the clinic, and required special expertise for dealing with the mass media.

2.8.3 *Promotion of clinical legal education by the Legal Aid Council of Nigeria (LACoN) - Lillian Ejebe (USA), and Nwaka Laetitia Akinlami, (Esq.) (Nigeria)*

Through group discussion and brainstorming, this session examined the collaboration between the Legal Aid Council of Nigeria and university law schools to provide students with practical skills and opportunities as well as improve access to justice. The session examined the challenges in developing collaboration, including:

- A lack of understanding of the benefits of clinical legal education
- The short-term versus long-term benefits of a clinic
- The fact that some Universities are still resistant to developing clinics; and
- The fact that the Legal Aid Council of Nigeria has not been able to utilise the law students sent to them

The session concluded that an initial meeting/training session of representatives from the Legal Aid Council of Nigeria and the Nigerian Union of Legal Aid Institutions (NULAI) is necessary to educate them on the benefits of collaborating, and also to discuss the clinic format.

2.8.4 *Roundtable on the global clinical movement (Parts 1 and 2)*  
Frank Bloch (USA), Catherine Klein (USA), Ed Santow (Australia), Les McCrimmon (Australia), Filip Czernicki (Poland), Margaret Barry (USA), Mao Ling (China), Jeff Giddings (Australia), Jennifer Lyman (USA), Clark Cunningham (USA), and Arkady Gutnikov (Russia)

The two roundtable sessions on the "Global Clinical Movement" were structured around draft chapters that the panellists were writing for a book with the working title *The Global Clinical Movement: Educating Lawyers for Social Justice*, edited by Frank Bloch for Oxford University Press and due to be published in late 2009.

Frank Bloch opened the session with a brief overview of the book, which will examine the global reach of clinical legal education, its social justice mission, and the impact of the emerging global clinical movement can have to advance social justice through legal education.

Liz Ryan Cole presented the chapter on externships, highlighting the opportunities for students working with justice-oriented organisations and the importance of faculty supervision and support for the success of externship programs.

Arkady Gutnikov presented the chapter on clinical legal education in Central and Eastern Europe, highlighting various strategies for clinics in transitional democracies, and opportunities in Europe in light of the Bologna Process.

Adrian Evans presented the chapter on values' education, highlighting challenges in measuring key aspects of justice education.

Bruce Lasky presented the chapter on clinical legal education in South and Southeast Asia, highlighting issues relating to a historical lack of access to justice and the importance of community teaching.

Frank Bloch and Mary Anne Noone presented the chapter on legal aid and clinical legal education, highlighting the legal aid origins of clinical education in many countries and the interrelated justice education goals of instilling in students a sense of public professional responsibility while providing access to justice.

Barbara Schatz presented the chapter on community lawyering, highlighting three types of community clinics (community-based clinics, clinics serving community institutions, and clinics focused on organising and collective action).

David McQuoid-Mason and Ernest Ojukwu presented the chapter on clinical legal education in Africa, highlighting the variety of clinical programs in the region, which is due to the fact that many African countries are in transition and are the home to such diverse cultures.

Clark Cunningham presented the chapter on GAJE, highlighting various successes and challenges in the course of the organisation's first 10 years as a leader in the global clinical movement.

Richard Grimes and David McQuoid-Mason presented the chapter on Street Law, highlighting different regional approaches to Street Law programs in different countries and the influence they can have on the communities they are involved with.

Filip Czernicki, Margaret Barry, and Mao Ling presented the chapter on national and regional clinical organisations, highlighting some key qualities of the organisations in their respective countries (Poland, US, and China) and the influence that these types of organisations can have on the global movement.

Jennifer Lyman and Jeff Giddings presented the chapter on clinical legal education and legal education reform, highlighting case studies from various countries that demonstrate the broad influence that the clinical movement has had in reforming various aspects of legal education, including curriculum and teaching methods.

Peggy Maisel presented the chapter on an agenda for the global clinical movement, highlighting a range of goals touching on reforming legal education and the legal profession, creating communities of interest in justice education, and supporting clinical scholarship.

Edward Santow presented the chapter on law reform and clinical legal education, highlighting the goals of law reform-based clinical programs and the operation of two such programs in Australia.

Jeff Giddings and Catherine Klein presented the chapter on early developments in clinical education in Australia, the UK, and North America, highlighting the impact of various internal and external influences during the 1960s and 1970s on clinics in those countries and the lasting influences that they have had. Throughout the session there were exchanges among the panelists and members of the audience about how the various chapters could be improved as the book heads toward publication.

Throughout the session there were exchanges among the panellists and members of the audience about how the various chapters could be improved as the book heads toward publication.

#### *2.8.5 Promoting public health through clinical legal education*

Tamar Ezer (USA) (Moderator), Ludmylla Deshko, (Ukraine); Nicola Gunn Clark (South Africa), Enga Kameni, (South Africa), and Bruce A. Lasky (Thailand).

The Session was based on the premise that law can be a powerful tool for protecting public health, the impact of human rights violations on health, and the importance of interdisciplinary partnerships in providing justice.

Some examples include:

- Addressing vulnerability to HIV and ensuring access to treatment. This entails looking at underlying human rights abuses, including discrimination, sexual and domestic violence, disinheritance and economic disempowerment, all of which are drivers of the epidemic
- In the context of palliative care (holistic care that aims to improve the quality of life of patients and families facing life-threatening illness, through pain management and addressing physical, psychosocial, and spiritual dimensions), patients face complicated legal questions related to dispossession of property, planning for children, and accessing social benefits which have fundamental impact on health. People living with HIV and AIDS, in particular, may face discrimination in access to employment, housing, and education due to the widespread AIDS-related stigma. Socially marginalized groups may face unique legal issues related to the provision of palliative care and to access to health care in general.
- Human rights violations within the health system itself. For example, much of the former Soviet Union is dealing with the legacy of a health

- system that routinely quashes basic rights to consent, confidentiality, and even freedom of movement.
- In many parts of the world, there are problems with access to essential medicines, resulting from an overly-restrictive intellectual property regime. Lawyers, as well as human rights norms and mechanisms, can play a crucial role in rectifying this problem.

The session listed a number of clinical projects currently in operation, including:

- Chiang Mai University law clinic, which has been producing an HIV/AIDS Community Legal Education manual and piloting it in detention centres, prisons, and village community centres.
- Hospice Palliative Care Association of South Africa (HPCA), which coordinates workshops by law students at the Universities of Cape Town and Witwatersrand for hospice caregivers and nurses working with palliative care patients on legal issues.
- Donesk National University, which works with students to provide legal consultations to protect patients from human rights violations within the health system, provides free legal services to the poor and prisoners, works with the Ministry (Department) of Health Protection of Ukraine and the Ministry (Department) of Science and Education of Ukraine to access medical law and human rights courses for law and medicine students; participates in the workgroup of Health Protection Ministry (Department) of Ukraine to write Medical Law Program, and trains lawyers, judges, patients, and marginalised populations.
- University of Pretoria provides a course on access to medicine and human rights, and a law clinic for masters of law students from across sub-Saharan Africa. It has filed a submission on access to medicine with the African Commission on Human and People's Rights, requesting recognition of access to medicine as an essential component of the right to health, outlining governing standards, and the establishment of a workgroup to ensure implementation at a national level.

The principal legal and human Rights Issues outlined were:

- Chiang Mai
  - Work in women's prisons, access to health care, inadequate doctors and nurses, insufficient medicine, inadequate protection from contagious diseases, small spaces and overcrowding, relations between police officers and prisoners, and the need for student awareness.
- HPCA
  - Access to pain medication and hospice care, lack of adequate planning for end of life, inadequate use of legal tools to ensure patient's assets are not stolen by relatives but protected for rightful heirs lack of planning for adopting/fostering minors, the benefits of a will, how to draft a will, how illness and debt are interrelated, who can assist with debt management, complex application procedures for identity documents, death certificates, and how to access state financial assistance (social grants)
- Donesk

- Issues of privacy and confidentiality.
- Pretoria
  - Trade agreements restricting access to essential medicines and not in conformity with human rights.

Materials produced to address these issues:

- Chiang Mai
  - Produced an HIV/AIDS Community Legal Education manual and is in the process of piloting it. The manual provides simplified discussions of human rights; not only does this manual educate the reader, but it also provides lessons to share and teach others.
- HPCA
  - Is developing a palliative care and paralegal manual. Each chapter is jointly written by palliative care and legal experts. The HPCA also uses street law manuals, the Black Sash paralegal manual, which is a booklet developed for social workers who work with orphaned and vulnerable children (funded by UNICEF and government). The publication uses patients' stories and case studies.
- Donesk
  - Is assisting with the development of practical manuals for lawyers on litigating human rights cases on behalf of patients (the Ukrainian Practitioner Guide in Law and Health is part of a regional initiative and also covers alternative mechanisms, such as ombudspersons and medical licensing bodies). Guides will examine the international, regional, and national legal frameworks on patient and provider rights and responsibilities and procedure for protection.
- Pretoria
  - Students played a role in developing clinic materials.

Discussion points included:

- Clinics are teaching students skills, not just imparting knowledge. For instance, students are learning to facilitate workshops, encourage open discussion, and communicate empathetically with vulnerable groups in society.
- Students are learning how to function in a variety of forums in addition to the traditional courtroom, including advocacy with NGOs and with regional human rights bodies
- Clinics can serve as a way of building leadership in the legal community on issues that are marginalised. Many may become policymakers, and with clinical experience, they are sensitised to the real health and human rights challenges faced by poor communities.
- Clinics provide an opportunity for NGOs, universities, lawyers, doctors, law and medical students to work together to address public health issues. The early insistence that rights are respected and needs addressed will lead to better outcomes and better quality of life.

- HIV/AIDS presents critical human rights and legal issues. The disease is the subject of heavy litigation and legislation, and thus requires lawyers with an understanding of the health and human rights issues to assist those affected. Some examples of these issues are: laws criminalising HIV transmission, governments trying to prevent spread of the disease may insist on compulsory testing which violates individual rights to confidentiality, as in the prisons of Botswana.
- Providing integrated health and legal services enables more comprehensive care and provides an opportunity to reach marginalised populations and increase their access to justice.
- Lawyers can be agents of social change when they partner with social movements. An example is the “Access to Medicines” movement in South Africa and India.
- In India there is apparently only 6% voluntary testing and this could be because people do not believe they will have access to services, even if they disclose their status.
- There is a need for street law in hospices, not just prisons, because hospice workers require legal information to refer patients to lawyers and paralegals. Furthermore, law students running street law programs can raise awareness of how to access these services for hospice patients.

2.8.6 *Legal Clinic of the American University of Central Asia: reflecting on five years experience* – Elida Nogoibaeva (Central Asia) and Nurzat Myrsalieva (Kyrgyzstan)

This presentation examined how the American University of Central Asia has been able to incorporate high impact public interest law cases into its legal clinic program. The mission of the clinic at AUCA is to provide legal aid to disadvantaged people under the careful supervision of practising attorneys and teach students practical lawyering skills. A new project is to incorporate high-impact public interest law cases and this has helped to foster the mission of the clinic with huge success.

2.8.7 *Exploring new initiatives in legal education in developing countries - The CLE option: challenges and opportunities; Developing a clinic at Mofid University, Iran* - Chukwu-Amari Omaka (Iran)

This session looked at interactive, skills-based legal education, street law and social service delivery to the public. The session considered the challenges in delivering access to justice through law clinics.

2.8.8 *Achieving social change through legislative and policy advocacy: A clinical model* - Elizabeth Cooper (USA)

The session began with Elizabeth Cooper asking the participants how they were performing policy advocacy in their clinics.

From various responses, two models emerged:

- Litigation or Legal Aid Clinics that moved to policy advocacy as a result of their cases or other clinical activities; and
- “Dedicated” Public Policy Clinics.

There are also situations where work on policy issues comes up in a clinical setting because of the expertise of a clinical faculty member and their connections in that policy arena. One specific example included policy work on immigration issues. A more general example was students working with Law Reform Commissions. In all these cases, students have an outstanding opportunity to go beyond understanding *What the law is* to *What the law should be*.

The discussion then moved to skills training in this context. *What makes a good public policy lawyer?* One particular skill that can be taught is surveying and other types of research traditionally outside of ‘lawyering skills’ that are critical to working as a lawyer on public policy matters. Other skills are policy analysis, including differences between policy analysis and traditional legal analysis and putting policy analysis in the appropriate cultural and political context, and persuasive advocacy. Another important aspect of this type of clinical program is that they give students the opportunity to work with communities and community organisations and thus engage in certain aspects of community lawyering.

Finally, the group discussed some special questions and complexities of supervision with public policy clinics. One key point was that the projects these clinics undertake should not be overly ambitious; there needs to be a balance between being enthusiastic about projects proposed by students or the organisations the clinic works with, and throwing a ‘wet blanket’ on their ideas. As with litigation clinics, often small projects can be the most effective for training students. Another point is that policy clinics must be selective in terms of which organisations they work with; they need to have the capacity to support serious policy work.

#### 2.8.9 *Initiatives at UNSW and Murdoch; transformative education through social justice* - Shirley Southgate (Australia), Anna Hartree (Australia) and Anna Copeland (Australia)

This session discussed two separate initiatives within these two Australian clinics.

- Reaching indigenous clients – Anna Hartree and Shirley Southgate took us through their project to ensure they were serving the indigenous community in their area. This prompted a discussion about the ways in which they approached opening communication with the community, ensuring they were responding to their needs; and
- Using refugee cases within a political context – Anna Copeland discussed the development of their refugee practice and described the highly charged political environment in which it developed.

The discussion of these two examples allowed an exploration of the following themes:

- how a service or client-centred model can provide transformative educative experiences for our students;
- how operating within a political context can illuminate the practice of law for our students; and
- how to get the balance between education for our students and protection of our clients –particularly when we are talking about vulnerable or traumatised clients.

The participants then exchanged ideas on how to address some of the problems and issues raised.

## **2.9 Stream 9: Community lawyering – human rights violations and violence against women and children**

2.9.1 *Creative Partnering: nurturing shared goals in an interdisciplinary, community collaboration, with immigrant women survivors of domestic violence* (no report)

2.9.2 *Interdisciplinary partnerships: the more the merrier* - Margaret Martin Barry, Dr. Bernadette Madrid, Lisa V. Martin (USA)

The participants introduced themselves, stated their professions, and listed some assumptions people make about their profession.

Lisa Martin and Dr. Madrid described the interdisciplinary partnerships they are currently working within. Participants volunteered additional examples of partnerships. The participants brainstormed potential partnering professions, including: lawyers, doctors, social workers, business professionals, journalists, nurses, psychologists, community organisers. They also discussed the benefits of partnering with various professions.

Participants then performed a role play involving a partnership between a law student, a supervising attorney, and a doctor, all serving the same client – a victim of domestic violence. The participants then broke into small groups to discuss three questions regarding the role play: (1) *what potential benefits for the client do you see from the discussion you witnessed;* (2) *what do you see as the major barriers to serving the client in this partnership;* (3) *does the partnership make it too difficult for a law student to assume the professional role?* The groups reported back the substance of their discussions.

Margaret Martin Barry closed the session by offering strategies for overcoming barriers to effective interdisciplinary partnerships and pointing the participants to resources to reference for additional information.

A powerpoint presentation was used and distributed to the participants, along with a copy of a D.C. statute addressing interdisciplinary work and ethical obligations.

### 2.9.3 *Women in prison: law schools' response* - Martin Geer (USA) and Ved Kumari (India)

The audience was geographically diverse and included representatives from South Africa; Russian Federation, Poland, Australia, U.S.A., Viet Nam, Malaysia, Philippines, India, Laos, and China among others.

The session explored the situation for women in prison in the U.S.A and India for informational purposes, but primarily as a vehicle to discuss how law schools might respond to the legal needs of imprisoned women. The legal needs in a social context for these women in India and the U.S. are diverse.

Some discussion focused on what law school courses outside the clinic might address these social justice issues as well as clinical models.

Each participant explained what they knew of the issues facing imprisoned women in their home countries. The differences in the various countries as well as the degree of progressiveness in many countries labelled as 'underdeveloped' in other contexts were surprising.

Many of the session participants attended the local jail and prison field trip held two days later. The information gained from the session was somewhat useful in informing that experience at both male and female jail facilities.

Ultimately, the session made the social justice issues more salient. Participants planned to think through the issues in their local settings and consider ways for their law schools and NGOs to respond.

### 2.9.4 *Legal citizenship building: key policy for greater women access to justice in Islamic Republic of Iran* - Zahra Maranlou (UK) and Catherine Klein (USA)

The session aimed at exploring the linkage between legal citizenship building (community-based legal empowerment) and access to justice in Islamic transitional societies such as Iran.

The ice-breaker asked the participants to introduce themselves by sharing the significance or the meaning of their names.

The first PowerPoint presentation shared key facts about Iran and the Iranian legal system. A number of role plays were performed, the characters being a judge, policeman, husband, wife and mother-in-law in Islamic society, all of which revealed the role of poverty, security, education, legal information, cultural obstacles and gender sensitivity in women's access to justice.

The second PowerPoint presentation focused on key dimensions of women's access to justice, specifically in Iran. Questions discussed included:

- Whether the justice system is accessible for women in harmony with principles of equality?

- How domestic law approaches women's equal access to justice?
- What is the compliance between international standards and domestic law regarding women's equal access to justice?
- What are the main dilemmas regarding equal access to justice from women's perspective?
- How do women equal rights concerning access to justice relate to the issue of domestic violence?
- Is the administration of justice system gender sensitised?
- What are the cultural obstacles in relation to women's access to justice?
- How can legal empowerment promote equal access to justice for women?

The discussion gave the following definition of women's access to justice: The just and non-discriminatory support of women's equal rights and interests by the formal and informal justice systems.

Women's equal access to justice may be denied because of formal and non-formal obstacles. The formal barriers may include direct costs of accessing justice such as court fees and travel, and indirect obstructions such as delay in the justice system. Informal barriers may include discrimination and cultural constructions.

Then, participants created a 'recipe' for women's access to justice. They are detailed below:

#### A. *A Woman's Club Sandwich*

A multi-layered sandwich, to be served in a special club for women (where lawyers can meet women in their communities)

Ingredients (layers): education for women, childcare and healthcare.  
Garnishes around the edges: education for men and training for providers.

#### B. *Justice Stew All in a bowl with steam coming out of it*

- Education and Awareness
- Legal Aid Services
- Financial Aid
- Legal Rights
- Health care
- Employment
- Property
- Family Violence Issues Addressed

#### C. *Pie in the Sky*

A culture which promotes access to justice for women

- Respect and Tolerance
- Non-discrimination

- Right to dignity of personhood
- Equal Pay
- Child Care
- Information Dissemination
- Media
- Advocacy
- Campaign
- Literacy

#### D. Sweet and Sour Power

##### Colourful and Beautiful

Lots of ingredients including:

- Fish, mushrooms, kale, peppers, carrots----vitamins essential minerals for strength and sustenance
- Sweet and Sour: distinct and flavorful; spicy and hot = fire = passion; democratic; combinations of various spices; diverse and collaborative effort

#### E. Recipe for Equality

- Combine Equal Proportions of:
- Resources; jobs; money
- Education
- Sufficient amount of judges, including women
- Sensitivity to discrimination
- Diversity in personnel in justice system--police, courts, judges, prisons, probation officers, social services, etc.
- Sense of entitlement for women
- Legal awareness and literacy
- Women must know their rights

The session ended with a short debriefing on how legal citizenship-building can contribute to greater access to justice for women in Islamic transitional societies, such as Iran. The various gaps regarding access to justice for women are not only based on failing of the justice system. These dilemmas, in general, also arise from limited knowledge about rights (legal information) and also a deficiency in self-assurance (and self-respect) required to challenge social, cultural and legal obstacles.

Accordingly, legal citizenship building (legal empowerment) specifically for the poor and disadvantaged women can provide greater access to justice for those who would otherwise be excluded.

#### 2.9.5 *Justice, Law Reform and the Clinical Method*- Les McCrimmon & Ed Santow (Australia)

This presentation focused on exposing law students to law reform and building relationships with law reform agencies.

The big questions included: *What is a good lawyer?* and *Does the modern law school encourage law students to become good lawyers.* In any case: *How can we apply the clinical legal method to ensure adequate involvement in human rights issues?*

The 'good lawyer' has been defined in terms of core skills of legal analysis and competitive legal practice. In addition are the professional obligations – the importance of lawyer's ethics (you are part of a profession NOT merely a business) and obligations to the community - not just your individual client.

Strengths of modern law schools include legal analysis and practical skills. Their weaknesses are usually skill development and instilling civic professionalism. What we need to do is emphasize the non-litigious solutions to dispute resolution, and to know when to find a court or when to just try to negotiate.

Problems in making CLE widespread in law school curriculum include cost and the traditional law school culture. One of the worst ways to teach ethics is to confine it to the classroom. One solution may be working towards the integration of the clinical method. The elements of this might be ensuring supervision by experienced professionals, trained as lawyers and educators. The aims would be to hone practical skills, to hone professional and ethical skills and to encourage students to reflect critically on their legal practice.

#### CASE STUDY: THE SOCIAL ADVOCACY PROJECT

The genesis of this project involved a group of postgraduate law students interested in social justice starting a joint venture between a law school, students and an NGO. The goals were identified as real social justice work that encouraged a sense of social justice in law students.

Eight law students were selected from applicants, with criteria including grade marks. Some had no experience in social justice work so they possibly had a stronger transformative experience. The training in social justice advocacy involved a half day intensive program plus supervised work on a specific project. The supervisors were attached to the NGO, not the law school, but they had experience as educators. The project gave the students no extra credit, so their motivation had to involve a degree of transformative intent.

In responding to questions from the panel, the presenters said that refugee and anti-discrimination issues were the type of cases that Australian law students could benefit from in a human rights perspective. They could also benefit by addressing law-reform issues on those topics, and considering how to lobby decision-makers and legislators effectively. They should remember that Law Reform Commissions are independent from government and so not beholden to any policy.

Contacts with LRCs can be valuable in developing law reform projects and to help students develop a human rights consciousness. Human rights projects can give students an opportunity to conduct in-depth, socially relevant research, acquire unique insight into the formation of policy and workings of government, be exposed to a different form of legal writing, and experience working in a team environment.

Student projects may also benefit the LRC through the additional work done by student's research and writing, the addition of another member to the inquiry team and sometimes a student may become apply to become a full-time staff member.

## **2.10 Stream 10: The Justice Education Initiative**

The JEI is the response by GAJE to the strong international interest among educators, professional bodies, government policy makers and major foundations in reforming legal education to make it more socially relevant and to produce lawyers with stronger commitments to professional responsibility and public service. The central strategy to achieve this goal is to focus on the institutions and processes that prepare persons to be lawyers, judges and legally-trained civic leaders and public officials. Underpinning this strategy is the recognition that law students and lawyers-in-training can themselves be valuable workers for justice during their time of preparation. In addition, law schools and other programs that prepare students for legal careers can also be resource centres for education of the community, for support of efforts by non-governmental organisations, for development of public policy, for law reform, and for continuing education of lawyers, judges, and public officials.

It was proposed that the membership present at the 5<sup>th</sup> GAJE conference in Manila write a definition of justice education that can be interpreted for use in the design of academic, professional and community legal training programs. To achieve this end the membership broke into small groups from different countries to discuss: *What my country needs now from its lawyers is .....* Then, in larger groups people discussed: *'What can the process of producing lawyers in my country do (or how could it change) to meet these needs?'*

A working group analysed the results of those discussions and drafted a recommended model statement of justice education, tentatively titled 'Producing Lawyers for Justice: Basic Principles'. The recommendations included three points:

*Before being licensed to practice law, an applicant shall*

- 1. complete a course on access to justice. This course shall include information about the range of people's needs in the jurisdiction and the existing means of meeting those needs.*
- 2. complete 50 hours of community service*

- 3. demonstrate competence in lawyering knowledge, skills, ethics and values - Competence should be assessed by both formative and summative means Competence is best developed through experiences that integrate a variety of interactive learning methods including exposure to real or realistic case-work.*

Subsequently, the model statement was considered at the Membership Meeting which is reported below at 5.2

### **3. Field Trips**

#### **3.1 Farmers/Agrarian Reform**

Three groups visited a farming community in Calatagan, Batangas. The farmers were given titles to their 507-hectare agricultural land in 1989 and 1990. They are now threatened with eviction from their lands due to an erroneous classification of the land as “mineralized”. A former landowner executed a ‘double sale’, despite the land’s coverage under the agrarian reform program. Consequently, a cement corporation obtained a title over the farmers’ land, and now has an existing Mineral Production Sharing Agreement (MPSA) with the government.

On December 1, 2008, 76 farmers from Calatagan started a march to Manila to press the Office of the President to protect their lands and to cancel the cement corporation’s MPSA. The marchers reached Metro Manila on December 3. A lawyer from Alternative Law Group member KAISAHAN accompanied the groups to the area, and helped the GAJE participants understand the farmers’ case and KAISAHAN’s programs in the area.

Video footage of the field trip is available at:

[http://ru.youtube.com/watch?v=GXJowwRwQPs&feature=channel\\_page](http://ru.youtube.com/watch?v=GXJowwRwQPs&feature=channel_page) and [http://ru.youtube.com/watch?v=IKQpaEPbCF8&feature=channel\\_page](http://ru.youtube.com/watch?v=IKQpaEPbCF8&feature=channel_page)

#### **3.2 Environment**

This group observed a Public Hearing for the Management Plan of the Taal Volcano Protected Landscape for the City of Tanauan, Province of Batangas. Taal Volcano has been called the smallest active volcano in the world. It is located about 70-km south of Manila in the middle of a lake called Taal Lake. The volcano itself forms an island that has a lake of its own inside its crater, making it a lake within a lake.

The draft management plan was presented to the community and prompted discussion by the community leaders. Lawyers of Tanggol Kalikasan (TK) (Defend the Environment), a member organisation of the Alternative Law Group that focuses on environmental issues, were present at the public hearing. This field trip provided delegates with the opportunity not only to observe the public hearing but also to meet with the Tanggol Kalikasan lawyers and discuss the organisation’s programs for environmental protection.

### **3.3 Local Governance/Women and Children**

This group met with the leaders of the Malabon People's Development Agenda (MPDA) group. This is a multi-sectoral network of communities and organisations in the City of Malabon that are advocating for the rights and interests of community members through available venues for people's participation in local government processes.

Recently, the group's leaders underwent an education program on the Local Government Code, especially on its provisions concerning the venues for people's participation in local governance, and on laws concerning women and children. The group plans to engage its local government unit, the city of Malabon, through local legislative advocacy and other actions for its priority issues – health, and women and children's rights.

### **3.4 Urban Poor/Housing**

This group visited the office of the Homeless People's Federation of the Philippines and then an area in Payatas, Quezon City, with one of the biggest open dumpsites in Metro Manila and a population of over 200,000. The Homeless People's Federation brings together poor community organisations in cities across the Philippines, all engaged in finding solutions to problems they face with secure land, housing, income, infrastructure, health, welfare and access to affordable credit. The organisation promotes programs for communities to manage their own savings and credit programs and use savings as the central means of improving their livelihoods, strengthening their communities and securing land and houses. The federation's programs include education activities on housing rights and applicable laws, and local governance systems and processes. Through community finance, homeless communities in the Philippines have saved a staggering US\$1.4m since 1995. For more information go to <http://www.achr.net/philippines1.htm>.

### **3.5 Labor**

This field trip involved a visit to one of the areas of the Archdiocesan Ministry for Labor Concerns (AMLC) of the Roman Catholic Archbishop of Manila in Taguig City. AMLC has a six-month comprehensive education program for workers, called the Paralegal ng Simbahan, Manggagawa at Bayan (PASIMBA) or Paralegal of the Church, Worker, and Country.

The most recent education session was started on May 25, 2008, and will continue until December 14, 2008. Participants in the PASIMBA training program are expected to be paralegals with the skills and capacity that will enable them to handle labor issues in their communities. After a brief visit to the office of the AMLC, the GAJE group visited a community in Taguig City and met with some of the community leaders, most of whom were former

garments factory workers who had been displaced from employment and now work as paralegals for other workers.

### **3.6 Women/Urban Poor**

This group visited an area of the Samahan ng Malayang Kababaihang Nagkakaisa (SAMAKANA) (Association of United and Free Women). SAMAKANA is a national federation of urban poor women's organisations. It was founded in 1983 in the midst of the anti-dictatorship /anti-Marcos struggle of community women. The GAJE participants visited SAMAKANA's Vitas, Tondo Chapter.

Vitas community is located near the Smokey Mountain dumpsite, port area (R-10) and the Vitas Slaughterhouse. Majority of SAMAKANA members here come from a family of scavengers and street vendors in Divisoria, one of the biggest public markets in Metro Manila. The housing project was showcased as a "housing project for the poor" during the Ramos administration. The women lack access to reproductive health care information and services resulting in early and unsafe sex, adolescent pregnancies and too frequent pregnancies impacting maternal morbidity and mortality.

### **3.7 Migrant Workers**

Two groups visited the office of Kanlungan Center Foundation. After a meeting at the office of Kanlungan, the group proceeded to Barangay Botocan in Quezon City where Kanlungan has trained paralegals on migrant issues and laws concerning migrant workers. Kanlungan Center Foundation, an Alternative Law Group member, was established on July 17, 1989 and provides welfare, feminist counseling and legal services to migrant Filipino workers in distress as its core program.

The Center strives to work towards the redress, justice and empowerment for migrant workers, a policy environment in the Philippines and abroad that respects and protects their rights especially women. Kanlungan organises communities with a concentration of families of overseas workers and ex-overseas workers for participation in representation in local governance, value formation, building structures of care, and the development of local economy as an alternative to overseas employment.

### **3.8 Jail Inmates**

This group joined the Humanitarian Legal Assistance Foundation (HLAF) to visit the Quezon City Jail and the Molave detention center for women. HLAF was established in response to the worsening phenomenon of inhumane and unjust detention, aggravated by sub-human conditions in jails not only in the Philippines but in other parts of the globe as well. The Foundation aspires to help create a world order founded on the universal respect for human rights, especially for the right and freedom against arbitrary and unjust imprisonment, in all its forms.

The Foundation seeks to put an end to the phenomenon of unjust and inhuman detention, especially of women and children, wherever it is found, through direct legal action and intervention and policy advocacy. The beneficiaries of the Foundation are persons who are under preventive detention. The foundation prioritizes children and women. Prisoners with mental disability are likewise of special concern for the foundation on the account of their extreme vulnerability and helplessness in protection their own human rights

### **3.9 Philippine Judicial Education**

This group visited the Philippine Judicial Academy (PHILJA) and the Supreme Court of the Philippines. PHILJA was envisioned to be a "training school for justices, judges, court personnel, lawyers and aspirants to judicial posts." The Academy plays a vital role in ensuring judicial competence and efficiency through continuing judicial education. Chief Justice Hilario G. Davide, Jr. sees it as "the [Supreme] Court's implementing arm and the nation's watchdog in the pursuit of excellence in the Judiciary."

It is the Academy's mission to bring about an institutionalized, integrated, and professionalized system of continuing judicial education for justices, judges, court personnel and lawyers aspiring for judicial positions, which aims not only to provide knowledge and essential skills expected of members of the Bench, but also to foster desirable traits, values and attitudes, particularly competence, honesty and integrity. Continuing judicial education is at the heart of fostering excellence in the Judiciary. It is an indispensable tool for ensuring an effective, independent and credible Judiciary whose members are of proven competence, integrity and probity.

### **3.10 Legal Aid Offices**

This group visited the Public Attorney's Office (PAO) and the Legal Aid Division of the Integrated Bar of the Philippines. The Public Attorney's Office is an attached agency of the Department of Justice which provides indigent litigants free legal assistance. The agency aims to provide indigent clients access to counsel at the time of need. Its mandate is to implement the constitutional guarantee of free access to courts, due process and able protection of the laws; and to provide indigent litigants free access to courts, judicial and quasi-judicial agencies by rendering legal assistance in consonance with the constitutional mandate that "free access to courts shall not be denied by reason of poverty."

The Integrated Bar of the Philippines (IBP) is the national organization of lawyers in the Philippines. The IBP is tasked with safeguarding the integrity of the bar exams; promoting ethical practices of lawyers, judges, lawyer-politicians, and lawyer-government officials; refraining from any partisan political activity especially during local and national elections; developing legal education and research in law schools and continuing legal education centers; and expanding legal aid offices throughout the country to provide free legal

services to indigent Filipinos. The IBP National Committee on Legal Aid is the ad hoc committee for establishing and maintaining suitable legal aid offices in all IBP Chapters nationwide.

### **3.11 Clinical Legal Education Programs in Law Schools**

This group visited the Ateneo Law School Legal Services Center (ALSC) and the University of the Philippines College of Law Office of Legal Aid (UP-OLA). The ALSC is headed by professors in charge of the Clinical Legal Education and Development (CLED) classes. Under the supervision of volunteer lawyers, law students assist in the handling of cases of indigent clients, and actually enter their appearances before inferior courts. Students are provided with hands-on training through active participation in client interviews, consultations, research, preparation of pleadings and, for those qualified, actual appearances in court.

The UP OLA houses the clinical education program of the College of Law. It provides free legal assistance to indigent litigants. It is also actively involved in public interest cases. It was created for the purpose of inculcating in the experience of law students the concepts of public service and social involvement of the legal profession even as they acquire practical training in law practice under the guidance and supervision of the supervising lawyers and the law faculty. OLA's free legal services include interviewing, investigating, drafting of documents, researching on law and procedure, handling cases in court, preparing appeals and review petitions, and seeking administrative and other legal remedies in order to achieve for the poor equal and speedy justice under the law.

## **4. GAJE Regional Meetings**

On 12 December 2008 the membership met in regional groups to discuss their current priorities. Regions then reported back to the plenary with the following suggested priorities:

### **4.1 Africa**

- 4.1.1 Link to regional activities on GAJE website
- 4.1.2 Sabbatical visits
- 4.1.3 Revisit Pre-Conference and Post conference workshop structure (as in first 3 conferences)

### **4.2 South and Central Asia (including Middle East)**

- 4.2.1 Creating more partners and potential partners within the region
- 4.2.2 Data bank of law schools and clinical programs in the region
- 4.2.3 Have regional link on GAJE website
- 4.2.4 Sponsor regional conferences on Justice Education

- 4.2.5 Create "Frequently Asked Questions" on website
- 4.2.6 Develop book--suggested by Ved Kumari; book on Justice Education

### **4.3 East and Southeast Asia**

- 4.3.1 Training workshop is primary suggestion
- 4.3.2 Desire for GAJE supporters to help with trainings in SE Asia
- 4.3.3 Create SE Asia link on GAJE website for regional activities and information
- 4.3.4 Regional trainings once a year with GAJE support
- 4.3.5 Law professor and student exchanges

### **4.4 Australasia**

- 4.4.1 Need to establish connection with New Zealand, Fiji, and other Pacific nations
- 4.4.2 Improve fundraising--establish better links directly to GAJE America
- 4.4.3 Establish ties to Middle East---consider having next GAJE conference in Middle East
- 4.4.4 Create a "search function" on GAJE website
- 4.4.5 Create relationships and links with active NGOs
- 4.4.6 Have GAJE presence at the upcoming International Clinical Conference in Perth, Australia, taking place next July - use this to promote GAJE membership

### **4.5 North America**

- 4.5.1 Have more of a presence at AALS conferences--at the annual meeting in January as well as in May clinical workshop.
- 4.5.2 Possibly have a regional meeting of GAJE North America in Nashville when Bloch et al. book comes out on global clinical movement.
- 4.5.3 Explore IALS--newly created Int'l Association of Law School---- find out more about this organisation and see if we already have connections
- 4.5.4 Support GAJE with fundraising support and money contributions
- 4.5.5 Consider Spain, Turkey or Croatia for location of next meeting, with preference probably being for Spain if we can work out how to keep on site expenses low; Turkey would be very desirable if visa issues not a problem; Croatia is very hard to get to --and expensive. We need an existing GAJE person/hub at location.

4.5.6 Let's try to be increasingly mindful re diversity of race, gender at front of the room during GAJE conferences.

4.5.7 Need to create fundraising effort soon.

4.5.8 Support the idea of the Legal Structure committee to create a nonprofit, fundraising arm of GAJE in US.

#### **4.6 South and Central America (including Mexico)**

4.6.1 Have some institutional support from GAJE: would like to explore possibility of have GAJE recommendation letters and other GAJE support for members who are seeking positions at universities

4.6.2 Would like to see development and sharing of GAJE educational materials---possibly on web

4.6.3 Would like more translators at conferences

4.6.4 Would like to see JEI principles developed

4.6.5 Would like to see blogs and discussion groups on various aspects of teaching and advocacy work

#### **4.7 and 4.8 Western Europe combined with Eastern Europe (including Russia) for this meeting**

4.7.1 Would like to see more coming together of Eastern and Western Europe; would like to see strategy developed to address the absence of Western Europe in GAJE, although noted that both new members of steering committee (Diego and Sara) speak Spanish. Would like to see Eastern and Western Europe joined together as region.

4.7.2 Would like people to complete his survey on justice education: if you have one, who is involved and what does it do?

4.7.3 Would like to see justice education questionnaires sent outside law faculty, to rectors and other departments, to get fuller information

### **5. GAJE 2008 Membership Meeting**

**5.1 Steering Committee Elections** - Approximately [110] delegates participated in the three hour membership meeting on 10 December 2008. At this meeting, the following persons were elected (or re-elected) to the GAJE Steering Committee:

Africa: Tewordrso Alefe Meles and Lindi Coetzee (TBC)

Australasia: Skye Rose

East and South East Asia: Bruce Lasky and Mao Ling

Eastern Europe (including Russia): Mariana Berbec-Rostas

North America: Minna Kotkin and [insert]

South and Central America (including Mexico): Celeste Romero  
South and Central Asia (including the Mideast): Sahar Maraniou  
Western Europe: Diego Blazquez-Martin (*TBC*) and Sara  
Chandler (*TBC*)

The new Steering Committee for 2009 -2010 is:

**Africa:** Tewordrso Alefe Meles and Lindi Coetzee  
**Australasia:** Ed Santow and Skye Rose  
**East and South East Asia:** Mao Ling and Bruce Lasky  
**Eastern Europe (including Russia):** Filip Czernicki and  
Mariana Berbec-Rostas  
**South and Central America (including Mexico):** Celeste  
Romero and Carlos Varas  
**South and Central Asia (including the Mideast):** Sahar  
Maraniou and S.Sivakumar  
**North America:** Minna Kotkin and Clark Cunningham  
**Western Europe:** Diego Blazquez-Martin and Sara Chandler  
**At-large:** Frank Bloch

## 5.2 Justice Education Initiative discussions

Clark Cunningham facilitated discussions on the draft model statement of the JEI referred to above at 2.10. Amendments approved by the membership meeting varied the statement in several ways.

The Membership Meeting decided not to finalise or approve the draft but to refer it to the Steering Committee with comments from the floor to be considered in finalising the model statement. It was also suggested the Steering Committee send its final draft to the GAJE membership by email for comments before adoption.