

Legal Clinics



*Serving People,
Improving Justice*

OPEN SOCIETY
JUSTICE INITIATIVE

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Clinical legal education provides law students with real-life work experience, develops local legal capacity, and helps protect human rights around the world. Law clinics train lawyers and law students in the spirit of social justice and public service, and provide desperately needed legal services in underserved communities. Students working in university-based clinics—supervised by a law professor or practicing lawyer—provide legal assistance to poor and marginalized clients, while gaining exposure to the problems faced by these groups. At the same time, law students learn about their professional responsibility for—and develop a personal commitment to—sustaining and supporting the rule of law, human rights, and social justice.

Law clinics allow young attorneys, law students, and paralegals to provide legal or educational services to a wide array of clients, including abused women and children, refugees, people living with HIV/AIDS, prisoners, and poor rural villagers. Clinic participants work on cases involving discrimination, housing disputes, land reform, domestic violence, divorce and child custody, and consumer rights, among other issues. Law clinics also introduce students to poverty lawyering—representing the poor and disenfranchised—by helping them to understand root causes of poverty and address those causes through both legal and interdisciplinary approaches.

Throughout the world, the definition of clinical legal education varies, but all clinical programs contain three essential characteristics: they are linked to a law school, the instruction involves real facts taken from real cases, and participants are exposed to experiential learning (in which students represent actual clients) as well as classroom-based pedagogy (in which students receive instruction from professors). Law clinics don't just combine theory and practice—they go a step further by extracting lessons from real cases.



Clinics require only modest financial investment to get started and can be quickly integrated into most universities' existing legal education curricula. The Open Society Justice Initiative's predecessor organization, the Constitutional and Legal Policy Institute, introduced clinical legal education to Central Europe and the former Soviet Union beginning in 1997. The initial effort resulted in the founding of almost 100 university-based clinical programs in the region, most of which have been fully accredited and integrated into their host universities and are now institutionally and financially sustainable.

Recognizing this success—and the connection between legal education and democratic development—the Open Society Justice Initiative established a program on Legal Aid and Community Empowerment Clinics in 2002. Since then, the Justice Initiative has helped to launch more than 20 clinics in 12 countries, from Sierra Leone to Cambodia to Afghanistan.

The program has three main objectives: promoting human rights, fostering professionalism and a sense of public service among lawyers, and strengthening civil society and the rule of law. The program helps promote sustainable development as well as human rights, civic participation, and government accountability—especially in countries where civil society is relatively weak.

Objectives



Redressing Injustice
Fostering Professionalism and a Sense of Public Service
Strengthening Civil Society and the Rule of Law



OBJECTIVE 1


Redressing Injustice

Law clinics expose students to clients suffering from poverty, discrimination, and lack of access to justice. When students represent these clients, both parties see first-hand that the law can be a tool for redressing inequality and injustice. Law students push beyond the theoretical legal knowledge gained in the classroom and clients gain access to justice and the knowledge and tools to advocate for their rights.

Law clinics supported by the Justice Initiative have improved access to justice in countries throughout the world.

In **Mozambique**, a student at Eduardo Mondlane University’s legal clinic represented a woman whose husband was shot and killed by police officers during a raid on street vendors in the capital city, Maputo. The widow and her family tried in vain to obtain some remedy from the municipality before turning to the clinic. “Here in Mozambique, we have numerous cases of police killing innocent people,” the student later said, “and [this case] was an opportunity for me to play a vocal part in trying to address legally the need to protect human lives.”

In **Cambodia**, where a culture of client-centered defense does not exist and the government does not provide the poor with free legal services, Paññasatra University’s clinic offers no-cost legal aid for those who could not otherwise afford it. In addition, law and humanities students participate in a community education program where they meet with local residents to discuss social injustices and human rights, and seek solutions for common justice problems.



In **Nigeria**, students at the Akungba University law clinic engage in public education at churches and mosques, secondary schools, and village gatherings, informing people of their rights. The clinic also runs weekly national radio broadcasts on a variety of legal issues, to help the public become more aware of the laws, their rights, and means of redress.

In **Hungary**, the clinical program at the Eötvös Loránd University Faculty of Law has helped to expose a pretrial detention system in which accused felons, without access to effective counsel, can remain in jail for years. The clinic's legal representation reduced—by several months—the detention period for hundreds of juveniles who otherwise might have languished in prison for up to a year. In addition, the students provided legal assistance and representation in court to Roma children who had suffered discrimination in education.

In **Mexico**, students from the Centro de Investigación y Docencia Económicas clinic helped defend people who were rounded up and wrongfully accused in the wake of the infamous 1997 Acteal massacre, in which 45 members of a pacifist group were murdered.

Student activities in legal aid clinics expose them on a regular basis to social justice issues in the new South Africa. Clinical work enables them to obtain realistic insight into whether the government is able to deliver on the ambitious list of socioeconomic rights enshrined in the constitution.

David McQuoid-Mason, professor, University of KwaZulu-Natal, South Africa



OBJECTIVE 2

Fostering Professionalism and a Sense of Public Service

Clinical legal education gives students a foundation of professionalism and dedication to public service that they carry with them throughout their careers. Law clinic participants—through contact with clients and encounters with social issues of critical concern—internalize the value of public service and experience firsthand the rewards of working for the public interest, which in turn helps foster the development of a more socially responsible legal profession. Many participants go on to full- or part-time careers in public interest law, and some clinics have influenced the creation of pro bono practices among lawyers.

“All we care about when doing the LLB is to pass the examination, become a lawyer, and make money,” a graduate of the Fourah Bay College in **Sierra Leone** explained. “But my experience in the clinic changed this thinking. And now there is nothing else I want to do, other than serving my society and humanity.” A graduate of the clinic in **Mozambique** had this to say: “The clinic is why today I am working in an NGO that provides legal assistance for poor citizens who are the victims of corruption.”

In **Argentina**, the clinical legal education movement resulted in 10 private law firms establishing the Commission on Pro Bono and Public Interest Law, which handles hundreds of cases—free of charge—each year. The legal clinics’ involvement with local NGOs also contributed to the establishment of a pro bono lawyers’ network.



In **Turkey**, Bilgi University clinic in Istanbul serves as a clearinghouse for NGOs and private law firms willing to work on pro bono cases. Thus, clinical legal education has encouraged practicing lawyers to provide legal assistance to those with inadequate resources.

In the **Czech Republic**, law students who participated in clinical programs went on to work for organizations concerned with refugees, citizenship status, and the rights and welfare of women and children. One former student, Vera Honuskova, of the Prague-based Organization for Aid to Refugees, says her career developed from her experience with the clinic: “We didn’t know anything about NGOs before this.”

In **South Africa**, some law students who participate in clinics go on to pursue public service work after graduation. Alumni of the University of KwaZulu-Natal clinic have gone on to work for the nation’s leading legal services NGO, the Legal Resources Centre, the United Nations High Commissioner for Refugees, and the Department of Land Affairs.

The clinic tries to inject a spirit of service into the culture of Sierra Leone’s elite. It aims at a root cause of the country’s problems of corruption, inequality, exclusion of most of the population from political influence and economic opportunity, desperate poverty, alienation. Supporting the clinic is one of the most effective ways we can help Sierra Leoneans address the tremendous problems that afflict their country.

*Jamie O’Connell, Justice Initiative Resident Fellow,
Fourah Bay College clinic in Sierra Leone, 2002–2003*



OBJECTIVE 3

Strengthening Civil Society and the Rule of Law

Law clinics promote the rule of law and civil society by forging strong, professional attorney-client relationships, as well as mutually beneficial links between lawyers, NGOs, and civil society groups. Farida Mamad connects her experience in the legal clinic with promotion of rule of law in her native **Mozambique**. It led her to “acknowledge the integral part that lawyers contribute to society when it comes to the interpretation, protection, and advocacy for the rule of law—and most importantly—the need to defend society in cases of violations of rights.”

Clinical legal education trains a cadre of young professionals dedicated to upholding the rule of law; it also inculcates in society the idea that disputes can be resolved fairly and peacefully by using the law. When clients come to a clinic they get more than help with a specific justice problem, they get a firsthand look at how the rule of law functions. This kind of personal experience is especially important in emerging democracies and post-conflict societies where people have experienced justice systems that are at best corrupt and at worst wholly absent. Clinical legal education can teach that disputes are not resolved through bribes or at gunpoint, but through the fair and impartial application of justice.

In **Armenia**, two alumni of Yerevan State University’s clinic helped develop a national code of ethics that presents pro bono work as an ethical duty for legal professionals.

The Legal Clinics Foundation in **Poland** has also been instrumental in supporting legislation on access to legal aid, which would open up government funding to support pretrial legal aid and basic legal education for the poor. According to Filip Czernicki, the foundation's president, much of the free legal aid currently provided at the pretrial stage is furnished by clinics, which handle over 10,000 pro bono cases a year. These clinics are expected to be central to the implementation of this law.

In **Mexico**, some legal clinics have had an impact on the national level in promoting access to justice through state institutions. Several strategic litigation cases have been organized by the legal clinic at the Instituto Tecnológico Autónomo de México. One of the cases, run entirely by clinic students, resulted in a court precedent granting victims access to judicial review and redress. In another case, presented before the Inter-American Court of Human Rights, clinic students developed a legal strategy to intervene as friends-of-the-court.

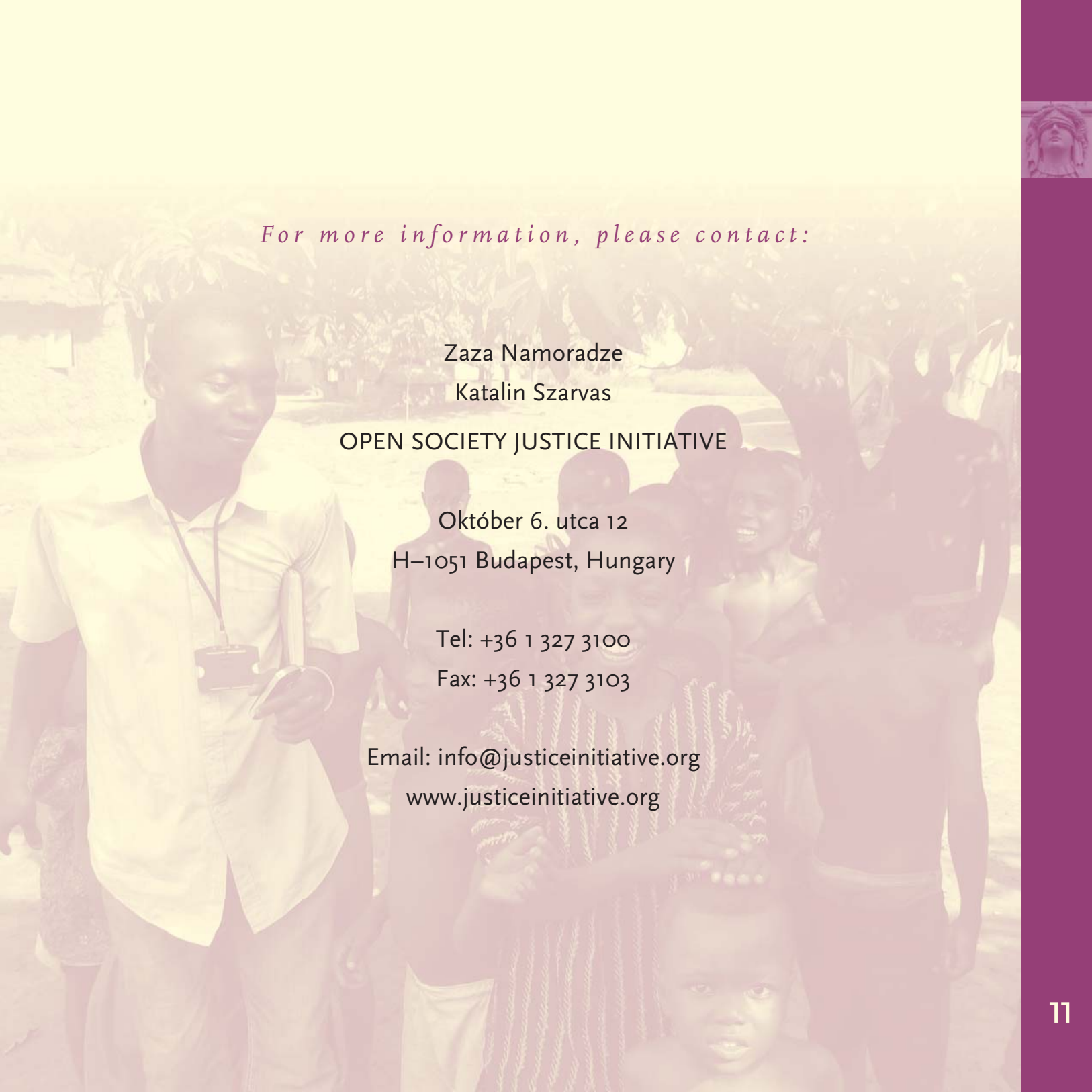
The results of clinical legal education for students and clients—as positive as they may be—provide only a partial rationale for the clinics. Clinics don't just educate students, they also contribute to the long-term development of the justice sector and the promotion of social justice and the rule of law.

Persons involved in the clinic program see students as a potential hope for a society mired in a horrible, genocidal past, where leaders often have little empathy or desire to help in the social advancement of those they consider lesser than themselves. These students are a chance for justice and equality for a new generation.

Bruce A. Lasky and Suon Visal, Paññasastra University clinic, Cambodia

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Open Society Institute

The Open Society Institute (OSI) works to build vibrant and tolerant democracies whose governments are accountable to their citizens. To achieve its mission, OSI seeks to shape public policies that assure greater fairness in political, legal, and economic systems and safeguard fundamental rights. On a local level, OSI implements a range of initiatives to advance justice, education, public health, and independent media. At the same time, OSI builds alliances across borders and continents on issues such as corruption and freedom of information. OSI places a high priority on protecting and improving the lives of marginalized people and communities.

Open Society Justice Initiative

The Open Society Justice Initiative, an operational program of the Open Society Institute, pursues law reform activities grounded in the protection of human rights, and contributes to the development of legal capacity for open societies worldwide. The Justice Initiative combines litigation, legal advocacy, technical assistance, and the dissemination of knowledge to secure advances in the following priority areas: anticorruption, equality and citizenship, freedom of information and expression, international justice, and national criminal justice reform. It has projects in over 70 countries and offices in Abuja, Budapest, London, New York, and Washington, D.C.

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