

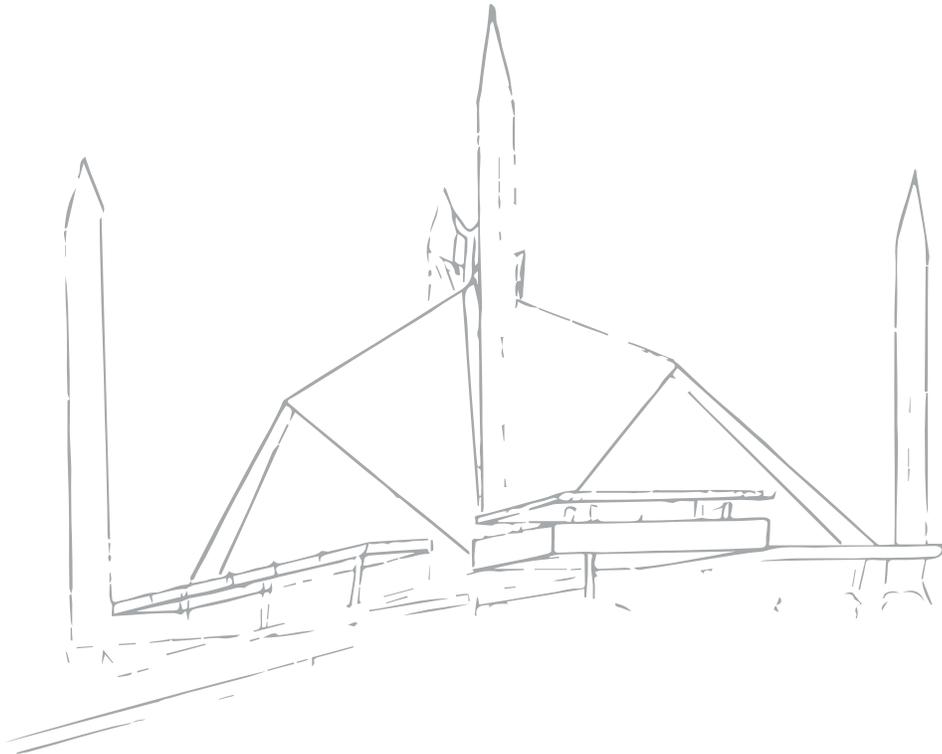


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Role of Law Clinic in Improving Legal Education and Access to Justice

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Abstract

A considerable number of law colleges and law faculties in the universities had been established in recent past. National Curriculum Revision Committee (NCRC) of Higher Education Commission with the recommendations revised the duration of LLB from three years to five years which has been accepted by Universities and Pakistan Bar Council on the decision of August Supreme Court of Pakistan. This is a positive sign, but still required number of initiative for the enhancement and improvement in overall legal skills is required to be inculcated in the sphere of judicial system of Pakistan. Legal clinic is one of the modern techniques for improvement of standard of legal education by law graduates through learning practical skills as required by the overall justice system of Pakistan. Legal clinics originated as a method of practical teaching of law school students, but today they encompass also free legal aid to the deserving segment of the society with academic links. In the academic context, these law school clinics provide hands-on experience to law school students and services to various (typically indigent) clients. Academic Clinics are usually directed by clinical professors. Many legal clinics offer pro bono work in one or more particular areas, providing free legal services to the clients. In short Clinical Legal Education is an art and it has different meanings for different people. Legal Clinic for the purpose of our law school includes variety of activities where student can participate to have a glimpse of practice of law. Clinical experience puts color in the outlines of the legal comic book....Questions which were dull and meaningless become important and exciting and answers which seemed black and white become grey, red and green. Dull legal rules become memorable elements of unforgettable events. This Article discussed the concept of Legal Clinic, its role for improvement of standard of legal education and its need for Legal Education system of Pakistan. How Legal Clinic makes students much more proactive participants in the

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learning process. How students can be sent out to Legal Clinics for working with practicing lawyers for short periods to encounter real problems, clients, and courts. It also analyzed Clinical Legal Education being provided in different countries of the world.

Keywords: Legal education, law school, law clinic, faculties, professionals.

1. Introduction

Today's law students are tomorrow's jurists, lawyers and judges. Their knowledge, skills and professionalism are directly dependant on legal education system and its curriculum, they gain at law schools and faculties, which directly influence and affect the justice sector. The good quality of legal education will generate excellent lawyers, jurists and judges. ¹ "The law and lawyers are what the law schools make them".²

Legal education cannot be improved unless the professional skills, vision and character building are inculcated and developed in the students by sending them to legal clinics where they have direct contact with practical professionals and direct involvement in practical cases.³ Presently, the situation is highly negative and worst. After completing five years at law school, the law student cannot able to draft a simple plaint. He does not know that how and where the specific laws have to be applied. The main reason behind it is the lack of professional and technical experienced faculty who himself is working on the philosophy of adhocism and unable to impart and disseminate practical knowledge to the law students. Especially, where procedural laws are involved the Law Schools and Faculties need to hire renowned eminent, professional practicing lawyers along with the permanent qualified and experienced faculty for the subjects which involve

¹ Stephen Wizner, "The Law School Clinic: Legal Education in the Interest of Justice", *Fordham Law Review*, Vol. 70 Issue 5, (2002), 1930.

² Jerald Auerbach, *Unequal Justice: Lawyers and Social Justice in Modern America* 149 (1976).

³ *Legal Education in Changing World*, Report of the Committee on Legal Education in the Developing Countries, International Legal Center, New York, (1975).

procedural laws, whom can share knowledge, experience and able to transfer these ingredients to law students so that the students can better understand and comprehend the practical application and implication of laws. "Legal education should be adequately supplemented by practical and clinical courses".⁴

The spectrum of law education has become very wide due to explosion of knowledge through Information Technology and Internet today, all over the world. Now it is established that Lawyers are Social Engineers i.e. the Engineers of the society. A lawyer as a social engineer is the real problem solver of the society. It is imperative for problem solver of society that he knows the actual challenges to the society. For this purpose a very broad canvas is required, which cannot be attained with the only study of law. Although the NCRC (National Curriculum Review Committee) has recently introduced some subjects of other disciplines for example Economics, Political Science, Sociology, History, Ethics and Pakistan Studies etc but these are not sufficient. The lack of diversity of knowledge of various disciplines is a very big flaw in our Law Programs. A vast range of interdisciplinary courses needs to be introduced, for instance Law and Politics, Law and Economics, Law and Social Sciences, Law and Environmental Sciences, Law and Culture and such other interdisciplinary courses. A set pattern of syllabus is somehow outdated and unable to compete the International Lawyers coming from extremely vibrant and versatile intellectual communities. The comparative law studies should also be introduced in law faculties. Having focused on local laws, the law students should also be familiar with the trends and developments in other legal systems. A comparative approach will broaden the perspective and intellect of our law students.

Clinical Legal Courses need to be introduced in law schools. This concept is very widely working in the well-established law schools especially in United States. R. Grimes, a well

⁴ Conference of Vice-Chancellors of National Law Universities on Legal Education Reforms, on 1-2 September, 2018 at Plenary Hall, Indian Law Institute, New Delhi, available on:
https://www.sci.gov.in/pdf/PublicationOther/proceeding_book051018.pdf

acknowledged author in the field of law, defines law clinic as “a learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it practiced... it almost inevitably means that the student takes on some aspect of a case and conducts this as it would.. be conducted in the real world”.⁵ Emil Winkler in his report *Clinical Legal Education* defines it as “a law clinic is a combination of practical legal education and legal aid”.⁶ The Law Schools in US have adopted it as a subject in their schools. Michigan Law School even allows its students who have completed their first year at law school to take real cases from real clients under the supervision of senior members of faculty. What does it mean? It means that during their three years or five years at law school, the students become full lawyers with professional skills fully equipped and prepared to enter into the profession.

There is large deficit of clinical legal education and legal aid programs in Pakistan. The need and scope of legal aid as well as clinical legal education is far wider than reasonable conception. Now some colleges and universities had started the program of clinical legal education such like in our university i.e. iiii and Pakistan collage of Law who established full time legal aid clinic with the name of Pakistan Law Clinic. Clinical legal education has a great impact on legal aid to low-income and poor people as well as training the law students and bridging the gap between legal profession and legal academics.⁷

2. What is clinical legal education?

The legal clinic is basically a teaching law office where students can engage in faculty-supervised law practice in a setting where they are called upon to achieve excellence in practice and to

⁵ See: Grimes R., “The Theory and Practice of Clinical Legal Education” in J. Webb and C. Maugham (eds.) *Teaching Lawyers’ Skills* (1996) at p 138.

⁶ *Ibid.*,

⁷ leappakistan.com/need-clinical-legal-education-establishment-pakistan-law-clinic/.

reflect upon the nature of that practice and its relationship to law as taught in the classroom and studied in the library. "It is a method of teaching law students to represent clients effectively in the legal system, and at the same time to develop a critical view of that system".⁸ In the legal clinic, law students learn legal theory, doctrine, rules, procedure, planning and execution of legal representation of clients. Meanwhile they also learn social, economic and ethical consideration and political implications of legal advocacy.

Clinical Legal Education is an art it has different meanings for different people. It can be defined as:

a learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it is practiced, It almost inevitably means that the student takes on some aspect of a case and conducts this as it would, be conducted in the real world⁹.

Legal clinics originated as a method of practical teaching of law school students, but today they encompass also free legal aid with academic links. In the academic context, these law school clinics provide hands-on experience to law school students and services to various (typically indigent) clients. Academic Clinics are usually directed by clinical professors. Many legal clinics offer pro bono work in one or more particular areas, providing free legal services to clients.¹⁰ "The legal clinic provides an instructional program, physically located within the law school building, and intellectually situated within the law school curriculum. It is an integral part of the law student's legal education".¹¹

Clinical education refers to programs or short courses which provide professionals-in-training with practical and skills-

⁸ Wizner, 1930.

⁹ Grimes, p. 138.

¹⁰ Frank S. Bloch and Iqbal S. Ishaq, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and United States", *Michigan Journal of International Law*, Vol. 12, Issue.1. (1990)

¹¹ Stephen Wizner & Dennis Curtis, "Here's What We Do: Some Notes about Clinical Legal Education, 29 Clev. St. L. Rev. (1980), 673.

oriented instruction under the supervision of a skilled practitioner. The concept is to have a law clinic in the law school or college which will operate as a teaching law office. The law clinic will be led by a faculty member who would at the same time be a practicing attorney. In this clinic, the existing law students will be engaged in positions like those of associates and interns in any actual law office. Here they would get an opportunity to work with real clients and face real problems of professional life. This setting is then used as a tool to learn the methods used in the practice of law and their relationship to the academic side of the law. This exercise in the law clinic gives students ample opportunity to see themselves in the practice of law and reflect upon their skills to enhance them further.¹²

3. Historical background of clinical legal education

Clinical Legal Education emerged from United States and then followed by Canada, Australia, U.K and India. The major forces in the development of clinical legal education were increasing need for reform in the legal education and need for legal aid.

A case method of teaching law in American Legal Education was revolutionized by professor Christopher Columbus Langdell of Harvard Law School, a century ago and prior to this, in America, legal education was to study and memorize the legal treatises and was sole form of classroom lectures and instructions. The professor Langdell introduced science of law in which decisions of appellate courts were taught, upon the basis of previous decisions of appellate courts, the law student would learn to predict that what courts would do in the future when confronted with similar legal disputes.¹³ In addition to the study of decisions and opinions of higher courts, the use of lectures for

¹² leappakistan.com/need-clinical-legal-education-establishment-pakistan-law-clinic/ (last accessed on 16-03-19)

¹³ Harry T. Edwards, "The Growing Disjunction between Legal Education and the Legal Profession," 91 *Mich. L. Rev.* 34 (1992), 52-64. (arguing that while a legal education should focus on intellectual pursuits, it should also teach the practical aspects involved in a legal career).

classroom instruction was virtually abandoned in favour of the so-called “Socratic Method” which involved the interrogation of students by the professor in order to elicit from them the operative facts, legal issues and holding of the cases they had read. The case and Socratic methods of teaching remain the prevailing mode of instruction in American Law schools today.¹⁴

In the beginning of 1930, a new approach developed with the title of “legal realism” with the help of a group of academics from Yale Law School and some other law schools. By this idea, focus was shifted to the role of lawyers and judges in the making the law from studying the past judicial decisions with the purpose to predict the future decisions. The legal realist tried to replace Langdell’s science of law with a functional approach to study the law.¹⁵

After the idea of “Legal realism”, the idea of “clinical lawyer schools” came. From 1933 to 1947, Frank wrote two law review articles where he advocated the transformation of law schools into clinical lawyer schools and he emphasized on law students to learn interaction of legal theory and legal practice.¹⁶

The concept of clinical legal education came in the beginning of 1930 but received financial support in 1960 and found effective advocate in shape of William Pincus who was an advocate and was believed that law schools had to play a role in addressing the lack of access to justice of poor people. ¹⁷ Within a few years, Pincus succeeded in introducing Clinical Legal Education in majority of American Schools. He established a Council on Legal Education for professional responsibilities and started to grant funds to the law schools for the purposes to establish legal clinic.

¹⁴ Wizner, 1931.

¹⁵ Ibid

¹⁶ Jerome Frank, “A Plea for Lawyer-schools,” *Yale Law Journal*, Vol. 56, (1947), 1303. And “Why Not a Clinical Lawyer-School?”, *Pa. Law Review*, (1933), 907.

¹⁷ Laura G. Holland, “Invading the Ivory Tower: The History of Clinical Education at Yale Law School, 49 *Journal of Legal Education*, Vol. 49 (1999), 516-17.

In spite of there being old examples, clinical education as recognized today in the USA really began in the 1960s. It spread rapidly. By 1973 of the 147 US Law Schools 125 reported having some form of clinical education. Many of these benefited from Ford Foundation monies on condition that they supplied free poverty law advice. These monies came to an end in 1979, and this led to a re-evaluation and re-orientation of the American program.

Now a day's legal clinics are working in many jurisdictions of the world and also playing good role to access to justice especially for poor peoples. These legal clinics are also a source for free legal aids. "It is not an exaggeration to conclude that clinical legal education represents the most significant reform in American Legal Education since Christopher Langdell's invention of the case method at Harvard a century ago.¹⁸

4. Common clinical methods and activities

Legal Clinic for the purpose of our law school includes variety of activities where student can participate to have a glimpse of practice of law. These activities can be lined as follow.

4.1. Simulation—. It is to create clinical environment without facing real client. Students can learn from a variety of simulations of what happens in legal practice. For example, moot courts are commonplace. They have traditionally formed part of law school activity and introduce students to the intricacies of advocacy, at least before appellate courts. More ambitiously, use can be made of mock trials, sometimes involving professional actors in order to convey the difficulties of, for example, introducing evidence and establishing facts in what may be the rapidly changing environment of a first instance tribunal. There can be other simulations like¹⁹

¹⁸ Wizner, 1934.

¹⁹ Emil Winkler, "Clinical Legal Education: A report on the concept of law clinics" available at: https://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf (last accessed on 16-02-19).

4.2. *Negotiation exercise*—. Whereby opposing groups of students learning the art of negotiation, rather than trial court litigation, by being given realistic case files and asked to resolve them in as economic and fair manner as possible.

4.3. *Client interviewing exercises*—. A national competition sponsored by the Law Society was entered by 26 UK Law Schools in 1999, and the international competition was held at the John Marshall Law School in Chicago. Such kind of competition may be held at school between different law schools and at national level and International Level that will be held from the plot form of our law school.

4.4. *Transaction exercises*—. between groups of students such as buying or selling property or with individual students e.g. drafting a will.

4.5. *Externships*—. Students can be sent out to work with practicing lawyers for short periods to encounter real problems, clients, and courts. They are then expected to bring back their experience to the law school and reflect upon it, using it to inform the remainder of their time spent in the academic establishment²⁰. On the one hand, although placements require the academic institutions to have good relations with law firms and practitioners, they are relatively easy to set up.

Although these placements and simulations have been included by some commentators as examples of clinical legal education, here I wish to confine my discussion to a narrower activity. By clinical legal education I refer only to student involvement with real clients in an environment supervised and controlled directly by the law school. The practical experience form part of, and is integrated within, the education provided by the law school.

²⁰ Richard Lewis, Professor of Law, "Clinical Legal Education Revisited", Research Paper presented at Cardiff University, Wales, United Kingdom.

5. The benefits of clinical education

5.1. Learning by experience or by doing

The main advantage of clinical education is that, compared to traditional teaching methods, it involves a different approach to the learning of law: it encompasses experiential learning, or “learning by doing.” Clinical legal education can bridge a gap between theory and practice because its learning through experience or by doing.²¹ Instead of learning by means of traditional lectures – where students are often expected to be sponges reactively soaking up information – students are much more proactive participants in the learning process. It is their initiative which determines the scope of the client’s problem; and they plan and work for its solution. Such students are much more likely to learn if they recognize that their success is determined by their own efforts rather than external factors e.g. how good the lecturer is, or what questions have previously been asked on the exam paper.

Legal clinics are serving low income client and also providing valuable opportunities for students to learn how the legal system is functioning or fails to function. In the words of Pincus “students have been well insulated from the more miserable facts of the administration or maladministration of justice by being confined to the classroom and casebooks”²² through clinical legal education, law students are taken out from the class room to the real world of law where they learn how legal theory actually work or not work and then they come back to the classroom with deeper understanding of law.

Clinical education clearly gives opportunities for the knowledge to be applied, but it also goes beyond this and calls for reflection and self examination. It gives students the opportunity to explain why they are taking certain actions and they are able to

²¹ Mrs. Archana K. “Practicability of Clinical Legal Education in India: An Overview”, *Journal of Education and Practice*. 4: 26 (2013), 157.

²² William Pincus, “Concepts of justice and of Legal Education today, in Clinical Education for Law Students, Council Legal Education for Professional Responsibilities News, Sept. 1969-72 at 31-31.

discuss and reconsider their actions. Legal practitioners themselves rarely have the time or opportunity to do this. Students, by contrast, can examine the legal and social issues in some depth, and they can form the basis for looking at the lawyer's role and at legal ethics within a practical context. The result is that what is learned is far more likely to remain with the student than the knowledge crammed for an extremely artificial examination paper.

We now have a great deal of knowledge about how students learn. There is a considerable literature on educational theory. It is important for law schools to understand and make effective use of this information when considering how they achieve the educational goals that either are set for them or they set for themselves. All too often in the past law schools have operated as if they alone knew best how to teach and how students learn. That position can no longer be maintained. Reformers of legal education, whether in Japan or elsewhere, must look to the wider developments which have taken place in education generally if they are to set up an effective and modern system for instructing students.

5.2. Acquisition of skills

'Experiential learning' means moving away from an information-based syllabus caricatured by rote or memory-based learning accompanied by condensed summary examinations. Instead clinical education embraces a skills-based approach. This means paying as much attention to the processes associated with legal practice - e.g. the structure a letter, the interview with the client, face to face negotiation - as to the legal content of the rules forming the background to the work done.

Many of these skills have already been mentioned. Their importance is specifically examined in the most recent UK government report on legal education²³. The skills include:-

²³ Lord Chancellor's Advisory Committee On Legal Education And Conduct, (ACLEC), *First Report On Education and Training* (1996) section 2, p. 8. For a robust defence of skills teaching against attacks that it is narrow, anti-intellectual, amoral and unnecessary see Twining, "Legal

- *Research skill* – especially where the relevant area of law is completely new.
- *Communication skills* – e.g. advocacy before differing tribunals or bodies.
- *Interviewing* – e.g. clients and witnesses. The law student's traditional indoctrination into a cross examiner's style is revealed in clinical practice as inadequate and often leading to obscuring the facts rather than discovering them. Instead students must learn to relate to clients and e.g. develop active listening skills in order to obtain the full facts.
- *Counselling* – e.g. helping sometimes bewildered clients to understand and deal with events.
- *Negotiating* – the art of 'settlement for something instead of litigating for all' reflects much more the realities of legal practice and the use made of the law than does study of formal accounts of those untypical disputes which are adjudicated by a court.

Skills training through the representation of clients are the main methodology of clinical legal education along with educational goals. "Clinics are important because they prepare students to practice law by teaching them valuable skills such as fact-finding, investigation, interviewing, and legal research and writing. Students also develop a sense of social justice and empathy through their work with disenfranchised groups."²⁴

5.3. Student motivation and development

Students who work in a legal clinic are enthusiastic about their experience. They are self-motivated and often highly committed to the work. They are more responsible for what they do and how they do it. In theory, the teacher's role becomes more facilitative - helping students discover solutions for themselves. My own

Skills And Legal Education" (1988) 22 Law Teacher 4. For a view that such teaching is not part of the law school mission see Brownsword, "Where Are All The Law Schools Going?" (1996) 30 Law Teacher 17.

²⁴ Archana, p.158.

disenchantment with law school when a student is a feeling still shared by all too many students. To an extent involvement in clinical work can help reduce such feelings, and can invigorate future study. It can cause students to think again about what law school offers and what direction their future career could take.

Clinical experience puts color in the empty outlines of the legal comic book.... Questions which were dull and meaningless become important and exciting. Answers, which seemed black and white, become grey, red and green. Dull legal rules become memorable elements of unforgettable events.²⁵

In the legal clinics, the students becomes aware their important role in legal representation for resolving clients problems therefore they become more conscious about their responsibilities. Through going to legal clinics, the sense of social responsibility awakens in law students. In short what the students learn in legal clinics that they would not learn from their regular classes in the law schools.

5.4. Professional ethics and responsibility

The study of ethics and the professional responsibility and conduct of lawyers has been markedly absent from law schools in contrast to medical schools. However, there has been a growth of interest in this area in recent years, and it is a subject which arguably is better dealt with in a clinical context where the often abstract notions can be given a practical context. Whether educators can actually affect the development of student's moral consciousness is much open to debate. But at least the crucible of the clinic allows moral issues to be debated more openly than within the confines of the traditional curriculum.

Free legal aid.

In the United States, Justice Clark said "the tendency of the profession to develop as a craft rather than as an instrument of justice". Chief Justice Burger expressed similar concerns a few

²⁵ A. Conard, "Letter From The Law Clinic" (1973) 18(1) University of Michigan Law Quadrangle Notes 18.

years before Watergate in his 1971 "State of the Judiciary" address to the American Bar Association. Noting that a lawyer "must be more than simply a skilled legal mechanic," he called for better training in and more effective self regulation of rules of professional conduct.²⁶ There is a broad consensus that the function of legal education is "not only to impart legal skills but to impart an understanding as to the ends for which those skills are to be used.

5.5. Legal aid and public service

Legal clinics can play a vital role in providing free legal aids to the poor people and low-income persons and this fact can be in America, India and other counties where the legal clinic are working. In U.S.A and India, Legal aid projects had played an important role in the development of clinical legal education. There is an observation that clinical programs in the U.S.A shifted their focus away from legal aid and public service for broadening educational and academic goals however clinical programs in India are still focusing on legal aid²⁷ and public service and closely tied to the legal aid movement.²⁸

Frank also argued in his Article that providing legal aid services as part of clinical program would benefit both legal aid as well as legal education.²⁹ "Most members of the Indian legal community - law teachers, the bar, the bench, legal aid experts - agreed that law schools should play an active role in the country's fledgling legal aid movement, believing that isolation or exclusion of law schools from legal aid programs would be self-defeating for

²⁶ Bloch & Ishar, p. 103.

²⁷ Under article 39A of the Indian Constitution, the State is committed to securing that "the operation of the legal system promotes justice on a basis of equality" and providing free legal aid "to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability." However, article 39A falls to discharge its obligations under article 39A, the Government of India has set up the Indian Council of Legal Aid and Advice, with branches in various states. Article 39A was inserted by the 42nd constitutional amendment in 1976.

²⁸ Bloch & Ishar, p.93-94.

²⁹ Jerome Frank.

legal aid, legal education and the legal profession".³⁰ There was an argument that legal aid projects by law schools would not only benefit the needy and poor client but also would benefit the schools' academic programs.

6. Legal clinics working in different countries

6.1. India

Clinical Legal Education in India has its roots in both the Legal Aid and Legal Education Reform Movements. Formal Legal Education started in 1855, in India. Many commissions and Committees were set up for the development of Clinical Legal Education in India.³¹ Legal Education has gone through many stages of development. Some of these stages are -

The Bombay Legal Education Committee concluded in 1949, recommended that practical courses should be made compulsory only for students who choose to enter the profession of law and the teaching method should include seminars or group discussions, moot court competitions etc.

The 14th Report of the Law Commission of India recognized the importance of professional training and for a balance of both academic and vocational training. It recommended that University training must be followed by a professional course concentrating on practical knowledge—but it suggested that the professional course be made compulsory only for those who chose to practice law in the courts. The Commission's 1958 Report concentrated on institutionalizing and improving the overall standards of legal education. In that regard, the Report also discussed teaching methods and suggested that seminars, discussions, mock trials, and simulation exercises should be introduced--- in addition to lectures. Thus, although the Commission's Report didn't deal directly with improving skills, it did so indirectly by supporting

³⁰ Bloch & Ishar, p. 97.

³¹ Archana, p.157.

the use of teaching methods that could be more helpful in developing various skills³².

A link between expressed Legal Aid and Legal Education Reform was published in 1970s by the Expert Committee on Legal Aid of the Ministry of Law and Justice. After 5 years of debate over a 3-year v/s 5-year L.L.B. course, which began during 1977 National Seminar on Legal Education at Bombay, the Bar Council of India (BCI) unanimously agreed to introduce the new 5-year course from July 1982, open to students after 10+2.

The BCI recommended practical training in the curriculum. Reports of University Grants Commission (UGC) also played important roles in the history of Clinical Legal Education and report emphasized the role of legal education in developing law as a hermeneutical profession, explaining that lawyers must be taught a variety of skills and sensibilities. It outlined the objectives of reformed teaching as making students more responsive to learning and making them demonstrate their understanding of law.

The next important step in the evolution of Clinical Legal Education began at the conference of Chief Justice of India in 1993, which resolved the Chief Justice shall constitute a committee to suggest appropriate steps that should be taken to assure that law graduates acquire sufficient experience before they become entitled to practice in the courts. It found that the general standard of law colleges in country was deteriorating and that the syllabus should be revised to include practical subjects so that the students could get professional training.

Bar Council of India (BCI) report 1996 on NLSIU (The National Law School of India) – The Bar Council of India issued a circular in 1997 using its authority under the Advocates' Act 1961 directing all universities and law schools to revise their curriculums. It included 21 compulsory courses and 2 optional courses, leaving Universities free to add more courses. The circular also mandated the inclusion of 4 practical papers. Law

³² Clinical Legal Education- An Overview by Shweta Durga 18-01-2010.

schools have been required to introduce these 4 practical papers since academic year 1998-99, which was viewed as a big step toward introducing Clinical Legal Education formally into the curriculum³³. In order to achieve the objects of the clinical program, NLSIU offers a wide range of opportunities in clinical programs, compulsory as well as optional, to the students. At present the compulsory clinical courses are—(a) Client Interviewing, counseling, And Alternate Dispute Resolution methods; (b) Litigation Clinic; (c) special Clinic integrated with compulsory placements of two months from III year to V year of the 5 year LL.B. course. The optional component of the scheme includes: a) Moot Court (b) Legal services Clinics; (c) community-based Law Reforms Competition. In addition to the above, NLSIU curriculum carries a full course of 100 marks taught outside the declared clinical courses. This is a compulsory course on Professional Ethics and Law Office management taught with assistance of legal practitioners.

The 2nd UGC report of particular interest to Clinical Legal Education was prepared by a Curriculum Development Committee, which was asked to upgrade the syllabi of the LL.B. course. The proposed curriculum also includes several subjects which have a potential to be taught clinically in order to offer instruction in various values and skills required for a new lawyer. Also it introduced a clinical aspect in the LL.M. program. Report of the Law Commission of India - 2002 stated that “the Commission considers that Clinical Legal Education may be made mandatory subject.”

Current Assessment: One can trace the development of Clinical Legal education in India to the efforts of a few law schools in the late 1960s. For example, faculty and students at Delhi University established a legal service clinic in 1969 on a voluntary basis. Banaras Hindu University was the first to introduce a clinical course, in the early 1970s. This was an optional course offered to a limited group of 30 students with academic credit for 200 marks. The course included courts visits, participation in a legal aid clinic in the school, and an internship in chambers of

³³ Ibid.

lawyers. While each of these early efforts was significant, no steps were taken during those years to institutionalize Clinical Legal Education. A national movement to do so was begun with the opening of the National Law School of India University in Bangalore, established by the Bar Council in 1987 as a model for legal education reform. The National Law School's curriculum includes several clinical courses, including more recently course that cover the subjects included in the practical papers mandated by the Bar Council of India in 1997. Over the past 10 years, seven other national law schools have been established³⁴.

6.2. United Kingdom

In Britain, the development of clinical education was much slower, as it lacked the kind of funding the Ford Foundation provided in the USA. By 1994, in spite of all the problems of locating such education within the traditional university framework, 13% of universities made use of live-client clinics. Two things combined to make it more attractive for UK law schools to develop clinical programs:³⁵

In 1993 the Law Society, the governing body of UK lawyers, gave up its direct control over the vocational stage of education and let universities set up their own skills courses – their fourth year of teaching law – if they wanted to. Cardiff Law School was the first to do so, and appointed several law practitioners to teach the skills courses. The involvement of former law practitioners at Cardiff and other universities led to an increasing interest in how legal education is delivered. There has been a steady rise in the literature dealing with legal education, including articles on, for example, methods for delivering the skills curriculum. An umbrella organization, the Clinical Legal Education Organization, has been set up to disseminate information about clinical

³⁴ Ibid

³⁵ Richard J. Wilson, *Legal Aid and Clinical Legal Education in Europe and the USA: Are they Compatible?* Available on: https://link.springer.com/content/pdf/10.1007%2F978-3-319-46684-2_11.pdf (last accessed on 14-03-19).

courses.³⁶ There is greater chance of universities to get funds from outside, to set up clinical programs. There are at least two distinct sources; the State, through community legal services initiative and large law firms. In 1997 a number of large firms, mostly based in the City of London, came together to set up Law Works (formerly the Solicitors Pro Bono Group). This charitable national organization provides a co-ordinated response to legal need by working with the legal profession to set up new initiatives where free or reduced-cost legal advice can be provided.

6.3. Russia

A handful of legal clinics were established in Russia in the second half of the 1990s with direct support by U.S. law schools as well as U.S. law associations such as the one at the Petrozavodsk State University Faculty of Law, which started operation on November 20, 1995 with help of the Vermont Law School, Vermont Association of Lawyers and with further back-up of local Union of Lawyers of the Republic of Karelia. By 2009 there were over 160 legal clinics in Russia. There are various types of legal clinics in Russia, varying from general Legal Aid Offices such as the one of Petrozavodsk State University, legal clinics that aim merely to disseminate legal knowledge, and those that specialize in legal help to juveniles, prisoners, and asylum seekers.³⁷

6.4. Germany

Although Germany witnessed the first known use of term Juristische Klinik already in 1896, it was not until autumn 2010 that the first legal clinics in Germany were established at University of Hanover and Heinrich-Heine-University Düsseldorf Faculty of Law. The Hannover Clinic follows the model of legal clinics in the USA. It provides legal help merely to the University's students. The Clinic in Düsseldorf, on the other hand, is open to requests from anyone - but is limited to cases dealing with issues

³⁶ Roy Stuckey, "The Evolution of Legal Education in the United States and the United Kingdom: How one System became more faculty-oriented while the other became more consumer oriented", *Journal of Clinical Legal Education*, (2004), 104.

³⁷ Wilson.

of 700 Euros or less (to limit potential liability). Initial contact, documentation and supervision of the student's work happen online to allow practitioners to supervise the student's activities.³⁸ In 2011 the student law firm Student Litigators with more than 20 locations was founded. Student Litigators is the first legal clinic which is independent from universities and is organised as a corporation. The project has more than 70 partners and 3 managing partners.

6.5. Iran

In 2006, legal clinics were established with direct support of UNDP and clinical legal practitioners from South Africa at Mofid University and Shahid Beheshti University in Iran with the aims of legal empowerment of socially disadvantaged individuals and groups through providing free legal services as well as the training of law students in legal skills and preparing them to assume social responsibilities.

From 2006 until 2012, Legal Clinic of Shahid Beheshti University has focused on family and children law and the relevant issues. Meanwhile, Mofid University Legal Clinic (MULC) has extended its activities to family law, labor law, children law and criminal law. Nowadays, Mofid University Legal Clinic is the largest legal clinic in Iran. Programs and activities of Mofid University Legal Clinic include:

- Providing free consultation and legal aids and services (both in personal or on phone) on family law, labor law and criminal law
- Setting indictment, bill, plea, plaint etc. for free
- Providing the poor and low-income people with public (free-of-charge) lawyers
- Promoting legal knowledge and culture of people

³⁸ Winkler.

Students may participate either entirely voluntarily or as part of three courses. Apart from general clinical aid, the students may also participate in moot court competitions as well as in street law projects.³⁹ In 2014 Shahrood Payamnoor University (PNU) has established a law clinic. This academic clinic is based on the desire to offer free legal advice to those who cannot afford a lawyer and in order to provide free legal assistance to people in Shahrood. In other aspect Shahrood PN University's clinical programs enable students to put legal theory into practice and to give students hands-on skills training by representing real clients in real life legal situation. Under supervision of experienced lawyers who are professor of Law on the Shahrood Pn University, students learn to work in actual legal positions. Law clinic invite students to experience what it is like to be a lawyer—handling real cases for real clients while building the professional skills and confidence they need for the future. This legal clinic is established by Professor Dr, Ali Shahini (chairman of Shahrood PN University) and Professor Saeid Kafi Anaracki.

7. Conclusions

clinical legal education not only as a way of enriching legal education with professional training, but as a means of stimulating law schools to attend to the legal needs of the poor and minorities, and engaging students in the pursuit of social justice. A central goal of clinical legal education has been to provide professional education in the interests of justice. Its educational objectives are to teach students to employ legal knowledge, legal theory, and legal skills to meet individual and social needs; to expose students to the ways in which law can work either to advance or to subvert public welfare and social justice; to instill in students a professional obligation to perform public service; and to "challenge tendencies in the students toward opportunism and social irresponsibility.

³⁹ Visit: <http://en.sbu.ac.ir/ResearchCenters/Chpd/Pages/Legal-Clinic-of-Women-and-Children.aspx> (last accessed on 16-03-19).

Through clinical legal education a forum is provided to the law students which get out them from their lecture halls to the real world of law. By legal representation of real clients, the students get deeper understanding of operation of legal theories and doctrines in the practical legal field which polish their legal and professional skills. Law clinics provide unique opportunity to the students where they developed their views on legal system and become aware about the flaws and defects of the system. It is highly desirable that the legal education reform in Pakistan be focused towards the insertion of clinical legal education in the law colleges in Pakistan as it would not only impart practical skills but also a sense of responsibilities of practical side of law. By assisting clients, dealing with their legal as well as social problems, the students may be motivated to have a positive and solution oriented perspective of law and legal system.

Finally clinical legal education is much needed reform in Pakistan for betterment of legal education. Law clinics provide opportunity for pro-bono litigation to the students through which they learn the importance of lawyers in resolving problems of clients and they also develop their CVs for better employment in future for getting suitable job. The students also learn professional behavior which is required to have basic standing in courtroom. We can say law clinic can play vital role for bringing reforms in legal education system even in legal and justice system of Pakistan as we know justice itself not emerged ipso facto from the existing legal system.

7. Recommendations

The law school clinic is the primary place in the law school where students can learn to be competent, ethical, socially responsible lawyers therefore it is suggested and recommended that:

1. Clinical legal education should be introduced in all Law Schools of Pakistan.

2. Legal aids and public service projects could be provided to the law students in those law clinics as financial support.
3. One year programs could be dedicated to clinical training, skill building and learning of other language, to broaden a student's horizon.
4. Clinical legal education could be made a part of law school curriculum.
