

**Forging the Future:
Engaging Law Students and Young Lawyers in
Public Service, Human Rights, and Poverty Alleviation**

An Open Society Justice Initiative Issues Paper

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Executive Summary

A growing array of research demonstrates that legal services for disadvantaged populations contribute to the rule of law, good governance, human rights, empowerment of the poor, and poverty alleviation. Yet the development and human rights communities pay insufficient heed to a cost-effective set of tools for forging the future of legal services and legal systems across the globe: clinical legal education (CLE) and similarly oriented efforts to engage law students and young lawyers in public service. This Open Society Justice Initiative Issues Paper seeks to fill the informational vacuum that makes CLE-related work (that is, the array of both CLE and similarly oriented efforts) an underappreciated and underutilized resource.

The paper discusses various approaches to supporting and facilitating activity in this field. These include:

- a region-wide strategy, such as that undertaken by the Soros foundations network and its Justice Initiative in collaboration with a partner NGO, the Public Interest Law Initiative, in approximately 70 law schools across the former Soviet Union (FSU), Central and Eastern Europe (CEE), and Mongolia;
- building a national CLE network that can affect the overall delivery of legal services in a country, as South Africa's Association of University Legal Aid Institutions has done, assisted by Ford Foundation and government support;
- adopting a sector-specific approach, as the United Nations High Commissioner for Refugees (UNHCR) and its partner NGO, Legal Assistance through Refugee Clinics, have done in helping to launch numerous law school clinics focusing on political asylum in several FSU and CEE nations;
- interaction with legal services and human rights NGOs, as exemplified by the roles that law school experience played in young attorneys launching the NGOs constituting the Philippines' Alternative Law Groups, a network engaged in human rights and development, and that these NGOs in turn play in employing law school graduates and shaping their careers; and

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- facilitation by international NGOs, such as the Center for International Environmental Law’s work with human rights and environmental NGOs, young lawyers, and law students from across the globe.

CLE-related efforts to engage law students and young lawyers in public service of course should be seen in terms of public interest law, human rights, and justice. But in many contexts they should be equally viewed as advancing poverty alleviation, good governance, and other development goals. Thus, they merit financial and technical assistance from various branches of the development and human rights communities. Just as UNHCR has helped launch refugee law clinics at numerous law schools, other sector-specific institutions should consider supporting sector-specific CLE and related work—concerning gender, children’s rights, or the environment, for instance.

Donors and funding recipients alike also should consider creative options for sustaining CLE-related efforts in a cost-effective manner. The Justice Initiative is exploring the potential for attorneys’ pro bono services to stretch CLE programs’ limited resources. Establishing funds for CLE, as the Ford Foundation did in South Africa and as Poland’s Legal Clinics Foundation is seeking to do, also can sustain this work. And by providing support that builds law schools’ and NGOs’ fundraising capacities and contacts, any given donor can help programs survive and thrive long after its own funding has ended.

I. Introduction

A key challenge facing transitional and developing societies is engaging attorneys in legal services that aid disadvantaged persons, build their legal capacities, or otherwise advance their interests. Recent research conducted by or under the auspices of the World Bank, the Asian Development Bank, the Open Society Institute, the Ford Foundation, the Asia Foundation, and the Carnegie Endowment for International Peace demonstrates how such services, embracing both individual access to justice and public interest law transcending individual needs, contribute to the rule of law, good governance, human rights, empowerment of the poor, and poverty alleviation.² Yet the development and human rights communities pay insufficient heed to a cost-effective set of tools for forging the future of legal services and legal systems across the globe: clinical legal education

² See Stephen Golub, *Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative* (the research for which was largely supported by an Open Society Institute fellowship), Carnegie Endowment Working Paper No. 41, Rule of Law Series, Democracy and Rule of Law Project (Washington: Carnegie Endowment for International Peace, October 2003); Daniel Manning, *The Role of Legal Services Organizations in Attacking Poverty* (Washington: World Bank, September 1999); Asian Development Bank, “Legal Empowerment: Advancing Good Governance and Poverty Reduction” (a report prepared by the Asia Foundation), in *Law and Policy Reform at the Asian Development Bank*, 2001 Edition (Manila: Asian Development Bank, 2001); World Bank, *Impact of Legal Aid: Ecuador* (Washington: World Bank, February 2003); and Mary McClymont and Stephen Golub, eds., *Many Roads to Justice: The Law-Related Work of Ford Foundation Grantees Around the World* (New York: Ford Foundation, 2000).

(CLE) and similarly oriented efforts to engage law students and young lawyers in public service.³

This Issues Paper seeks to fill the informational vacuum that makes CLE-related work (that is, the array of both CLE and similarly oriented efforts) an underappreciated and underutilized resource. It considers various educational, donor, development, and nongovernmental efforts. In addition to discussing several other organizations' impressive initiatives, the paper particularly draws on several years of expanding Soros foundations network (SFN) involvement with this field as part of its law program (and overall mission of building open societies). That involvement initially focused on Central and Eastern Europe (CEE), the former Soviet Union (FSU), and Mongolia, as coordinated by SFN's Constitutional and Legal Policy Institute (COLPI). More recently, with the expansion of the SFN law program beyond the region, it has been coordinated by COLPI's successor institution, the Open Society Justice Initiative.

The paper more specifically aims to illuminate some of the diverse approaches to engaging law students and young lawyers in public service, in order to provide useful examples and insights to various audiences concerned with justice, human rights, and development. It is not a detailed "how to" guide to CLE-related efforts. Rather, the Justice Initiative more modestly hopes that this discussion will open options for organizations seeking new ways to effect impact in these fields.

Before launching into a discussion of those various approaches, it is important to distinguish them from an earlier development effort that primarily focused on legal education. During the 1960's and early 1970's, a small circle of funding organizations supported the "law and development movement," which featured efforts to reform legal education in many developing countries in order to "modernize" their legal systems as a whole. The movement, whose track record has been best documented in Latin America, is considered largely unsuccessful.⁴

In contrast with the law and development movement, CLE and the related activities that this paper highlights are more diverse in their strategies and restrained in their goals. They do not seek to transform legal education or entire legal systems. Rather, they address two important components of efforts to advance justice, human rights and development: law students and young lawyers who can work on these issues in the short term and more powerfully impact them over the long term. CLE-related work can shape legal services and even legal systems, particularly as such systems impact the disadvantaged, but generally in gradual ways that are significant but not sweeping.

³ As used here, CLE comprises classroom instruction and practical training through which law schools build students' knowledge and skills by engaging them in providing advice, counseling, and sometimes representation to disadvantaged populations. Similarly oriented efforts involve a host of related initiatives by law schools, NGOs, and other institutions, involving either law students or young lawyers, but not necessarily including classroom instruction.

⁴ The two best-known critiques of the movement's assumptions and activities are James Gardner, *Legal Imperialism: American Lawyers and Foreign Aid in Latin America* (Madison: University of Wisconsin Press, 1980); and David M. Trubek and Marc Galanter, "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development," *Wisconsin Law Review* no. 4 (1974), 1062–1101.

In preparing this paper, the author drew on diverse sources of information. Some were consulted specifically for the paper; others over the course of previous consulting and research assignments. These sources include:

- The author's experience funding or reviewing CLE and related efforts for COLPI, the Justice Initiative, the Columbia Law School-affiliated Public Interest Law Initiative (PILI), the Ford and Asia Foundations, the U.S. Agency for International Development (USAID), and other institutions.
- Interviews and correspondence with representatives of the above organizations and of other organizations, including Legal Assistance through Refugee Clinics (LARC), the United Nations High Commissioner for Refugees (UNHCR), the American Bar Association Central and Eastern European Law Initiative (ABA-CEELI), the International Human Rights Internship Program, and Street Law, Inc.
- Visits to pertinent programs in Hungary, Poland, Latvia, South Africa, Argentina, Chile, India, Bangladesh, the Philippines, and other countries.
- Research concerning other pertinent programs in Asia, Africa, Europe, Latin America, the Middle East, and the United States.
- Participation in regional conferences concerning CLE-related efforts in Latvia, Montenegro, Poland, and Japan.
- Interviews with nongovernmental organization (NGO) personnel, practicing attorneys, law students, and law professors, including American and other professors staffing CLE and human rights programs.
- Reviews of relevant reports, evaluations, program summaries, law journal articles, conference and workshop proceedings, and other documents.

The main body of the discussion sketches some of the diverse approaches that various organizations are taking to engaging young lawyers and law students in public service. The paper concludes with selected lessons and suggestions relating to these efforts.

II. A Diversity of Approaches

A Region-wide Strategy

The most comprehensive approach to supporting clinical legal education consists of efforts to promote its growth on a regional basis embracing numerous countries. Thus, the Justice Initiative now supports a growing number of African CLE programs through assistance to individual law schools and through intra-African exchanges and capacity-building. In a related vein, over the past several years the Ford Foundation has funded a network of public interest law clinics in four South American countries. The added value of such Justice Initiative/SFN and Ford regional work is that it builds mutually supportive sharing of experience and expertise. This approach gradually reduces reliance on advice from Western clinicians and promotes home-grown approaches to CLE.

The most far-reaching example of this work can be found throughout the broad region comprising Central and Eastern Europe, the former Soviet Union, and Mongolia (hereinafter, “the region”), where the Soros foundations network has supported an integrated array of regional, sub-regional, national, and university-specific activities. Initiated by COLPI with a pivotal 1998 meeting of law deans that introduced them to CLE, and now coordinated by the Justice Initiative and PILI in collaboration with the network’s national foundations, this endeavor has included: numerous international and national conferences, workshops, and exchanges designed to expand intellectual horizons and build capacities; consultancies by American CLE professors and (increasingly, as local expertise has increased) CLE professors from within the region; collaboration with and support for other international NGOs involved with CLE; and funding and capacity-building for individual law school programs. Representatives of over 50 law schools have attended one (or typically) more of the international meetings, with approximately 70 schools receiving funding.

The Justice Initiative’s and Soros Foundations network’s three central objectives in supporting this work throughout (and beyond) this region are to expand individual access to justice, public interest law (that is, using the law to address important issues that transcend individual client service), and the public interest orientation of the region’s legal profession. However, CLE also serves important pedagogic purposes. It galvanizes student interest, provides practice in using legal skills and knowledge, employs experiential learning that constitutes the most effective form of adult education, and introduces interactive teaching techniques that even non-CLE law professors can use as alternatives to lectures. In helping to launch CLE throughout the region, COLPI and PILI emphasized the pedagogic component both to ensure the quality of teaching and services and to promote law schools’ institutional accreditation of and financial support for CLE.

SFN-supported clinics operate and are organized in a variety of ways, due to local preferences and constraints. Most are divided into sections that focus on broad areas of the law: civil, criminal, refugee, and nongovernmental organization (NGO) law, for example. Some countries permit students to represent clients in court, generally under the supervision of attorneys. But even where such representation is barred, the students carry out various other services. They interview and advise clients, conduct legal research, draft legal opinions, prepare motions, and engage in other activities, guided by practicing attorneys and/or professors. In some programs, the attorneys appear in court on behalf of the clients. In others, the clinics’ assistance is confined to preparing documents, giving advice, and providing other non-court services.

In addition to the Justice Initiative, SFN’s national foundations, and PILI, such organizations as the Ford Foundation, USAID, and ABA-CEELI, have also aided CLE in the region. For the most part, the various institutions’ roles have been complementary. This has particularly been the case in Russia, where a close collaboration has unfolded. In addition, as discussed below, in recent years UNHCR and LARC have respectively funded and facilitated the growth of numerous refugee clinics at law schools in several countries, with the Justice Initiative and PILI also providing input.

A positive facet of these organizations' efforts is that they have avoided the trap of simply relying on Western expertise to build up local capacities. COLPI and now the Justice Initiative have drawn on South African experience, including support for PILI to organize a visit by regional clinicians to that country. They also have worked with SFN national offices to arrange intra-regional sharing of expertise and capacity-building. Ford has brought in experts from the Philippines and Bangladesh to advise its CLE grantees in Russia.

Indications of CLE contributing to the three objectives of SFN's law program must be considered preliminary. The clinics in the region have existed for relatively short periods of time, with many in operation for just two or three years. In addition, much of the energy that has gone into them thus far necessarily has focused on simply getting them up and running as viable pedagogic vehicles.

Nevertheless, there are promising signs of initial impact. For example, important institutional arrangements are evolving in Poland. The country's Ombudsman has formal connections to three law school clinics. The clinics supply the Ombudsman with reports on client problems that reflect shortcomings with government laws, policies, or practices regarding such matters as social security, the rights of under-age parents, political asylum, and the right to information. Where it deems involvement appropriate, his office then intervenes with other parts of the government and helps to fashion case-specific or more systemic remedies. In addition, the clinics prepare subject-specific public education booklets that the Ombudsman in turn prints and distributes. Both services benefit from the fact that at least two of the three law clinics' liaisons to the Ombudsman originally were students in the clinical programs. As liaisons, they now are employees of his office.

A more informal institutional arrangement is specific to the Polish-German Center for Banking Law, which is based at Jagiellonian University's Faculty of Law and Public Administration. Despite its name, the Center is a nexus for more than economic reform. Most of the approximately 20 doctoral candidates subsidized by the Center play key roles supervising clinical sections and directing other law school programs. In supporting a core of leading young lawyers to obtain advanced degrees and to publish the research they conduct for those degrees, the Center contributes to their eventual prominence in the Polish legal profession, supports the involvement of many of them in public interest concerns, and builds a potentially influential core of progressive attorneys.

The Warsaw State University clinical program evinces similar progress through its engaging students in issues and cases affecting the rights of women, refugees, workers, prisoners, and the mentally handicapped, as well as assisting NGOs with formation, registration, and other legal needs. Yet a third instance of promising clinical development in Poland can be found at the University of Bialystok. In addition to the individual client services it provides, this relatively new clinic is starting to assist local government through, for example, training of personnel working for the equivalent of a citizen's advice center.

Indications of initial progress toward SFN's goals reach far beyond Poland. In Hungary, the Eötvös Loránd University (ELTE) Faculty of Law's clinical program has played a prominent role in bringing cases and generating press attention regarding a pre-trial detention system that sometimes incarcerates accused felons for years if they lack effective counsel. Its representation cut several months from the detention periods for hundreds of juveniles who otherwise would have been in prison for nearly a year. Students of the Azerbaijan University clinic successfully represented 23 clients in civil cases concerning women's rights in their first year of operation. They reportedly secured favorable treatment of women by judges in the kinds of cases where judges normally rule in favor of men.⁵

The Center for Legal Clinics of Kiril and Metodij University in Macedonia serves as a focus of CLE expertise and training for law schools throughout the former Yugoslavia, and engages students in several activities that contribute to public interest law and access to justice. These have included participation in NGO-coordinated analyses of reforms in electoral and local government laws, as well as pro bono work for NGOs concerned with gender and other issues⁶ Similar cooperation with civil society can be found in Moldova, where the State University's Legal Clinic is collaborating with the government and a number of NGOs in producing a weekly radio program on legal issues. Such CLE engagement with NGOs paves the way for the future lawyers to remain involved after graduation, whether on a pro bono or paid basis.

Clinical programs across the region are providing students with opportunities to work with government offices, NGOs and even international agencies both during law school and after graduation. Ongoing engagement of this sort takes various forms. Two alumni of Armenia's Yerevan State University clinic have contributed to a national ethics code that presents pro bono work as an ethical duty. Czech students who participated in unofficial, NGO-initiated clinical programs went on to work with groups concerned with refugees, citizenship, and women's and children's rights and welfare. One such former student, Vera Honuskova of the Prague-based Organization for Aid to Refugees, asserts that these connections flowed from "the experience with the clinic...we didn't know anything about NGOs before this."⁷

We should not overlook another element of clinical exposure for students: the opportunity to work and study with leaders in various legal fields, whether through the clinics themselves or otherwise. Clinicians heading programs or sections at numerous law schools throughout the region also are experts in such areas as constitutional, administrative, gender, and human rights law. To varying degrees, they involve students in their work, whether through or outside of the formal clinical requirements. This too

⁵ Marcia Levy, "Evaluation of Huquq Klinikasi, a Legal Clinic of the Law Faculty of the Baku State University" (prepared for PILI and COLPI), August 1, 2001, p. 9.

⁶ Philip M. Genty, "Evaluation of the Kiril and Metodij University, Faculty of Law, Center for Legal Clinics" (prepared for PILI and COLPI), March 2002, pp. 7-8.

⁷ Interview with the author, in Riga, Latvia, Oct. 27, 2001.

may have a ripple effect on those students down the line. Jagiellonian graduate Filip Wejman stresses the career impact of such exposure. “If not for the clinic, I would just be a business lawyer...but because of the clinic, here people are trained to do social justice work, to help others for free.”⁸

A final type of impact that merits attention is whether and to what extent SFN-supported clinical legal education is being institutionalized (in terms of financing, faculty status, course credit, and student demand) in the region’s law schools. The initial evidence is that CLE is slowly taking root in several societies and numerous schools.

For example, a number of programs grant students credit for taking clinical courses and/or faculty credit for teaching them. From countries as different as Moldova, Macedonia and Armenia, there are reports of growing faculty acceptance of clinical legal education. Financially, the University of Latvia and University of Bialystok programs are largely self-sufficient, and other programs are reaching this point. In most cases, at least twice as many students apply to the clinical programs as are accepted, attracted by the opportunities to provide service, learn about new subjects, and gain practical experience. Some programs are receiving positive notice in other ways. The clinic of Tirana Law School, for instance, publishes the only law review put out by an Albanian law school.

There are very few programs, however, where the institutionalization process is complete. This is to be expected for initiatives that are only a few years old and that cut against the grain of established teaching methods, institutional milieus, and legal cultures. It would be overly optimistic to predict that all SFN-supported clinics in the region will survive. But the combination of student enthusiasm, growing faculty support, increasing sophistication, expanding engagement with government and civil society, and mounting impact on issues large and small indicates that many will thrive. Building on the positive experience in the region, the Justice Initiative and SFN have started to work with CLE programs elsewhere—particularly in several African nations, but also in such countries as Cambodia, Mexico, and Turkey.

Building a National CLE Network

Both within and outside the context of region-wide efforts, certain donors are collaborating with partner law schools in a growing array of countries to promote CLE. USAID has been active in this regard in Russia. SFN is similarly engaged in numerous nations across the globe. The Ford Foundation also has been playing an important role, most notably in China, Russia, and parts of South America and CEE.

The Foundation also contributed to the growth of what arguably has been one of the most influential CLE movements in the world, that of South Africa. To be sure, CLE in South Africa goes back more than 30 years and pre-dates Ford support. Nevertheless, that support, which peaked from the late 1980’s through the late 1990’s and mainly went to historically black law schools denied substantial government funding under apartheid,

⁸ Interview with the author, in Krakow, Poland, May 5, 2002.

contributed to the growth of CLE at those schools and the founding of a national CLE network, the Association of University Legal Aid Institutions (AULAI). The network, embracing more than 20 law schools, has a financial base that has helped sustain it for several years, provided by a large, final Foundation grant when its support for individual clinics came to an end. Though not nearly sufficient to cover all of the clinics' costs, that final grant represents a noteworthy example of a funding organization doing more than just urging grantees to ensure their own sustainability.

As is always the case with grantee achievement and endurance, the real credit for the clinical programs' ongoing operations rests with the programs themselves. A noteworthy aspect of the South African clinical experience is the impressive roles AULAI has played in three inter-related ways. First, it commissioned surveys to "map" the geographical gaps in the availability of legal aid to South Africans. It also combined forces with an NGO paralegal network to gain membership on and influence funding decisions by the nation's official Legal Aid Board, correcting misallocation of Board funds in the process. As a result, clinics and paralegals across the country are receiving government support to provide legal aid to the citizenry, at what are called local "justice centers."

Certain South Africa law school clinics also are engaging in public interest law to at least some extent, building students' expertise and orientation regarding such work in the process. A leading institution in this regard is the Campus Law Clinic of the University of Natal-Durban, which has addressed land reform, mineral rights, insurance discrimination against HIV/AIDS patients, gender-biased applications of customary law, and various other issues. It also is quite entrepreneurial, competitively bidding for and receiving government grants to provide services relating to land compensation. Other law school clinics have also evolved in recent years, pursuing land cases with ramifications that go beyond the well-being of individual clients.

Some South African students who cut their professional teeth on public service during law school pursue it after graduation and subsequent accreditation as lawyers. For instance, three attorneys who are "alumni" of the University of Natal-Durban clinic are doing exactly that upon completing recent stints as candidate-attorneys (and previously students) there. One was recruited by the nation's leading legal services NGO, the Legal Resources Centre (whose work is discussed below), to head one of its units. Another has gone to work for UNHCR. The Department of Land Affairs recruited the third to head one of its regional offices. Though this government job does not inherently involve the practice of public interest law, it could be crucial to such practice: progressive lawyers need allies in government in order to make a mark.

Of course, many countries do not offer the same kinds of political or economic conditions that allowed South Africa's clinics to influence and access government legal aid funds. And in some contexts dependence on state support can trap a clinic in a problematic situation that could constrain its freedom of action. Still, the South African clinics' mapping of legal needs, alliance with the paralegals, and political strategizing all represent steps from which clinics (and donors) in other countries can learn. In recent

years, the Justice Initiative and PILI have accordingly worked with Poland's Legal Clinics Foundation to study the South African experience, build up CLE in Poland, and raise funds to sustain it there. More broadly, in 2003 the Justice Initiative, AULAI, and the University of Natal-Durban convened the First All-Africa Colloquium on Clinical Legal Education.

A Sector-specific Focus

CLE programs and activities devoted to specific groups and concerns (e.g., women, children, consumers, human rights, the environment) are not unusual—SFN and other donors have supported these in numerous countries. The Justice Initiative and PILI have organized regional workshops on women's and children's rights.

Nevertheless, a recent UNHCR initiative that launched refugee clinics in several CEE and FSU law schools represents a unique *multilateral agency* effort to serve a specific population while building a region-wide core of attorneys knowledgeable about and sympathetic to that population's legal needs. As such, it is a particularly farsighted approach on the part of an organization charged with advancing the rights and interests of a disadvantaged group.

A seminal action in this endeavor was UNHCR's establishment of a regional NGO, Legal Assistance through Refugee Clinics (LARC). LARC is based at the Hungarian Helsinki Committee, a human rights NGO, and operates in parts of CEE and the FSU. Supplementing its support from UNHCR, LARC receives funding from SFN (in keeping with its overall assistance for CLE) and other donors. It has collaborated with the Justice Initiative and PILI in a number of ways, including convening a regional workshop on refugee rights. A central thrust is to build the legal knowledge and skills of attorneys, professors, and students who represent and advise refugees. Some LARC-assisted clinics also arrange student internships with relevant agencies, which further serves to build both their capacities and contacts that can influence career directions. For example, the students at the University of Bialystok clinic's refugee section rotate through internships at the Polish Helsinki Committee, the Ombudsman's office, and UNHCR's Warsaw mission.

There are initial indications that students continue this public service work after finishing their clinical stints. Data compiled by LARC indicate that nearly 100 students involved with UNHCR-supported asylum clinics across the region have remained engaged with the field after their clinical assignments ended.⁹ At this early stage, such findings simply may mean that they continue to work with asylum applicants and/or clinics while still students. But at least a few already have secured positions with NGOs, UNHCR or, as in Poland, the Batory Foundation, which is part of the SFN network.

LARC pursues an evolving range of additional activities. These include gender sensitivity training for lawyers working for refugee law clinics, a regular newsletter to update clinics on LARC activities and developments in the field, the production of a

⁹ LARC, "Refugee Law Clinic Graduates Working in the Asylum Field," Aug. 1, 2002.

compilation of materials that can serve as the basis of an international refugee law course, consultancy services that assist partner law clinics with fundraising, and support for the clinics' development of refugee law libraries.

The Roles of Legal Services and Human Rights NGOs

The discussion so far has focused on clinical legal education, but there are other important vehicles through which law students and young lawyers become engaged in public service. The leading examples of such vehicles are legal services and human rights NGOs that partner with disadvantaged populations in numerous countries across the globe, particularly NGOs that provide legal services to those populations.

The Philippines offers a broad range of relevant experience and impact reaching back to the 1980's. The Ateneo de Manila College of Law's Human Rights Center (AHRC) operates as both a public interest law NGO and a multi-faceted clinical program. In addition to "conventional" CLE, it also exposes students to the legal situations of disadvantaged communities by dispatching them to live in such communities during summer breaks. Its NGO operations involve students in research and assistance pertaining to the Center's national and international efforts, mainly concerning social and economic rights.

The nation's other leading law school, at the University of the Philippines (UP), features a legal aid center; other units that offer students practical experience in public service; a Law and Society Program (founded by a legal services NGO leader who also teaches law at UP) that incorporates a semester of course work on developmental, feminist, and public interest law, followed by a summer-long internship placement; and an independent, student-run University of the Philippines Paralegal Volunteer Organization (UPPVO) that enables its members to train disadvantaged communities regarding the law and in turn to learn about their legal problems and overall situations. At least some aspects of these programs derive funding from the law schools' own resources, with UPPVO being completely self-sustaining.

In addition to assisting the development of similar initiatives at other Philippine universities, the two law schools' programs have played pivotal roles in fortifying what could be considered the nation's public interest bar. They provided the first public service experience to many students who have gone on to lead and staff many of the NGOs constituting the Alternative Law Groups (ALGs) network. Often collaborating with other NGOs and with "people's organizations"¹⁰ comprising the populations they serve, the ALGs practice "development lawyering" by assisting those disadvantaged populations (typically on a group rather than individual basis), strengthening their legal and organizational capacities, and helping to advance their policy agendas. (The AHRC is a leading member of the network.) Over the past decade, the ALGs have contributed to most Philippine law reforms and dozens of regulations concerning the status of women,

¹⁰ While the term "people's organizations" is employed in the Philippines, the common name for such groups in most other countries is "community-based organizations."

agrarian reform, urban residents, street vendors, indigenous peoples, and other disadvantaged populations.

Some ALGs utilize law students as part-time employees or interns. In addition to expanding students' horizons and filling organizational needs, these arrangements allow both parties to assess whether the students should seek post-graduation employment with the NGOs.

Clinical programs at leading Bangladesh universities similarly provide students with internships or other links to NGOs. As in the Philippines, this sometimes leads to post-graduation employment of the students by these organizations. A Dhaka Law Faculty program is exposing top law students from across the country to the lives of the poor, development issues, and NGO work, as well as producing publications based on the students' field research. At least one program in Argentina is taking a related approach. As Dean Martin Bohmer of that country's University of Palermo Law School notes, "the economic crisis in Argentina put us in a new situation where [the school's clinical program] could not just do public interest litigation, for we could not assume that the bankrupt state could respond to [the court decisions]...so we need to work with grassroots and poverty organizations in additional ways" that include paralegals and basing legal services lawyers in poor neighborhoods.¹¹

Some NGOs organize their own internship programs that provide applicants with opportunities to gain practical experience in public service. Certain branches of Indonesia's national legal services NGO, Lembaga Bantuan Hukum (LBH), employ this staff recruitment/training device for law students and young lawyers. All who wish to join these branches' staffs must participate in an initial program for a few weeks. As with the AHRC in the Philippines, this includes living with a disadvantaged community in order to learn about its situation. If still interested, the interns then must volunteer to work with LBH for six to twelve months. Only after passing through these two stages are they eligible for possible employment.

The Russian human rights NGO Sutyajnik extensively utilizes law students and interns in its litigation and training programs. They become integral parts of its operations, learn about human rights issues, and develop the skills and orientation necessary to continue working on those issues even after leaving Sutyajnik.

The various branches of the Legal Resources Centre (LRC), South Africa's premier public interest law NGO, have taken in an estimated 500 or more interns since its founding in 1980, under at least three different rubrics. Many have been "candidate attorneys," law school graduates who require practical experience in order to be certified for admission to the bar. LRC has hosted mainly black and female law graduates through this program, thus helping to diversify the legal profession. On an ad hoc basis, the organization also has provided internships to visiting law students and young lawyers from Western countries, mainly the United States and Canada.

¹¹ Telephone interview with the author, July 15, 2003.

The third type of LRC internship offers NGO lawyers and paralegals from sub-Saharan Africa, and particularly southern Africa, opportunities to contribute to and learn from the organization's work. As with so much in development, not all initiatives that prove productive in one context can be adapted to another. Still, this international LRC program provides a potential model for other parts of the world, where a more experienced legal services NGO could assist in the development of like-minded groups from elsewhere in its region.

Finally, student NGOs can play pivotal, proactive roles in engaging law students in public service. The contributions of UPPVO in the Philippines have already been noted. In the Czech Republic and Bangladesh, student groups have indirectly helped get CLE programs off the ground. At the University of Nairobi, the Students' Association for Legal Aid and Research organizes a popular but currently non-credited clinical program.

The Roles of International NGOs

As already suggested in discussing the experience of the Justice Initiative, PILI, and LARC, a wide array of international NGOs—meant here to simply include those NGOs that have multi-country operations—are involved in an even wider spread of activities that engage law students and young lawyers in public service. For instance, COLPI and the Justice Initiative have supported two-year fellowships through which young attorneys from CEE, the FSU, and Mongolia have spent a semester at American University's Washington College of Law and (through a PILI program) at Columbia Law; a semester interning at a U.S. public interest law organization; and a year in their home countries, working for the public interest groups that nominated them for the fellowships. The Justice Initiative conducts or supports similar fellowships and internships elsewhere, including at the Central European University (in Budapest) for attorneys from various regions and at Brazil's Sao Paolo University for applicants from Angola and Mozambique.

The experience of the Washington-based Center for International Environmental Law (CIEL) further illustrates the multifaceted ways in which international NGOs are, as CIEL sometimes puts it, "growing the pool" of public interest lawyers and law students, particularly those engaged in environmental and human rights activities. Drawing on funding from the Ford Foundation and other donors, it supports in-country internships for law students in numerous developing nations to work with public interest NGOs and to conduct rural research. It also provides technical assistance to partner NGOs as they draft and review laws and regulations pertaining to natural resources management. CIEL further draws on its knowledge of the field to advise and provide resources for young lawyers to launch new NGOs committed to environmental protection and justice, as well as to facilitate research and South-South exchanges among existing groups.

CIEL, PILI, the Justice Initiative, and LARC represent only a fraction of the community of international NGOs engaged in building up progressive legal professions across the globe. But that large community of groups faces an even larger collection of

obstacles to progress on human rights and development. As is the case with CLE programs and legal services NGOs, the capacity of international NGOs to overcome those obstacles substantially hinges on the pool of resources available to them.

III. Lessons and Suggestions

Impact on Poverty Alleviation and Other Development Goals

While CLE-related efforts contribute to public interest law, human rights, and access to justice, they also should be seen as fundamental elements of efforts to more broadly integrate law and development. As suggested by the research cited at the outset of this paper, in many contexts they help advance poverty alleviation, good governance, and other development goals. For example, various initiatives involving law students have helped build the Philippines' Alternative Law Groups by training the eventual staff and leadership of those legal services NGOs. Operating on both grassroots and policy levels, the ALGs have in turn made a mark on the economic wellbeing, participation in governance, and power of the poor in that country through their work on gender, natural resources, agrarian reform, and many other issues. Thus, the ALGs and the law student engagement that spawned and fuels them are as much about poverty alleviation as about the law.

Similarly, when law students in Azerbaijan help otherwise unrepresented women gain access to justice, they also help them gain access to resources and empowerment. When South African clinical programs provide direct services to the poor, partner with paralegal networks, and reform national legal aid policy, they contribute to a cascade of impact concerning land, gender, jobs, housing, and other issues that lawyers may view in legal terms but that the poor see in terms of improving their lives. They also complement and provide personnel to staff legal services NGOs such as LRC as these organizations addresses a host of South African justice and development issues. And when the Justice Initiative, PILI, and CIEL contribute to the size and skills of the global pool of young attorneys engaged in human rights and development work, they trigger a ripple effect of positive impact on poverty alleviation and other development goals.

The actual and potential contributions of CLE-related efforts hold a number of implications for donors and other development institutions. These programs can and should be the focus of projects supported under the rubric of the rule of law. But they also should attract aid from other parts of the development and human rights communities. Just as UNHCR has helped launch refugee law clinics at numerous law schools, other sector-specific institutions should consider supporting sector-specific CLE and related efforts—concerning gender, children's rights, or the environment, for instance. By engaging law students and young lawyers in such sectoral work, law school and NGO programs can help advance various development agendas above and beyond the rule of law.

Capacity-building and Core Support

Most of the efforts discussed in this paper face the same challenges as many development initiatives. These include planning, management, operational effectiveness, and fundraising. As the Justice Initiative, PILI, and other organizations have done for CLE programs and as CIEL has done for its NGO partners, these challenges can best be addressed through such capacity-building efforts as training, advice, and cross-program exchanges (increasingly on an in-country and regional level, particularly as local expertise expands).

At the same time, donors should not sacrifice core funding for these programs and NGOs on the altar of simply supporting capacity-building: For the short and medium terms, many grantees will require that core costs such as salaries and office expenses be covered by external aid. Though there are notable exceptions to the rule, institutionalizing financial support for CLE within financially strapped law schools will be a slow and incomplete process.

One mundane but valuable mechanism for both building capacities and generating funding is for law schools and NGOs to track and report on the impact of the legal services they provide. As Professor (and clinical specialist) Leah Wortham of Washington's Catholic University Law School observes, "People tend to do what they're asked to report on."¹² This record-keeping and analysis should focus on both short-term and long-term benefits from that work, whether framed in terms of access to justice, expanding the legal profession's public interest orientation, poverty alleviation, or other goals. For instance, CLE reporting should concern not just what the clinical programs themselves directly do, but what their graduates do with their careers. A central reason for this record-keeping and reporting lies in Wortham's advice: Such reporting will encourage work toward these objectives. But it also will help donor and grantee alike assess impact and learn from their experiences.

Sustained, Cost-effective Commitment

Professor Richard Wilson (of the Washington College of Law International Human Rights Clinic) has written that clinical legal education "is a relatively recent innovation in the slowly evolving reform of legal education in the United States, having come into its own in the wake of the social movements of the 1960s."¹³ The observation is salient because of Wilson's time frame: a "relatively new innovation" is well over three decades old. Even in a society as affluent as the United States, and even with generous foundation support at a time when the related field of legal services was generating large private and public funding, CLE took years to gain institutional footholds. It remains a relatively new development in the American legal landscape.

Against this backdrop, not to mention the necessity of adopting a long-term perspective in any international development endeavor, it is advisable for donors, law

¹² Interview with the author, in Washington, D.C., April 23, 2002.

¹³ Richard J. Wilson, "Three Law School Clinics in Chile, 1970-2000: Innovation, Resistance and Conformity in the Global South," 8 *Clinical Law Review* 515 (2002), 516.

schools, and NGOs to be patient with programs that seek to engage law students and young lawyers in public interest law, human rights, and development. This is not to assert that decades of funding and struggle are necessary to show results. But it can take a few years to even begin to plant new ideas and programs in place, and some levels of ongoing effort and support to sustain them.

For law schools, the investment in CLE can prove beneficial because it can help attract high-quality applicants, improve the quality of legal education, and contribute better-trained graduates undertaking legal work and public service. For donors, the investment takes on added value when seen in the crucial context of relative expense: Supporting the law school and NGO programs discussed here consumes just a small fraction of the cost of major donor projects designed to improve the performance of judiciaries and other state legal institutions.

Finally, donors and funding recipients alike should consider creative options for sustaining CLE-related efforts in a cost-effective manner. The Justice Initiative is exploring the potential for pro bono services and supervision by attorneys in private practice to stretch CLE programs' limited resources. Establishing funds for CLE as the Ford Foundation did in South Africa and as the Legal Clinics Foundation is seeking to do in Poland also can sustain this work. And by providing support that builds law schools' and NGOs' fundraising capacities and contacts, a donor can help programs survive and thrive long after its own funding has ended.

Glossary

ABA-CEELI: American Bar Association Central and Eastern European Law Initiative

AHRC: Ateneo de Manila College of Law's Human Rights Center, located in the Philippines

ALGs: Alternative Law Groups, a network of Philippine legal services NGOs

AULAI: (South African) Association of University Legal Aid Institutions

CEE: Central and Eastern Europe

CIEL: Center for International Environmental Law

CLE: clinical legal education

COLPI: Constitutional and Legal Policy Institute, precursor institution to the Justice Initiative

LARC: Legal Assistance through Refugee Clinics

LBH: Lembaga Bantuan Hukum, an Indonesia legal services NGO

LRC: Legal Resources Center, a South African legal services NGO

NGO: nongovernmental organization

PILI: Public Interest Law Initiative, affiliated with Columbia Law School

FSU: former Soviet Union

SFN: Soros foundations network, which includes JI, the New York City-based Open Society Institute and national foundations in numerous countries

UNHCR: United Nations High Commissioner for Refugees

UP: University of the Philippines

UPPVO: University of the Philippines Paralegal Volunteer Organization