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# The Relationship Between Social Justice and Clinical Legal Education: A Case Study of The Women's Law Clinic, Faculty of Law, University of Ibadan, Nigeria

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## SHORT BIOGRAPHICAL STATEMENT

I am the Clinic Administrator of the Women's Law Clinic, Faculty of Law, University of Ibadan, Nigeria. I ensure the effective running of the clinic on a daily basis. I supervise law students and ensure that the clinicians and students are working as a team. I have a special interest for women and children issues. I received both my Bachelor of Laws (with honors) and Masters of Laws from the University of Ibadan, Nigeria. I am a member of the Nigerian Bar Association and the International Federation of Women Lawyers (FIDA).

## I INTRODUCTION

There is a vital connection between legal education, public interest and social justice because lawyers use their education for the benefit of the society. They render their services to those who are unable to afford legal services and in addition, challenge injustice under the justice system. Law students are trained by utilizing the techniques of clinical legal education and they are imbued with a social and professional responsibility to pursue social justice in society.

Much of the literature which propounds clinical methodologies in legal education implicitly understands that exposure to a social justice mission within a guided practice setting provides students not only with a key linkage between their legal education and their practice competence, but also with the intellectual foundation for a long-term engagement with the advancement of social justice.<sup>1</sup>

The proponents of a social justice dimension and clinical legal education often refer to the “dual goals of hands-on-training in lawyering skills and provision of access to justice for traditionally unrepresented clients”.<sup>2</sup>

This paper seeks to explore the relationship between clinical legal education and social justice using the Women’s Law Clinic in the University of Ibadan, Nigeria as an illustration.

## II BACKGROUND ON CLINICAL LEGAL EDUCATION IN NIGERIA

The Network of University Legal Aid Institutions (NULAI) is a nonprofit, non-political and nongovernmental organization promoting clinical legal education, reform of legal education, access to justice and legal aid in Nigeria. NULAI Nigeria was established on 16th October 2003. It pioneered the introduction and development of clinical legal education in Nigeria and currently coordinates all existing law clinics.<sup>3</sup>

Clinical legal education is the strategic approach adopted by NULAI through legal empowerment and public legal education to bridge the gap of gross human rights neglect and violations resulting from ineffective legal aid systems and criminal justice administration; lack of pro-bono culture amongst lawyers; exclusion of the rural population from access to justice and social justice; poverty; and challenges of geographical location of communities.<sup>4</sup>

Prior to clinical legal education, law was taught to students via lectures and lecture notes without applying much of practical skills as they lacked the ability to analyse, interpret and apply theoretical knowledge to practical cases. This was reiterated by Justice Warren Burger when he stated that “the shortcomings of today’s law graduate lies not in a decent knowledge of law but that he has

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- 1 Voyvodic, R. and Medcalf, M. “Advancing Social Justice Through an Interdisciplinary Approach to Clinical Legal Education: The Case of Legal Assistance of Windsor” *Washington University Journal of Law and Policy*. [Vol. 14:101] Retrieved through <http://www.papers.ssrn.com/sol3/Delivery.cfm%3...> on June 2012
  - 2 Barry, M., Dubin, J.C. and Joy, P.A. (2000) *Clinical Education for this Millennium: The Third Wave*, (reprint from) *7 Clinical Law Review*, Volume 1, 69-70. The dual goals of Clinical Legal education are two-fold. Students are taught professional and ethical values while at the same time learn professional responsibilities and the need to pursue justice and fairness in resolving client problems.
  - 3 NULAI Nigeria 2010 Activities Report & Strategy Paper. Retrieved through <http://www.nulai.org/index.php%3Foption%3Dcom...> On May 2012
  - 4 NULAI Nigeria 2010 Activities Report & Strategy Paper. Retrieved through <http://www.nulai.org/index.php%3Foption%3Dcom...> On May 2012
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little, if any, training in dealing with facts or people- the stuff of which cases are really made.<sup>5</sup>

The law faculties had functioned strictly on the traditional way of teaching<sup>6</sup> and they continued to function with a strict and conservative attitude towards the training program<sup>7</sup> and were seen as institutions where theories of Law were taught without imparting practical skills through the five year LL.B program.<sup>8</sup> The absence of these practical skills was reflected in the quality of lawyers produced by law faculties. The only semblance of practical training to which the Nigeria law student was exposed was at the Nigerian Law School. In the Nigerian Law School, a lot of skills subjects were taught in theory only without exposing the students to practical training.

NULAI therefore devised that CLE should not only be taught in the Nigerian Law School but the training should start from the Universities.<sup>9</sup> These Nigerian faculties of law, University based law clinics are non-profit organizations that allow law students under the supervision of qualified lawyers to provide free legal services and access to justice for the under privileged, deprived and neglected members in the different communities.<sup>10</sup> A law clinic can be said to be an educative center where students are exposed to the socio-economic injustices in a society which should be viewed as a learning environment where students identify, research and apply knowledge; where they take on cases and conduct them as they would be conducted by actual lawyers.<sup>11</sup> Law clinics promote social justice and thereby, foster systematic change.<sup>12</sup> It can also be defined as offices staffed by law students under the supervision of qualified lawyers who provide free legal services to indigent members of the community ( that is, they deal with live clients with real life problems).<sup>13</sup> Law clinics in Nigeria serve as a medium for students to appreciate the social perspective of legal practice.

However, with the addition to the establishment of University-based law clinics, the current Nigerian law school curriculum has changed significantly and introduced clinical legal education into its syllabus.<sup>14</sup> Exposure to live cases and practical situations through law clinics and the one year program at the Nigerian Law School give students opportunities to experience the realities

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5 Burger, W. (1973) The Special Skills of Advocacy: Are Specialized Training and Certification of advocates essential to our System of Justice 42 FORD. L. REV. 227, 232 . Law students should be trained while in the University so that they will start acquiring practical skills before they go to Law School.

6 This meant that there was no form of interaction between the teacher and the students. The teacher would come to the class; dictate notes without educating the students on practical skills.

7 Network of University Legal Aid Institutions (NULAI), Training Manual on Clinical Legal Education Teacher Training Workshop for Law Teachers, University of Ibadan. 26th-27th February, 2010. Pg.5

8 Clinical legal education curriculum for Nigerian Universities' Law faculties/Clinics Retrieved through <http://www.nulai.org/index.php%3Foption%3Dcom> on June 2012

9 CLINICAL LEGAL EDUCATION Curriculum for Nigerian Universities. Retrieved through <http://www.nulai.org/index.php%3Foption%3Dcom> on May 2012

10 This will depend on the location of the clinics

11 Richard L., "Clinical Legal Education Revisited" Professor of Law, Cardiff University, Wales, United Kingdom, Pg.5 Available at <http://www.law.cf.ac.uk/research/pubs/repository/21> last visited on May, 2012 A Law clinic best defines this situation where students learn when they come into contact with clients especially indigent people. They will then be able to put into practice what they learn from the classrooms in the clinic.

12 Voyvodic, R. & Medcalf, M. (2004) Advancing Social Justice Through an Interdisciplinary Approach to Clinical Legal Education: The case of Legal Assistance in Windsor, 14 WASH. U. J.L. & POL'Y 101, 103

13 McQuoid, DJ. (1986) The Organization, Administration and Funding of Legal Aid Clinics in South Africa, 1 NUI 189-193

14 Ibid.

of legal practice and understand the context in which laws develop and how the legal system can improve.

There are presently, fourteen established Law Clinics in Nigeria.<sup>15</sup>

Clinical Legal Education is in the midst of an exciting period of growth and development, prompting clinicians around the world to reflect on what clinical legal education's remarkable successes over the past 40 years mean for the future.<sup>16</sup>

It is an emerging trend in Nigeria which has been embraced by law teachers and students. It has impacted significantly on the knowledge of law and the acquisition of practical skills by law students.<sup>17</sup> The final year students of the Faculty of Law Women's Law Clinic learn most effectively by participating in their own education when they come into contact with clients.<sup>18</sup>

Legal education in Nigeria operates under curriculum and regulations set by the Council of Legal Education and the National Universities Commission. The students admitted after secondary school education go through a five-year program in the University. The candidates with Bachelor's degrees in other disciplines and with G.C.E. Advanced level or equivalent are admitted to a four year degree program in Law.

### III CONCEPTUAL CLARIFICATION

#### CLINICAL LEGAL EDUCATION

Clinical Legal Education can be defined as an educational program grounded in an interactive and reflective teaching methodology with the main aim of providing law students with practical knowledge, skills, and values... Clinical legal education is a dynamic style of learning also described as "experiential learning" or "learning by doing." If done within a law school, a clinical program may be based on real or hypothetical cases. There are also "simulation" clinics – focused on role-playing and simulating real life situations.<sup>19</sup>

CLE is essentially a multi-discipline, multipurpose education which can develop human resources and idealism needed to strengthen the legal system... a lawyer, a product of such education, would be able to contribute to national development and social change in a much more constructive manner.<sup>20</sup>

Clinical legal education can also be the use of any kind of practical or active training for legal

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15 Ibid. For more information, see [www.nulai.org](http://www.nulai.org)

16 Wizner, S. (2002), "The Law School Clinic: Legal Education in the Interests of Justice, Faculty Scholarship Series. Paper 1843. Retrieved through <http://www.digitalcomms.law.yale.edu/cgi/vie> on June 2012

17 Clinical legal education curriculum for Nigerian Universities' Law faculties/Clinics Retrieved through <http://www.nulai.org/index.php%3Foption%3Dcom> on June 2012

18 Quigley, W.P. (1995) Introduction to *Clinical Teaching for the New Clinical Law Professor: A view from the First Floor*, 28 AKRON L. REV. 463, 475

19 Ateneo Human Rights Center And Open Justice Initiative, Training Manual Of First Southeast Asian Clinical Legal Education Teachers' Training January 30 – February 3, 2007 Manila, Philippines, p. 23

20 Kaur, K. "Legal Education and Social Transformation" available at <http://alsonline.amity.edu/Docs/alwjlegkk.pdf> on June 2010

professionals to impart such skills as the ability to solve legal problems through the use of various dispute resolution mechanisms providing legal representation, the recognition and resolution of ethical dilemmas, promoting justice, fairness and morality.<sup>21</sup>

From the above definitions, clinical legal education has essential characteristics which are included in many clinical programs: Firstly, they are linked to a law school; secondly, there are real facts involving real people and thirdly, students are exposed to practical aspects of the legal profession while working in a law clinic under the supervision of clinic supervisors.

## **SOCIAL JUSTICE**

Social justice as it is would depend on a variety of factors, be it social, economic or political. It can be defined as the fair distribution of health, housing, welfare, education and legal resources on an affirmative action basis to disadvantaged members of the community.<sup>22</sup> It conforms to the natural law that all persons, irrespective of ethnic origin, gender, race or religion are to be treated equally and without prejudice.<sup>23</sup>

Social Justice through access to justice is aimed at educating the neglected members of a community while addressing their legal problems. The social justice dimension is used by clinical law teachers to teach students on how to educate clients on their rights. The focus on social justice is important “not only because of its effect upon clients but also because of its effect upon students.”<sup>24</sup> What clinical legal education does is to take students out of their comfort zone and put them in a place where they are not familiar and which inevitably, enables them to interact with indigenous people. It emphasizes that everyone deserves equal opportunities; economically, politically and socially and it works on the universal principles that guide people in knowing what is right and what is wrong.<sup>25</sup>

## **IV RELATIONSHIP BETWEEN SOCIAL JUSTICE AND CLINICAL LEGAL EDUCATION**

The central goal of clinical legal education has been to provide professional education in the interest of justice. Its objective has been to teach students to employ legal knowledge, legal theory, and legal skills to meet individual and social needs. The end result is that it instills in students a professional obligation to perform public service; and to challenge tendencies in the students toward opportunism and social irresponsibility.<sup>26</sup> It therefore teaches students how to learn from

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21 Wilson, R.J. (1996) “Clinical Legal education as a means to improve Access to Justice in Developing and Newly Democratic Countries; (A Paper Presented at the Human Rights Seminar of the Human Rights Institute International Bar Association, Berlin)

22 Cf AM Honore “Social Justice” in R Summers(ed) *Essays in Legal Philosophy* (1968) 68; PN Bhagwati “Human Rights as Evolved by the Jurisprudence of the Supreme Court of India” 1987 *Commonwealth Legal Bulletin* 236.

23 What is Social Justice? Retrieved through [www.businessdictionary.com/definition](http://www.businessdictionary.com/definition) on June 2012

24 Guggenheim, M. (1995), *Fee Generating Clinics: Can We Bear the Costs?* 1 *Clin. L. Rev.* 677, 683

25 Social Justice Definition: Retrieved through [www.socialjusticedefinition.com](http://www.socialjusticedefinition.com) on June 2012

26 Duncan, K. (1970) *How the Law School Fails: A Polemic*, 1 *Yale Rev. L & Soc. Action* 71, 80.

experience,<sup>27</sup> enabling them to combine the theoretical and practical aspects of law and expose them to social justice issues.

Social Justice and clinical legal education exposes students not only to lawyering skills but also to the essential values of the legal profession and the provision of competent representation; promotion of justice, fairness, and morality; continuing improvement of the profession; and professional self-development.<sup>28</sup>

Clinical programmes have Social Justice as their objective. Through social justice, students experience first-hand how people outside of their community live. It emphasizes societal concerns, including issues of equity, self determination, interdependence, and social responsibility.<sup>29</sup> Clinical law teachers have a responsibility to teach students about their social and professional responsibilities, the lack of access to justice and the perpetuation of social inequality.<sup>30</sup> Clinicians must therefore maintain their professional responsibility to clients once representation commences.<sup>31</sup> Clinical law teachers have the moral responsibility of making these students commit to social justice. They should engage with students on a deeper level by teaching beyond skills training.<sup>32</sup> Apart from the acquisition of practical skills, law teachers should not only expose students to the inequality of resources in a society, but should also inculcate in them a sense of their own ability and responsibility for using law to challenge injustice by assisting the poor and the powerless.<sup>33</sup>

Clinics are client-centered and are all about building and sustaining relationships within these communities. They foster in students community lawyering. Clinical legal education gives a window of opportunity to students by getting them out of the classroom into the real world of law, from which they return to a deeper understanding of how legal doctrine and legal theory actually works -or does not work<sup>34</sup> and therefore, instilling in them the value and duty of public service.<sup>35</sup>

In other words, it empowers students and thereby empowers clients because the knowledge and experience gained by the students are put into practical use from their undergraduate days through to their years in actual practice after Call to Bar.

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27 Kreiling, K.R. (1981) Clinical Education and Lawyer Competency: The Process of Learning to Learn from Experience through Properly Structured Clinical Supervision, 40 Md. L. Rev. 284

28 The American Bar Association Section on Legal Education and Admissions to the Bar, Legal Education and Professional Development-An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap 207-21 (1992). This ABA report is known as the MacCrate Report in recognition of Robert MacCrate, Chair of the Task Force that produced the report. See also What is Social Justice? Retrieved through [www.wisegeek.com/what-is-social-justice.html](http://www.wisegeek.com/what-is-social-justice.html) on June 2012

29 Bell, L. A. (1997). Theoretical foundations for social justice education. In M. Adams, L. A. Bell, & P. Griffin (Eds.), *Teaching for diversity and social justice: A sourcebook* (pp. 3-15). New York: Routledge.

30 Wizner, S. (2002), "The Law School Clinic: Legal education in the Interests of Justice". Faculty Scholarship Series Paper 1843. Retrieved through [http://digitalcommons.law.yale.edu/fss\\_papers/1843](http://digitalcommons.law.yale.edu/fss_papers/1843) on April 2012

31 Chavkin D.F. (1998) "Am I My Client's Lawyer?: Role and Definition and the Clinical Supervisor, 51 SMU L. Rev. 1507, 1513

32 Wizner, S. Ibid.

33 Aiken, J.H. (1997), Striving to Teach "Justice, Fairness and Morality", 4 CLIN. L. REV. 1, 6 n. 10

34 Pincus, W. (2001) *Concepts of Justice and of Legal Education Today*, in *Clinical Education for Law Students* 125, 131 (1980).

35 See Wizner, S. (2001) *Beyond Skills Training*, 7 Clinical L. Rev. 327, 329

Stephen Wizner, stated that, "It was not enough to simply provide students the opportunity to experience the real world through the representation of low-income clients but to also sensitize the students as to what they were seeing, to guide them to a deeper understanding of their client's lives..., and to help students develop a critical consciousness imbued with a concern for social justice".<sup>36</sup>

Through clinical legal education programmes, students develop a personal commitment to supporting the rule of law, human rights, and social justice.<sup>37</sup> They realize how important legal representation is to the resolution of the client's problems, thereby making the student conscious of her responsibility not only to the client<sup>38</sup> but also to the surrounding communities. The most important aspect of their exposure is that they learn to develop and apply legal theory through the actual representation of clients.<sup>39</sup>

Clinical programs therefore, offer students "a practical vision of law as an instrument of social justice," and provide students an opportunity "to have social impact and create new and better laws"<sup>40</sup> and enabling students understand how effective the legal system is.<sup>41</sup>

This is achieved by helping students develop the skill of self-reflection. A process described by Donald Schon as 'reflective practice' or 'reflection in action'.<sup>42</sup> These skills allow lawyers and law students to solve problems when faced with real life problems.<sup>43</sup>

According to Buckley,<sup>44</sup> the process of encouraging students to embrace a commitment to social justice in their future professional work is by maintaining that education infused with social justice and humanitarianism should produce a student who is characterized by three qualities. The first quality is an affective dimension of social justice: the student should have sensitivity to injustice and innocent suffering in the world. Typically, an examination of injustice is what yields this sensitivity. This awareness, however, is not sufficient to ensure the transformation process. Many students are aware of injustice and only pity those who suffer as a result. The second quality is an intellectual dimension of justice: the student should know the causes/conditions that cause and perpetuate human suffering by understanding theories of oppression and liberation. This is by having direct contact with live clients. This understanding is critical to motivating the student

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36 Wizner, S. (2001), *Beyond Skills Training*, 7 Clin. L. Rev. 327, 338-39

37 A Handbook of the Open Society Justice Initiative, Legal Clinics: Serving People, Improving Justice

38 Wizner, S. (2002), "The Law School Clinic: Legal education in the Interests of Justice". Faculty Scholarship Series. Paper 1843. Retrieved through [http://digitalcommons.law.yale.edu/fss\\_papers/1843](http://digitalcommons.law.yale.edu/fss_papers/1843)

39 40 Wizner, S. (2002), "The Law School Clinic: Legal education in the Interests of Justice". Faculty Scholarship Series. Paper 1843. Retrieved through [http://digitalcommons.law.yale.edu/fss\\_papers/1843](http://digitalcommons.law.yale.edu/fss_papers/1843)

40 Askin, F.(1999) A Law School Where Students Don't Just Learn the Law: They Help Make the Law, 51 RUTGERS L. REV. 855

41 The Law Clinics help the students to gain a good knowledge of Law. Clinical legal education enables the students on how the Law works in action. See Clinical Legal Education- An Overview, available at [www.lawyersclubindia.com](http://www.lawyersclubindia.com) on 05/06/2012

42 Schon, D.A. (1987) Educating the Reflective Practitioner 31-36

43 For more, See Menkel-Meadow, C. (1994). Narrowing the Gap by Narrowing the Field: What's Missing From the MacCrate Report-Of Skills, Legal Science and Being a Human Being, 69 Wash. L. Rev. 593, 600

44 Buckley, M. J. (1998). *The Catholic University as promise and project: Reflections in a Jesuit idiom*. Washington, DC: Georgetown University Press.

to engage in work that tries to change these conditions.<sup>45</sup> The third quality is the pragmatic or volitional dimension of justice: the student must learn tools and skills that will allow him or her to effectively intervene and, in doing so, contribute to a vision of social justice.

## V BENEFITS OF CLINICAL LEGAL EDUCATION

The benefits of clinical legal education are numerous. Students learn by doing or experiential learning<sup>46</sup> it gives students the opportunity to explain why they are taking certain steps, this enables them to discuss and reconsider their actions.<sup>47</sup> Clinical programs are meant to teach lawyering skills, ethical and professional values, and to introduce students to the legal profession under the guidance and supervision of clinical law teachers.<sup>48</sup>

It can promote involvement with the indigenous community: the greatest contribution of clinical legal education is to ensuring access to justice for those who would otherwise have none.<sup>49</sup> This the students achieve by their exposure to and interaction with the indigenous people in that particular community.

The clinical method enables students to confront challenges, solve legal problems of clients and change their perspective or outlook on the rule of law. Involving law students in legal services projects would give the students a deep appreciation of the importance of law clinics.

Clinics provide students with the opportunity to integrate, in an actual practice setting, all of the fundamental lawyering skills. Students sharpen their understanding of professional responsibility and deepen their appreciation for their own values as well as those of the profession as a whole.<sup>50</sup>

Whether actual or suppositional, real life or by simulations or/and by placement, the features of clinical legal education have been summarized by various researchers<sup>51</sup> to include: a transition from theoretical teaching to practice; changing students' mode of thinking; interactive teaching method that allow students and teachers to discuss freely; diversity of teaching places; unique evaluation method based on teaching objectives<sup>52</sup>; opportunity to apply knowledge; calls for reflection and self examination; embracing a skill based approach, allowing more issues to be

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45 For more information, see Goodman, D. (2001). *Promoting diversity and social justice: Educating people from privileged groups*. Thousand Oaks, CA: Sage.

46 Madhava Menon, N.R. (1998), "Clinical Legal Education", Chapter 2, Pg.25, Eastern Book Company Lucknow

47 See Richard L., "Clinical Legal Education Revisited" Professor of Law, Cardiff University, Wales, United Kingdom, Pg.5 Available at <http://www.law.cf.ac.uk/research/pubs/repository/21> last visited on May 2012

48 See Richard A. P., (1995) Overcoming Law 82 not sure what this number refers to? Retrieved from <http://scholarship.law.marquette.edu/cgi/v...> on February 2012

49 See Charn, J. (2003) *Service and Learning: Reflections on Three Decades of the Lawyering Process at Harvard Law School*, 10 Clinical L. Rev. 75, 77-78 (2003); Howard, J. (1995) *Learning to "Think Like a Lawyer" Through Experience*, 2 Clinical L. Rev. 167, 176

50 A.B.A. TASK FORCE ON LAW SCHOOLS AND THE PROFESSION, *supra* note 33, at 238.

51 See Richard L., footnote 11 above and Shuyun S., "On the Teaching Objectives and Special Features of Clinical Legal Education" in *Advanced Educational Technologies*; p.167-169. Retrieved through <http://www.wseas.us/./EDUTE-30.pdf>

52 Shuyun S., "On the Teaching Objectives and Special Features of Clinical Legal Education" in *Advanced Educational Technologies*; p.167-169. Retrieved through <http://www.wseas.us/./EDUTE-30.pdf>



debated openly; promoting students' motivation and experience; actual practice of lawyering skills such as interviewing, negotiating, and analyzing, drafting, listening advising and confronting ethical issues that arise in real cases.<sup>53</sup>

Clinical legal education is not only beneficial to students but also to clinical law teachers. It therefore encourages: strong interaction between teachers and students; development of theoretical knowledge in practice; significant amounts of feedback by both students and teachers which shows the level of knowledge gained by students from teachers.<sup>54</sup>

## VI LAW CLINICS IN NIGERIAN UNIVERSITIES

One of the failings in contemporary legal education is that all too many students graduate with a vast doctrinal base of knowledge sealed within a context that cannot be translated into practice.<sup>55</sup>

The driving force behind the establishment of law clinics in Nigeria was as a result of the Review Committee set up by the Council of Legal Education<sup>56</sup> which recommended that: "*the adoption of knowledge and skills based curricula and teaching process that enhanced the competence of lawyers in practice irrespective of area or place of practice...there were recommendations on the teaching methods advising the adoption of active, student centered techniques as against the traditional lecture type which is most inappropriate for a vocational school.*"<sup>57</sup> It stated that more interactive methods in teaching should be incorporated into the curricula of students.<sup>58</sup>

## VII THE WOMEN'S LAW CLINIC, UNIVERSITY OF IBADAN

The Women's Law Clinic was established on the 18th July, 2007. It is a specialized clinic for women and women-related issues. The establishment of the Women's Law Clinic (WLC) at the University of Ibadan was aimed at serving poor women with a focus on access to justice in Ibadan community and its environs. It provides (free legal aid) pro bono services for the community; its main focus being less advantaged women (who are financially indigent) and in addition, sees to the protection of women's rights. It encourages alternative dispute resolution mechanisms (besides litigation), that remedy wrongs and at the same time maintain the integrity and harmony of the community. This creates a win-win situation as students obtain practical legal skills and legal services are provided for the poor clients.

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53 Moscato, S. (2007) "Teaching Foundational Clinical Lawyering Skills To First-Year Students" *The Journal of the Legal Writing Institute*, Vol. 13, 11/26/2007

54 A Handbook on the Practical Forms of Education at the Faculty of Law of the Palacky University, Olomouc. A project financially supported by the European Social Fund and the state budget of the Czech Republic.

55 Mitchell, J.B.; Hollingsworth, Betsy R, Clark, P & Lidman, R. (1995) "And Then Suddenly Seattle University Was on its Way to a Parallel, Integrative Curriculum, 2 CLIN. L. Rev. 1,21

56 The Council of Legal Education is the body that governs legal education in Nigeria

57 Maman, T. (2009) Globalization of Legal Practice: The Challenges for Legal Education in Nigeria, Paper delivered at The 2nd Annual Business Luncheon of S.P.A. Ajibade and Co- Legal Practitioners, 19th November, 2009 pg.15. Retrieved from <http://www.spaajibade.com/admintoolnew/upl...> on June 2012

58 The Nigerian Law School has done this by changing the one year curricula

The clinic provides a legal platform for women, especially the poor, who have little or no access to justice as a result of social and cultural factors.

The objectives of the WLC are: to provide free legal services to less privileged (indigent) women in Ibadan and its environs; to train law students using the WLC in the practice of law by utilizing techniques of clinical legal education; to research and document the basic problems on women's access to justice; and to carry out intervention programmes in order to facilitate women's access to justice.

Clinical Legal Education in the Faculty of Law, University of Ibadan, Nigeria, is not taught as an independent course but it is integrated in Criminology, Public & International Law at the undergraduate level; and Comparative Family Law at the Postgraduate level. Students who work in the clinic are given a window into the real world of practice.<sup>59</sup> This is achieved by the students' involvement and interaction with clients on a daily basis.

The WLC teaches and guides students, helping them look at issues from diverse points of view by ensuring that they understand the legal process in the context of social policies and processes. Students are given a deeper and more meaningful understanding of the law, the legal profession and the process of becoming a lawyer.

The students' participation in the Clinic is a graded component for which they earn credit points under the supervision of staff clinicians/supervisors. They are involved in clinical activities from Monday to Friday. They work on rotational shifts from 10am till 12.30 pm. The second shift starts from 12.30 pm to 3pm. As part of their active involvement in the clinic, students are divided into groups comprising of four to five students in a group and each group comes up with a typed proposal to visit any community within Ibadan metropolis which they may want to visit. They go to these communities wearing their native attire so as to identify with the community members and they represent the WLC through short drama presentations, role-plays and jingles in market places or other places that has vast majority of indigent women. In their presentation, the students communicate by speaking in three different languages so that the women will understand the message they are trying to pass across.<sup>60</sup>

The aim of these outreaches is to create awareness about the clinic and state ways in which clinic activities can be tailored to meet the needs of these communities in Ibadan and to make legal rights available to all members of the community, both men and women, even as it focuses on educating women in particular.<sup>61</sup>

The skills acquired in the clinic by the students include client counseling, interviewing skills, drafting of legal letters, etc. The Postgraduate students are also graded for their involvement in the clinic. In their training, the WLC prompts students to recognize the role they must play in combatting the perpetuation of injustice. This is done when they come into contact with clients

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59 McQuoid Mason, DJ (1985) "Legal Aid Clinics in Social Service" in D.J. McQuoid Mason (Ed) *Legal Aid and Law Clinics in South Africa* 64

60 The languages are English, the native Yoruba language and Pidgin English. The reasons for the different languages are as a result of diverse cultural background of individuals. The WLC therefore, tries to identify with the women they come in contact with.

61 Each group educate the womenfolk on different areas of law pertaining to women. These issues are domestic violence, violations of human rights, widow hood relating to inheritance, tenancy/landlord issues, marital challenges.

who cannot get access to justice or do not know where to go to access justice.

Other Clinic activities include Community, Market, Hospital, Church and Secondary school based outreaches in which students visit on a regular basis.

In their interaction with clients, difficulties can arise when students are faced with complicated issues. In such a case, the staff clinician on duty is called in. For example, each student is assigned case files they work with in a semester and they interact with the clients on a time agreed by both the client and the student. However, there are instances when the client gets too hot to handle for the student or the student might need an input from the staff supervisor; in such cases, there is an urgent call for the staff supervisor.<sup>62</sup>

As part of the educational training processes of students, seminars and workshops are organized in the first or second semesters. The training is led by staff clinicians in the WLC. The WLC, in training students also seeks to inculcate in students ethical lawyering. There is strong emphasis on the ethics of the legal profession and the Clinic. As an illustration, when students come in contact with live clients, they are in the position where they take accountability for another fellow citizen.

The Clinic focuses on the use of interactive teaching methodology whilst at the same time, developing practice and practical skills such as interviewing, counseling and oral advocacy and placing emphasis on the ethical dimensions of legal practice.<sup>63</sup>

In settling disputes in the WLC, mediation and reconciliation techniques are used. The students are taught to use non-legal traditional methods to solve legal problems in the communities.

The past sets of Law Students, 2010/2011 Session, who took part in clinical work at the WLC and have attended Law School have reflected the advantageous effect of clinical legal education.<sup>64</sup> It changed their perceptions, attitudes, skills and sense of responsibilities that lawyers are expected to assume when they complete their professional education.<sup>65</sup>

As a result of the WLC sensitization drives, many cases have been referred to the clinic for legal counseling. For instance, the Juvenile Court<sup>66</sup> in Oyo State referred many rape cases involving minors to the WLC. The Clinic was able to assist through counseling and legal assistance.<sup>67</sup>

The women who come to the clinic are from different ethnic and socio-economic backgrounds. Cases that have come to the clinic include: rape, marital issues, sexual assault, domestic violence, trespass of land, etc. The WLC deals with cases such as: Family Law, Land Law, Landlord/Tenancy, or any other matter that relates to women. The majority of the issues that come for

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62 Such cases include marital issues or spousal differences that needs the intervention of an adult

63 At the beginning of each session, each student is given a case file. The counseling sessions in the clinic are very interactive. The students are very free in answering questions; the clients are interviewed by the students under the supervision of the staff supervisors.

64 The class representative for the above mentioned session was interviewed whilst in Law School. She was called on the phone and she stated that she benefitted immensely from the clinic especially in the area of client counseling. In addition, other students stated that they were able to come into contact with clients which they tremendously benefitted from.

65 Clinical Legal Education: Retrieved through [www.vmslaw.edu/UploadPages/Clinical](http://www.vmslaw.edu/UploadPages/Clinical) last visited on June 2012

66 The Juvenile Court is a Magistrate that deals with young offenders in Oyo State.

67 The clinic is a walk-in basis for clients. There are over one hundred cases in the clinic. From 2011 to 2012, several cases involving minors were referred to the clinic. The Clinic through its expertise was able to resolve these matters amicably.

determination in the WLC are marital cases.

The following are selected cases handled by the Women's Law Clinic.

## **Review of Selected Cases handled by the WLC**

### **WLC/CAS/145**

This case is about a woman who breeds pigs in her house. She requested legal assistance with regard to disturbance from her community members who had given her a notice to quit her private quarters due to the rearing of the pigs. The Clinic intervened and invited the community members and they all came. The community members were very particular about the pigs because it was polluting their environment. The community members requested a visit from the Clinic to the pig farm. The Clinic acquiesced, an undergraduate student and post graduate student visited the location in question but did not perceive the pollution complained about. A report was given to the Clinic by the students on their visit to the pig farm. The Clinic referred the case to FIDA (International Federation of Women Lawyers). The community members and our client were able to come to an agreement on the breeding of pigs.

### **WLC/CAS/041**

This was a case of domestic violence. The client came to the Clinic and informed the Clinic that she had been cohabiting with her partner. The client received a court summons and she was accompanied by a Postgraduate student. The presence of the student gave the client emotional support. The client and her partner have two children. The Clinic intervened and settled the matter amicably between the parties. The Postgraduate student was actively involved in this case.

### **WLC/CAS/167**

The client B requested the assistance of the Clinic with regard to her husband who had deserted her after the birth of their child. She came to the Clinic for legal assistance in securing her child's maintenance. The student clinician wrote a letter inviting the client's husband to the Clinic. He honored the invitation and he was interviewed and he stated his own side of the story. The student involved, upon her investigation, was able to get a real picture of the case. She was able to interpret and analyze the parties' relationship. The matter is still on-going.

### **WLC/CAS/154**

The client lodged a complaint against her husband's brother who came to her house and assaulted her in the presence of her husband. Her husband's brother had threatened her on several occasions to leave his brother's house. The Clinic sent letters of invitation to the client's husband and her brother-in-law. The parties were counseled by staff clinicians, undergraduate and postgraduate students. The Clinic was able to resolve the matter amicably between the two parties.

#### **WLC/CAS/110**

The client, B came to the clinic to report a case of trespass on her land. B is an old woman. Some people had buried three corpses on her land without her consent. The trespassers had humiliated B in various ways and threatened to take over the property. B wanted the corpses evacuated from the land. The clinic intervened by sending letters of invitation to the trespassers. They honored the invitation. The trespassers agreed to the request. A letter of agreement was drafted for all the parties concerned and was signed. The matter was settled amicably between the parties.

#### **WLC/CAS/144**

Q gave her car to a car dealer to sell for her. The car dealer had paid her the first half of the total sum but did not remit the balance to her. The third party, the person who bought the car, took the car but did remit the balance to the car dealer. Letters of Invitation were given to the car dealer and the third party. They all honored the letters of invitation. The matter was settled amicably between the parties. The third party agreed to pay the remaining balance to the car dealer, who would then pay the client. After the meeting in the clinic, a student called Q and asked whether the money had been paid. Q stated that the money had been fully paid by the third party.

#### **WLC/CAS/106**

The client had been married to her husband for six years. Her husband abandoned her and moved out of the house. He left her alone with the children. The client came to implore the clinic to assist by getting maintenance for the upkeep and general welfare of the children. A letter of invitation was given to the client's husband. He was counseled by the staff clinician, students and the clinic administrator. There was an agreement drafted where the husband to our client promised that he would pay the money monthly. He has since been paying for the monthly upkeep of the children to the clinic.

#### **WLC/CAS/118**

The client came to the clinic to lodge complaints of constant beating by her husband and the refusal of her husband to allow her to engage herself in any work. She sought the assistance of the clinic to enable her to have access to the children of the marriage who are with the husband. The clinic intervened by sending letters of invitation. Her husband came to the clinic and stated his own side of the story. The clinic was able to settle the matter amicably between the parties.

#### **WLC/CAS/126**

The client, D is the landlady of her house. She rented the apartment to a tenant on a yearly basis. The client was to pay at the beginning of every year. The tenant had been living in the house for a year and five months. The tenant however, did not pay the remaining balance for the previous year. She came to the clinic for legal assistance in evicting the tenants from her house. A letter of Invitation was sent to the tenant which was honored. The tenants were counseled by the staff clinicians and the students. The students led the interview session. The tenant agreed to pay up the balance of the previous year's rent and to also, pay for the New Year. The matter was settled amicably between the parties.

### WLC/CAS/033

The client came to the clinic for legal assistance for the maintenance of three children born during her marriage with her husband. The client's husband was invited. He was counseled by staff clinicians and students. The matter was settled amicably by the clinic. Every month, the husband of the client pays for the upkeep of the children through the clinic.

## VII CONCLUSION

This paper has examined the relationship between social justice and clinical legal education and how law students acquire practical training in their involvement in Law Clinic with the illustration of the WLC. It should be emphasized here that in trying to access justice through law clinics, the social justice dimension should be brought to light and should not be relegated to the background. Clinical legal education through the WLC trains law students dedicated to upholding the rule of law and it inculcates in society the idea that disputes can be resolved peacefully by using the rule of law without resort to a Court of Law. The law students get a firsthand look at how the rule of law functions. Law students are trained in the University Law Clinics and acquire practical skills before they go to the Nigerian Law Schools. They are comfortable with the benefits of Clinical legal education and how it has helped to shape their way of thinking. Clinical legal education programmes focus on legal education and effective legal aid services and access to justice in developing countries.

As mentioned in this paper, clinical law teachers have a role to play in molding their students into what they want them to become. There is the satisfaction law teachers experience when they have done their part in training students on the different techniques of clinical legal education. Clinical legal education inculcates in students a sense of professionalism, a spirit of community lawyering and social justice. Lawyers should see themselves as trustees of justice. On them lies the fiduciary responsibility to see to it that the legal system provides, as far as practically possible, justice for all citizens, not only for the rich and powerful.<sup>68</sup> On the other hand, law teachers should realize that the students they teach will be advocates, judges, political persons and so they have a responsibility through their teaching to ensure their students commit to social justice.

There are thirty-six states including the FCT<sup>69</sup> in Nigeria and thirty five Universities. There are only fourteen law clinics in Nigeria. There is therefore a disparity in the number of students who benefit from clinical legal education. What about the other percentage of students who do not benefit at all from clinical legal education? It should be reiterated that the purpose of legal education is to prepare students for the practice of law. This process should therefore shape the legal profession in Nigeria. There should be establishment of more law clinics in Nigeria.

Education is a requirement for every aspect of human development without which human beings cannot appreciate the value of life's entitlements. There is therefore the need for the existing law clinics under the umbrella of NULAI to create forums for other Universities in Nigeria to inculcate clinical legal education in to their curriculum. Clinical legal education should be seen as a social good in Nigeria which has numerous benefits. The quality and introduction of practical teaching has deepened the perspective of the students. They are more confident in their interaction

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68 Winzer, S. *Op.Cit.*

69 FCT is the Federal Capital Territory which is Abuja. Abuja is the capital of Nigeria.

with community members. This confidence they acquire will inevitably help when they enter into the world of practice and prepare them for the intricacies for the practical use of law.

The clinic enables students to acquire lawyering skills before leaving the walls of the University. The skills they acquire are part and parcel of them for life. Clinical law teachers therefore after all that has been said have the responsibility of creating opportunities for law students to recognize the injustices in society and in the legal system, to appreciate the role they play in challenging social injustice and in reforming the legal system.<sup>70</sup>

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70 Aiken, J.H. & Wizner, S. (2004), Teaching and Doing: "The Role of Law School Clinics in Enhancing Access to Justice" 73 Fordham L. Rev. 997-1011 Georgetown University Law Center Retrieved through <http://scholarship.law.georgetown.edu/facpub/303> on April 2012

