

Editorial

A Season of Growth: Collaboration, Inclusion, and Transformation in Clinical Legal Education

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Welcome to the summer edition of the *International Journal of Clinical Legal Education*. This edition showcases a wide-ranging collection of perspectives, practices, and research that reflect the ongoing dynamism of our field. Contributors from across the globe offer insights into the evolving nature of clinical legal education—exploring everything from pedagogical innovation and professional identity formation to community engagement and the integration of work-based learning. We hope this collection inspires reflection, sparks meaningful discussion, and supports the continued growth of clinical legal education in all its forms.

We begin the edition with an article by Caroline Hood ‘*Law firms as learning environments: are Higher Apprenticeships in law an emerging face of clinical legal education in England?*’ This article examines the transformative potential of Higher Apprenticeships in Law in England, particularly through the lens of clinical legal education and the use of the legal workplace as a dynamic learning environment. Drawing from experience within Northumbria University's Student Law Office, it explores how solicitor apprenticeships offer a unique opportunity to extend clinical pedagogy into a fully qualifying law programme. The apprenticeship model presents both challenges and opportunities, especially in designing a curriculum that supports a diverse cohort with varying levels of legal experience while maintaining a student-centred approach. By integrating practical experience with academic support and encouraging reflective learning, the programme aims to foster professional maturity and deeper engagement with the law. The article highlights the value of collaboration between legal educators and practitioners, suggesting that legal clinicians are well-placed to embed apprenticeships into clinical legal education, ultimately enriching both student learning and connections with the profession.

From workplace learning environments in England, we shift focus to a broader interrogation of the political and interdisciplinary dimensions of clinical legal education in Canada. The second article examines the critical role of interdisciplinary law clinics in the current neoliberal context. The article is entitled “*Collective advocacy in the age of neoliberalism: Getting political in an interdisciplinary law clinic*,” by Emmanuelle Bernheim, Dahlia Namian, Sara Lambert, Anne Thibault and Patricia Fortin-Boileau and offers an insightful exploration into the role of legal and interdisciplinary clinics amid the challenges posed by neoliberal policies that have constrained social, health, and legal services. Drawing on a case study of the Outaouais Interdisciplinary Social Law Clinic, the article highlights how collective advocacy and community engagement serve not only to defend the rights of marginalised populations but also to profoundly reshape students’ understanding of justice. Through semi-structured interviews with clinic students, the study reveals how participation in advocacy efforts fosters a deeper awareness of social inequalities and the political nature of legal work. The findings highlight the critical

importance of incorporating political and structural dimensions into legal education to prepare future professionals committed to social justice and systemic change.

Continuing the theme of clinical legal education adapting to new global realities, the third article turns our attention to professional readiness in the context of India's evolving legal practice. Yashomati-Ghosh and Anirban Chakraborty from India International University of Legal Education and Research, Goa provide a timely analysis of the challenges and opportunities in an increasing global legal market in their article entitled "*Preparing Lawyers for Global Legal Practice – A Road Map for Introducing Mandatory Continuing Legal Education in India.*" The article addresses the evolving landscape of legal practice driven by globalization, where Indian lawyers face both opportunities and challenges in operating beyond national boundaries. It examines the legal and regulatory framework surrounding the right to practice law in India, including recent developments like the Bar Council of India's rules on foreign lawyers and the proposed amendments to the Advocates Act. Central to the discussion is the author's argument for the introduction of a mandatory Continuing Legal Education system in India, aimed at equipping Indian lawyers with the knowledge, skills, and professional competence required to engage effectively in global legal practice. The paper provides a thoughtful roadmap for designing a Continuing Legal Education curriculum that can prepare lawyers to meet the demands of an increasingly interconnected legal environment, ensuring they remain confident, competent, and competitive on the international stage.

We then return to the student experience with Anil Balan's article, '*Bridging the Gap: Law Students as Agents of Public Legal Education and Community Empowerment.*' This piece explores the civic mission of legal education by highlighting how student-led Public Legal Education (PLE) initiatives such as Street Law and outreach in prisons can significantly enhance legal literacy while deepening students' own professional and ethical development. Advocating for a capabilities-based approach, the article shifts the conversation from legal information delivery to legal empowerment, arguing that students can act as powerful conduits between law schools and communities. Balan also addresses the need for rigorous evaluation of PLE programmes, recommending models like the Logic Model, Participatory Evaluation and Outcomes-Based Evaluation to ensure inclusion and effectiveness. This article offers a powerful reminder of legal education's role in supporting social justice and public empowerment.

Taken together, these articles offer a diverse reflection on how clinical legal education continues to evolve in response to changing professional, social, and political landscapes. From apprenticeships and interdisciplinary clinics to global legal training and community empowerment, each contribution sheds light on innovative and inclusive approaches to legal education. Collectively, they reaffirm the importance of legal educators engaging not only with doctrinal teaching and skill development but also with the wider civic and ethical responsibilities of legal training in the modern day.

Fostering Connection: Upcoming Conferences and Publication Opportunities

As we look ahead, two significant gatherings in clinical legal education are on the horizon. First, the 11th ENCLE Conference, co-hosted with the Global Alliance for Justice Education (GAJE) and the Polish Legal Clinics Foundation (FUPP), will take place from 22 to 27 July 2025 at Lazarski University in Warsaw. Featuring a "Train the Trainer" programme on 22 and 27 July and a General Conference from 23 to 26 July, the event will offer interactive plenaries, workshops, and site visits focused on justice education in an increasingly complex global landscape.

Second, the IJCLE Conference will be held from 19 to 21 November 2025 at Monash University Faculty of Law. Coinciding with the 50th anniversary of Monash Law Clinics, this conference represents a major milestone. Hosted with the support of Northumbria University and led by conveners Dr Jacqueline Weinberg and Professor Jeff Giddings, the event will feature a dynamic programme of workshops, panel discussions, and networking opportunities. With leading clinicians from Australia and beyond

sharing their expertise, it will serve as a vital platform for innovation, collaboration, and the exchange of best practices in clinical legal education.

We look forward to seeing both new and familiar faces at these events. We warmly encourage attendees and presenters to consider developing their work for submission to the *International Journal of Clinical Legal Education*, contributing to ongoing global conversations and advancing the field through scholarship.

Article

Law firms as learning environments: are Higher Apprenticeships in law an emerging face of clinical legal education in England?

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Abstract

This article explores the impact of Higher Apprenticeships in Law in England on clinical legal education and the evolving pedagogy of using the legal workplace as a site of learning. While existing literature has addressed elements of work-based legal learning and clinical pedagogy separately, there remains a significant gap in understanding how the apprenticeship model interacts with – and potentially reshapes – clinical legal education frameworks. Drawing on the author’s extensive and long-standing experience within the Northumbria University Student Law Office, one of the UK’s leading law clinics, this article offers a practitioner-informed perspective on how Higher Apprenticeships are influencing the design, delivery, and pedagogical assumptions of legal education. It sheds new light on the challenges and opportunities of integrating structured workplace learning into academic clinical environments, offering original insights into how these dual systems can be aligned to better support student development and ethical practice. In doing so, this article makes an original contribution by bridging the theory-practice divide and identifying practical strategies for enhancing clinical pedagogy in the context of legal apprenticeships.

The article argues that the NU Solicitor Apprenticeship presents a unique opportunity to innovate clinical legal education by integrating work-based learning with established clinical methodologies. It demonstrates how the apprenticeship model can deliver the same pedagogical benefits as traditional clinics, such as ethical awareness, research, teamwork and independent learning, while also deepening engagement with the legal profession. This integration has the potential to enrich both clinical programmes and professional relationships, positioning legal clinicians to lead in shaping the future of legal education.

Keywords: Clinical Legal Education, Solicitor Higher Apprenticeship, Work-Based Learning

Introduction

After a review of legal services education and training in 2013,¹ the Regulator for solicitors in England and Wales, the Solicitors Regulation Authority ('SRA'), began a radical reform of legal education.² This reform led to the creation of the solicitors qualifying examination ('SQE'), which was introduced in 2021.³ The SQE is a centralised exam, made up of two tests, SQE1 and SQE2. SQE1 is a functioning legal knowledge single best answer multiple choice exam. SQE2 is a practical skills assessment which also tests functioning legal knowledge.⁴ The creation of the SQE opened the pathways available to those seeking to qualify as a solicitor. Prior to 2021, the SRA had already worked with a group of legal employers to create a Solicitor Apprenticeship, which incorporated the SQE as the apprenticeship end-point assessment.⁵ This apprenticeship was ready to be delivered in September 2015, several years before SQE was approved as a form of assessment by The Legal Services Board.⁶

This article considers the relationship between this pathway to qualification and clinical legal education. To create context, it concisely explores the historical development of the apprenticeship model of learning in the UK, tracing its evolution to the current apprenticeship standards in place today. The article examines Northumbria University's engagement with work-based learning within its law school, highlighting the integration of such learning into its legal education programmes. It considers how work-based learning has been developed alongside the institution's clinical legal education provision. This discussion is situated within the broader context of workplace pedagogy, with particular attention to the challenges and opportunities presented by the apprenticeship pathway.

Background to Apprenticeships

An apprenticeship can be defined simply as 'a system of training whereby an individual develops skills and knowledge whilst at the same time working for an employer.'⁷

Whilst conceptualising the workplace as a learning environment has only occurred in the last two decades,⁸ the concept of learning 'from work, at work' can be traced back to the middle ages; young people learning their trade whilst working alongside a master in their field.⁹ Although the workplace and methods of training have considerably changed since the middle ages, the philosophy behind this

¹ WEBB, J., CHING, P., MAHARG, A., & SHERR, A. 2013. Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales. *Legal Education and Training Review*. Online.

² Solicitors Regulation Authority. 2013. *Training for Tomorrow Ensuring the lawyers of today have the skills for tomorrow* [Online]. Solicitors Regulation Authority. Available: <https://www.sra.org.uk/globalassets/documents/sra/training-tomorrow.pdf?version=49a4a5> [Accessed 03.05.24].

³ Legal Services Board 2020. Legal Services Board approves significant changes to how solicitors qualify. online: The Legal Services Board.

⁴ Solicitors Regulation Authority 2024. *The Solicitors Qualifying Examination* [Online]. Available: <https://sqa.sra.org.uk/about-sqa/what-is-the-sqa> [Accessed 06.05.25].

⁵ Institute for Apprenticeships and Technical Education (2015) Solicitor ST0246]. Available at: [<https://www.instituteforapprenticeships.org/apprenticeship-standards/st0246-v1-0>].

⁶ Legal Services Board 2020. Legal Services Board approves significant changes to how solicitors qualify. online: The Legal Services Board.

⁷ LEE, D. 2012. Apprenticeships in England: an overview of current issues. *Higher education, skills and work-based learning*, 2, 225-239. P.225

⁸ HARTEIS, C. & BILLET, S. 2008. The workplace as learning environment: Introduction. *International Journal of Educational Research*, 47, 209-212.

⁹ GILLARD, D. 2011. Education in England: a brief history.

mode of learning as a ‘meaningful vehicle for the development and transference of occupational skills, knowledge and understanding’ remains the same.¹⁰

The virtues of learning whilst working, have been noted by successive UK governments, and various initiatives have been formulated over the years to rejuvenate and adapt the system of apprenticeships in the UK.¹¹ In 1993, the government announced the new Modern Apprenticeships scheme.¹² As these apprenticeships developed, national frameworks were introduced in the early 2000’s, that defined ‘the minimum standards required for each apprenticeship’.¹³ In 2013, the UK government announced the creation of groups of ‘Trailblazers’ who were tasked with designing new standards for Higher and Degree Apprenticeships. This was in response to recommendations made by Doug Richard, an entrepreneur, educator and founder of School for Startups,¹⁴ who was tasked by the UK government with conducting a review of the apprenticeship system.¹⁵

The shift from frameworks to standards was a move to improve the quality of apprenticeships and place the employers at the centre of their design.¹⁶ The underpinning motivation for the latest reform of apprenticeships in the UK, was the need to increase the UK’s skills base and increase productivity to compete in the global market.¹⁷ The Apprenticeship Standards enable employers to define the knowledge, skills and behaviours required for occupations within their sector. The aim of this employer led approach, is to ensure that the apprenticeship meets the needs of industry. Higher and degree apprenticeships can also provide a pathway into regulated professions, enabling apprentices to develop ‘the higher level technical skills needed to improve productivity and support businesses to compete internationally.’¹⁸

Productivity is not the sole purpose behind apprenticeship reform. Apprenticeships are viewed as one of the most effective tools available to the UK government to address the issue of social mobility.¹⁹ Some argue that in the UK there is a stagnation in social mobility, and an increasing gulf between

¹⁰ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173. P.154

¹¹ LEE, D. 2012. Apprenticeships in England: an overview of current issues. *Higher education, skills and work-based learning*, 2, 225-239.

¹² MIRZA-DAVIES, J. 2015. *A short history of apprenticeships in England: from medieval craft guilds to the twenty-first century* [Online]. Online: Uk Parliament. Available: <https://commonslibrary.parliament.uk/a-short-history-of-apprenticeships-in-england-from-medieval-craft-guilds-to-the-twenty-first-century/#:~:text=The%20first%20national%20apprenticeship%20system,apprenticeships%20should%20last%20seven%20years>. [Accessed 11.06.24].

¹³ Ibid.

¹⁴ Department for Education (2013) *The Future of Apprenticeships in England: Next Steps from the Richard Review*. London: Department for Education. Contains public sector information licensed under the Open Government Licence v3.0.

¹⁵ Richard, D. (2012). *The Richard Review of Apprenticeships*. Department for Business, Innovation and Skills, London. Contains public sector information licensed under the Open Government Licence v3.0.

¹⁶ Department for Business, Innovation & Skills (2015) *Apprenticeships (in England): vision for 2020*. Available at: GOV.UK Accessed: 02.05.25. Contains public sector information licensed under the Open Government Licence v3.0.

¹⁷ LEITCH, S. 2006. *Review of Skills: Prosperity for All in the Global Economy - World Class Skills*. In: TREASURY, H. (ed.). London: Her Majesty's Stationary Office.

¹⁸ Department for Business, Innovation & Skills (2015) *Apprenticeships (in England): vision for 2020*. Available at: GOV.UK [Accessed: 02.05.25]. Contains public sector information licensed under the Open Government Licence v3.0. p.18.

¹⁹ Social Mobility Commission (2020). *Apprenticeships and Social Mobility: Fulfilling Potential*. Available at: <https://www.gov.uk/government/publications/apprenticeships-and-social-mobility-fulfilling-potential/apprenticeships-and-social-mobility-fulfilling-potential> [Accessed: 02.05.25]. Contains public sector information licensed under the Open Government Licence v3.0.

classes.²⁰ This has resulted in increased scrutiny on the diversity in traditionally viewed elitist professions such as law.²¹

Whilst apprenticeships have historically been seen as an alternative to Higher Education (HE), the UK government's drive to see them as not only a genuine alternative to HE but as part of HE, means Higher Education Institutions (HEI's) need to understand what they are. As the UK economy becomes increasingly skills based, universities need to adapt and ensure that the programmes they develop are fit for purpose.²²

In the UK there are higher and degree apprenticeships. As defined by the UK government, '[h]igher apprenticeships go from level 4 to 7 and are equivalent to a foundation degree and above. Degree apprenticeships are available at levels 6 and 7 and are equivalent to a full bachelor's and Master's.'²³ The Solicitor Apprenticeship is a level 7 higher apprenticeship.²⁴

The creation and inception of this route of study raises questions, particularly to clinicians and advocates of experiential and work-based learning. The integration of practical skills into academic programmes and the value of experiential learning through real legal work are well-established principles within clinical legal education. There is no universal definition of clinical legal education,²⁵ and clinical legal education can take many different forms.²⁶ Clinical activities are rooted in experiential learning, students learning from their experiences.²⁷ The question is whether apprenticeships are a natural continuation of this work?

Moving learning to the workplace

Northumbria University's Student Law Office (SLO) is an in-house legal clinic operating in a similar way to a law firm. The students engage in experiential learning, working on live client cases under the supervision of qualified lawyers and case workers. They undertake this work in a secure legal clinic within the university. Various projects have been delivered by the SLO over the years, some of which involved students delivering legal advice in external settings, such as libraries, or delivering advice to the local community with the support of local law firms, in their legal office. It was an entirely new challenge for Northumbria University Law School ('the law school') to move a learner's entire experiential experience to the workplace. It was done on a smaller scale as part of the SRA's Work-based Learning pilot in 2011.²⁸ As part of this pilot, the law school created a fully qualifying degree, which took the student through all stages of education and training required to be a solicitor within 5 years. The qualification titled 'M Law (Solicitor)' introduced external placements/externships in the summer between years 3 and 4 of the student's academic law degree programme. The student was required to spend 3 months working in a law firm or legal organisation, during this time they were required to comply with low level learning outcomes such as 'becoming familiar with a legal

²⁰ Ibid.

²¹ Bridge Group. (2018). *Socio-economic background and early career progression in the law*. [online] The Bridge Group. Available at <https://www.thebridgegroup.org.uk/research-1/2018/9/3/career-progression-in-the-law> [Accessed 02.05.25].

²² Ibid.

²³ Department for Education. (2022) *Guidance: Higher and degree apprenticeships*. [online] Available at: <https://www.gov.uk/government/publications/higher-and-degree-apprenticeships> [Accessed 11.06.24]. Contains public sector information licensed under the Open Government Licence v3.0.

²⁴ HOOD, C. & SIMMONDS, C. 2022. The solicitor apprenticeship. *The Law Teacher*, 1-7.

²⁵ KERRIGAN, K. A. M., VICTORIA 2011. *A Student Guide to Clinical Legal Education and Pro Bono*, Basingstoke, Palgrave.

²⁶ AMSTERDAM, A. G. 1984. Clinical Legal Education—A 21st Century Perspective. *Journal of Legal Education*, 34, 612-618.

²⁷ Ibid.

²⁸ BMG RESEARCH - JUNE WISEMAN, P. R. E. D. 2012. Final evaluation of the Work-Based Learning (WBL) pilot. Online.

environment'. In year 4 of their studies, they returned to university and completed their academic studies, whilst also completing a double module in the SLO. In essence, they were given the opportunity to experience two different areas of law in our clinic during the academic year, and work with two different academic practitioner supervisors. As standard assessment practice in our law clinic, they produced a portfolio of their work that was assessed in accordance with the clinical module grade descriptors. At the end of the academic year, they then returned to the law firm/legal organisation and undertook a paid period of work. This lasted 15 months. During this time, they were required to compile a further comprehensive portfolio of their work, demonstrating their competency against the SRA Day One Outcomes for a solicitor.

On completion of their 15-month placement and subject to successful completion of all academic modules and competency of their portfolio, they were granted admission to the roll as a qualified solicitor, as well as awarded an honours law degree with integrated masters.

Moving the learning into the workplace created a new dynamic learning experience. In our in-house clinic we provide an authentic replication of real practice due to the fact we conduct live client work. Their office is a student office, situated in a university. The students are surrounded by other students. Whilst this has benefits as they can collaborate and support each other in their learning, placing students in the workplace involves them learning from other professionals and employees of a legal organisation; from 'experienced others'.²⁹ Billet states, that by placing the learner into the workplace environment they are surrounded by 'important clues, cues and models that assist individuals thinking and acting and hence, their learning and understanding.'³⁰

As part of our clinical teaching in the SLO we embrace the experiential learning theories of Lewy, Piaget, Dewey, and Kolb, encouraging students to reflect upon their learning experiences and develop deeper level of insight into their practice.³¹ We can slow down and break down the experience, encouraging reflection.³² We pride ourselves on the fact that the students 'learn by doing'. The '[c]linical pedagogy involves a system of self-critique and supervisory feedback so that law students learn how to learn from their experience. The high staff-student ratio and collaborative learning environments support a climate in which each student is motivated to improve and perform at their best.'³³ They learn from the feedback they receive, and we support them in developing their own style. This is true of the work done in the SLO, the learning is controlled by the student, they complete the work and receive feedback. Whilst they work in groups, it is an individual learning experience.

The workplace on the other hand creates a 'home' for the learner in which they can experience, observe, and develop all within a 'community of practice.'³⁴ Not only experiencing legal work in real time, but also observing colleagues dealing with the same and facing the challenges of everyday practice. Learners' knowledge can be developed by indirect guidance. Observation and directly interacting with experienced co-workers whilst they complete tasks, play a critical role in the learning experience.³⁵

²⁹ BILLET, S. 2000b. Guided learning at work. *The journal of workplace learning*, 12, 272-285. P.272.

³⁰ Ibid. p.1.

³¹ KOLB, A. Y. & KOLB, D. A. 2005. Learning Styles and Learning Spaces: Enhancing Experiential Learning in Higher Education. *Academy of Management learning & education*, 4, 193-212.

³² ROGER BURRDIGE, K. H., ABDUL PALIWALA, TRACEY VARNAVA 2002. *Effective learning and teaching in law*, London, London : Kogan Page.

³³ RICE, S., EVANS, A., NOONE, M., GIDDINGS, J., CODY, A. & COPELAND, A. 2012. *Best practices: Australian clinical legal education*.

³⁴ LAVE, J. & WENGER, E. 1991. *Situated Learning: Legitimate Peripheral Participation*, Cambridge, Cambridge University Press.

³⁵ BILLET, S. 2000a. Guided learning at work. *Journal of Workplace Learning*, 12, 272-285.

Much can also be said for learning by observing those more experienced. Lave and Wenger developed the concept of legitimate peripheral participation.³⁶ Their research established that learning takes place by the less experienced on the periphery of the community in which they practice. As the learner gains experience, they take on more responsibility within that community and move from the role of 'novice' to expert.³⁷

Experienced co-workers can assist the learner in navigating their way through their experiences as well as providing insight and guidance. As stated by Billett, 'the knowledge required for vocational practice does not emanate from within the individual. Instead, it is socially constituted and refined over time.....Direct guidance by experienced co-workers and indirect support and guidance from workplace artifacts and other workers aid access to socially derived knowledge and assist in the development of the intrapsychological (within the individual) attributes required for workplace performance.'³⁸ Whilst we pride ourselves on teaching 'best practice' in clinic, many 'tricks and tactics' required to thrive in a legal environment can arguably be taught better in the workplace. In the workplace a learner can develop skills that cannot necessarily be taught in clinic, such as the importance of time recording and billing.

Interestingly working in a legal environment can also develop the learner's sense of identity as a legal professional and, the identity of the legal profession within that learning environment. It can also give them motivation to learn and develop. The concept of identity as part of the learning process, is noted in Lave's work, a 'motivation to learn is stimulated by recognition of the gap between themselves, and more knowledgeable and skilful "colleagues" (full participants), and awareness that increased learning brings benefits in terms of the development of adult identities which are associated with occupational status.'³⁹

The workplace as a learning environment, is obviously not without its challenges. Whilst surrounding yourself with experienced co-workers could assist learning, it can also be detrimental if the practices taught by those co-workers are incorrect or unethical. Studies have found that 'learning accessed through participation at work alone may not be sufficient for developing the requirements of expertise at work.'⁴⁰ One of the reasons offered for this was that learners were learning 'short cuts and aspects of inappropriate practices.'⁴¹

Further the impact of co-workers is only positive if they can provide appropriate guidance and support to enable the learner to make sense of the tasks. 'Simply because people are knowledgeable, it does not automatically follow that they will be able to teach.'⁴² Cole suggests that 'time' and 'desire' are two of the important factors in a workplace 'mentor'.⁴³ Time is not something which many legal practitioners have, whilst we could argue we have little time in clinic it is our role and responsibility, to make that time. To those in legal practice this is unlikely to be their role or primary responsibility.

The motivation and goals of a law firm or legal organisation are in general, different to that of an academic institution whose focus is on the learner and learning activity. The tension between those

³⁶ LAVE, J. & WENGER, E. 1991. *Situated Learning: Legitimate Peripheral Participation*, Cambridge, Cambridge University Press.

³⁷ Ibid.

³⁸ BILLETT, S. 2002. Toward a Workplace Pedagogy: Guidance, Participation, and Engagement. *Adult Education Quarterly*, 53, 27-43. P.32.

³⁹ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173. P. 160.

⁴⁰ BILLETT, S. 2000b. Guided learning at work. *The journal of workplace learning*, 12, 272-285.

⁴¹ Ibid.

⁴² COLE, L. R. 1989. Training the Mentor: Improving the Ability of Legal Experts to Teach Students and New Lawyers Symposium 1989 *N. M. L. Rev*, 19, 163. p.165.

⁴³ Ibid.

motives may have a detrimental impact on the learner.⁴⁴ There is always a fear when placing a learner in the workplace that they are not exposed to adequate learning experiences, which are required for the development of their learning.⁴⁵ The lack of control had over the learners on our M Law (Solicitor) programme whilst they were in the workplace was in stark contrast to the control we have over students in the SLO. On the M Law (Solicitor), we relied on the student to update us if they had concerns about the level of support and guidance they were receiving. We were relying on the law firms to guide, support and provide adequate experiences whereas in the SLO as academics and practitioners, we have that responsibility.

As stated by Fergusson:

*'[i]t has been established that human beings learn via a significant number of separate, but often overlapping and interconnected, channels of exchange. These channels have been variously called learning strategies, learning methodologies, learning conditions, pedagogical practices and approaches to learning.'*⁴⁶

Participation in the workplace can provide a learner with a rich learning experience, but arguably to become a knowledgeable, experienced legal practitioner, you need an appreciation for the underlying legal basis upon which decisions are made and actions taken. It is the combination of theory and practice which will enable the learner to develop deep levels of learning.⁴⁷ This knowledge needs to be 'transmitted' to the learner, something which requires formal teaching.

It is acknowledged that a key element of experiential learning is that of self-reflection. Having the ability and time to 'stocktake' and 'reflect', enables the learner to place their experiences into context.⁴⁸ It creates a deeper level of learning. Whilst most individuals reflect naturally, the process if less obvious to some, often requires a facilitator to encourage and assist in the reflective process. In clinical legal education, the slowing down of the work and the facilitation we as clinicians offer to assist in the reflective process, is not something which the workplace can always offer. Reasons for this could be due to time constraints on those in the workplace or a lack of understanding and knowledge about reflection and its importance to learning and development.

Apprenticeships are by their nature, work-based learning programmes, using a workplace as the learning environment. The question is how to address the negative aspects of using the workplace learning environment and support a learner to learn effectively on a legal apprenticeship.

Northumbria University Solicitor Apprenticeship

The Northumbria University Solicitor Apprenticeship ('NU Solicitor Apprenticeship') was delivered to its first cohort in September 2018.⁴⁹

⁴⁴ EVANS, A. & HYAMS, R. 2015. Specialist Legal Clinics: their pedagogy, risks and payoffs as externships. *International Journal of Clinical Legal Education*, 22, 34.

⁴⁵ BILLETT, S. 2000a. Guided learning at work. *Journal of Workplace Learning*, 12, 272-285.

⁴⁶ FERGUSON, L. 2022. Learning by... Knowledge and skills acquisition through work-based learning and research. *Journal of Work-Applied Management*, 14, 184-199. P.184.

⁴⁷ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173.

⁴⁸ HELYER, R. 2011. Aligning higher education with the world of work. *Higher Education, Skills and Work-Based Learning*, 1, 95-105.

⁴⁹ The Northumbria Solicitor Apprenticeship is based on the original Standard approved for delivery from 2015. It is noted that this Standard was revised in January 2024. This article does not address the revisions required to the apprenticeship to meet the revised Standard.

The Solicitor Higher Apprenticeship has an approved Apprenticeship Standard.⁵⁰ This Standard sets out the knowledge, skills and behaviours ('KSBs') the apprentice must demonstrate to be deemed competent to practice as a solicitor. The specified assessment for this apprenticeship is in two parts. There is an on-programme assessment and an end-point assessment. The on-programme assessment is the formal specified assessment required whilst the apprentice is on their apprenticeship. This takes the form of a work-based portfolio demonstrating competency of the KSBs to the SRA competence statement threshold standard,⁵¹ and completion of Solicitors Qualifying Examination 1 (SQE1).⁵² The end-point assessment, is the impartial final assessment of the apprenticeship, which is the Solicitors Qualifying Examination 2 (SQE2).⁵³

The apprentices are subject to the same assessments as anyone seeking to enter the legal profession as solicitors. The SQE assessments which were introduced in 2021, are externally delivered, centralised tests split into SQE1, which tests functioning legal knowledge and SQE2 which assesses skills and practice.⁵⁴ As well as these centralised assessments, it is a requirement that training providers also assess the apprentices during their apprenticeship in both their legal knowledge and skills, to ensure that they are developing the KSBs to enable them to pass their on-programme and end-point assessment.⁵⁵ The completion of the on-programme assessment and SQE, already speaks to the robust nature of this pathway to qualification as a solicitor.

The formal rules governing apprenticeships require the apprentice and employer to have an apprentice agreement of which the training provider must have a copy.⁵⁶ As well as this apprenticeship agreement being in place, prior to the start of an apprenticeship there is a requirement for a 'Statement of Commitment' which is signed by the apprentice, employer and training provider. This statement 'is intended to reassure apprentices that they are undertaking a valuable and well-structured training programme.'⁵⁷ Working together the training provider and employer support the apprentice on their learning journey. A journey which should enable them to successfully meet the requirements of the apprenticeship. This journey must be clearly recorded and monitored.⁵⁸

Arguably the requirements of this programme are stricter than that of an undergraduate law degree programme. Due to the funding of apprenticeships, the Education Skills Funding Agency sets strict

⁵⁰ Institute for Apprenticeships and Technical Education (2015) Solicitor [ST0246]. Available at: <https://www.instituteforapprenticeships.org/apprenticeship-standards/st0246-v1-0>

⁵¹ Solicitors Regulation Authority. (2019) *Statement of solicitor competence*. [online] Available at: <https://www.sra.org.uk/solicitors/resources/continuing-competence/competence-statement/> [Accessed 15.08.23].

⁵² Institute for Apprenticeships and Technical Education 2021. *Apprenticeship standard leading to qualification as a solicitor*

Assessment Plan [Online]. Online: Institute for Apprenticeships. Available: <https://www.instituteforapprenticeships.org/media/5124/solicitor-apprenticeship-assessment-plan-v4-280521.pdf> [Accessed 17.02.22].

⁵³ Ibid.

⁵⁴ Solicitors Regulation Authority 2024. *The Solicitors Qualifying Examination* [Online]. Available: <https://sqe.sra.org.uk/SQEHomePage> [Accessed 26.04.24].

⁵⁵ Institute for Apprenticeships and Technical Education 2021. *Apprenticeship standard leading to qualification as a solicitor*

Assessment Plan [Online]. Online: Institute for Apprenticeships. Available: <https://www.instituteforapprenticeships.org/media/5124/solicitor-apprenticeship-assessment-plan-v4-280521.pdf> [Accessed 17.02.22].

⁵⁶ GOV.UK 2024. Apprenticeship Funding Rules. online: Crown. Contains public sector information licensed under the Open Government Licence v3.0.

⁵⁷ Department for Business, Innovation & Skills (2015) Apprenticeships (in England): vision for 2020. Available at: GOV.UK Accessed: 02.05.25. Contains public sector information licensed under the Open Government Licence v3.0.

⁵⁸ Ibid.

rules on the time apprentices are required to be off-the-job training for their role.⁵⁹ Off-the-job training is another requirement of the apprenticeship. The apprentice must take time in their normal working hours, to develop the KSBs as defined above. This is usually time with their training provider. In the case of the NU Solicitor Apprenticeship, the apprentices have a set programme of study. Some of this study time is delivered remotely with on-campus, face-to-face attendance throughout the year. This programme incorporates core substantive and practical law modules, such as contract, tort, land and criminal law, as well as practice-based law modules such as criminal process, civil dispute resolution, property law and practice and business law and practice. These modules ensure the apprentice has the legal knowledge required and teaches them fundamental legal skills such as legal research, writing and interviewing.

As well as core law modules, on the NU Solicitor Apprenticeship we incorporate work-based learning modules into the first three years of study. These modules support the apprentice in identifying the skills and behaviours that they need to develop during their apprenticeship. They use the modules to set aims and objectives for their development. Further, these modules are used to teach and develop reflective practice. A key element of our clinical teaching involves the use of reflective theory, it is also a key feature of work-based learning.⁶⁰ This is mirrored in professional practice. As practitioners it is part of our continuing competence requirements to reflect on and learn from our practice.⁶¹ These modules are key to ensuring that the apprenticeship is a true experiential learning experience. As already stated, often in practice there is limited time to reflect on our learning and development. These modules build this time into the apprenticeship.

The work-based learning modules also enable academic staff to engage directly with the apprentice in respect of the learning that is taking place in the workplace. Whilst we are not checking and approving their legal work daily, we can ensure that they are completing tasks that are developing their skills and competencies and that they align to the KSBs, as set out in the Solicitor Apprenticeship Standard. The apprentices produce an individual work-based learning plan, conduct a skills analysis, and reflect upon their performance. They also work on developing their work-based learning portfolio and produce a legal essay, critically analysing a piece of law or procedure that they engage with in practice. This work is all checked by academic staff, the apprentice receives feedback, and the modules are awarded academic credit. Whilst the learner is in the workplace, the University as training provider, has very good insight into the work they are conducting and their level of ability. This is supported by a workplace coach.

All our apprentices are assigned a workplace coach. This is a member of university staff, whose role it is to mentor, support and track the apprentice's progression towards meeting the KSBs. They hold progress review meetings with the employer and apprentice four times a year. Having a coach provides the apprentice with pastoral support, as well as ensuring that the work they are completing in the workplace is appropriate for the apprenticeship, in that it is not too complex or so basic that they cannot demonstrate they are meeting the KSBs. It also provides direct regular engagement between us as the training provider and the employer. Without this level communication we cannot work as a team supporting the apprentice.

⁵⁹Department for Education (2023) *Apprenticeship off-the-job training: Policy background and examples*. [online] London: Department for Education. Available at: <https://www.gov.uk/government/publications/apprenticeship-off-the-job-training-policy-background-and-examples> [Accessed 02.05.25]. Contains public sector information licensed under the Open Government Licence v3.0.

⁶⁰ FERGUSSON, L. 2022. Learning by... Knowledge and skills acquisition through work-based learning and research. *Journal of Work-Applied Management*, 14, 184-199.

⁶¹ Solicitors Regulation Authority 2022. *Reflect and identify* [Online]. Online: Solicitors Regulation Authority. Available: <https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/continuing-competence/reflect-identify/> [Accessed 17.02.23].

The positive feature of the NU Solicitor Apprenticeship is that whilst it is based in the workplace and the workplace is a learning environment, the University is also a learning environment as they attend in person as part of their apprenticeship. The apprentices arguably take advantage of the benefits of both learning environments. Their development is also closely monitored and supported due to the workplace learning modules and the workplace coaches.

Is this an extension of clinical legal education?

Numerous writers have offered a definition of clinical legal education and as stated, there is not one universally recognised definition. Kerrigan and Murray define it as “learning through participation in real or realistic legal interactions coupled with reflection on this experience.”⁶² They state that ‘clinical schemes’ can encompass a range of activities from functioning law offices, such as the Student Law Office to street law projects.⁶³ Brayne et al support the notion that university-based clinics are not the only form of clinical legal education, noting that working with external agencies to deliver placements or out-house clinics, which they define as a clinic operating outside of the university, in for example a private law firm or voluntary sector organisation.⁶⁴ They suggest however that the longer a student spends on any form of placement away from the academic institution, the more the ‘placement providers objectives dominates’ and the experience has the danger of becoming useful work experience as opposed to a clinical experience.⁶⁵

Clinical legal education is rooted in experiential learning theory.⁶⁶ ‘Learning by doing exposes students to real or realistic settings in which both basic concepts and substantive rules can be studied.’⁶⁷ A further aspect to this is reflective practice. Reflection upon your experiences is central to clinical legal education.⁶⁸ It is the reflective element of clinical legal education that supports the learner become a life-long learner.⁶⁹

A key feature of clinical legal education is placing the ‘learner at its heart.’⁷⁰ Legal apprenticeships differ to law school-controlled placements and externship programmes, in that they are to be employer led and employer driven. Does employer controlled and driven placements, using the workplace as the learning environment stop them being classed as a form of clinical legal education?

The purpose of clinical legal education is the ‘learning experience’. To ensure the student receive the appropriate learning experience and for it to have educational value, then Brayne et al suggest that the clinical activity needs to be integrated into the degree.⁷¹ In this context, it means that the activities

⁶² KERRIGAN, K. A. M., VICTORIA 2011. *A Student Guide to Clinical Legal Education and Pro Bono*, Basingstoke, Palgrave. p.5.

⁶³ Ibid.

⁶⁴ BRAYNE, H., DUNCAN, N. & GRIMES, R. 1998. *Clinical Legal Education: Active Learning in Your Law School*, Blackstone Press. p.14.

⁶⁵ Ibid. p.172.

⁶⁶ KOLB, D. A. 2014a. *Experiential Learning*, Pearson Education, KOLB, D. A. 2014b. *Experiential learning: Experience as the source of learning and development*, FT press, KOLB, D. A. 2015. *Experiential learning : experience as the source of learning and development*, Upper Saddle River, New Jersey : Pearson Education, Inc.

⁶⁷ BRAYNE, H., DUNCAN, N. & GRIMES, R. 1998. *Clinical Legal Education: Active Learning in Your Law School*, Blackstone Press. p.1.

⁶⁸ RICE, S., EVANS, A., NOONE, M., GIDDINGS, J., CODY, A. & COPELAND, A. 2012. *Best practices: Australian clinical legal education.*- p. 153.

⁶⁹ STUCKEY, R. T. & CLINICAL LEGAL EDUCATION, A. 2007. *Best practices for legal education : a vision and a road map*, [New York], Clinical Legal Education Association.

⁷⁰ KERRIGAN, K. A. M., VICTORIA 2011. *A Student Guide to Clinical Legal Education and Pro Bono*, Basingstoke, Palgrave.

⁷¹ BRAYNE, H., DUNCAN, N. & GRIMES, R. 1998. *Clinical Legal Education: Active Learning in Your Law School*, Blackstone Press. P.157

undertaken can be linked to their course of study. This requires supervision from the institution to ensure that the learner is receiving a meaningful educational experience.⁷²

Apprenticeships by their nature will stand apart from conventional degree programmes, albeit some have scope for a degree award. At Northumbria University, our apprentices study the same core modules as our M Law students. This is likely to be similar in all English solicitor apprenticeship programmes, that students study all core law modules since the apprentices are required to sit SQE. The apprenticeship is a different pathway to qualification but ultimately the gateway to qualification as a solicitor is the same for all those seeking to qualify as a solicitor in England.⁷³

The NU Solicitor apprenticeship combines workplace training, work-based learning, and experiential learning. Whilst the apprenticeship vision is to place the employer at the “heart of the system for design and delivery”,⁷⁴ HEIs in the support they provide to the apprentice, can ensure that whilst engaging with employers, the learner is at the ‘heart’ of the learning experience whilst on their apprenticeship journey. The key to this is the apprenticeship design. The apprenticeship must encourage and enable the learner to consolidate their learning, reflect and apply theoretical knowledge.⁷⁵ This is done on the NU Solicitor Apprenticeship, in the work-based learning modules and by the support of the workplace coaches. If the apprenticeship is suitably integrated into a HEI’s law programme and is sufficiently supported and monitored by university staff, then surely the solicitor apprenticeship can be a form of clinical legal education.

Challenges and Opportunities

Northumbria University is now approximately 7 years into its solicitor apprenticeship journey and remains one of the few HEIs to deliver this pathway. This is an innovative and developing form of legal education. Those institutions with clinical programmes appear best placed to design and develop legal apprenticeships that are fit for purpose.

In the UK ‘[t]he widening participation agenda in higher education has been in place for decades. Widening participation strategy aims to address discrepancies in the take-up of higher education opportunities between different under-represented groups of students. Students from disadvantaged backgrounds, lower income households and other under-represented groups may face barriers to entry to higher education. Widen participation schemes attempt to remove these barriers and improve access to education, progress within higher education and to improve graduate outcomes and employability.’⁷⁶

The SRA’s reforms to legal education have opened the pathways to qualification and enabled us to engage in more creative ways to educate our law students.⁷⁷ It supports us in widening access to the legal profession, which is a large topic and beyond the scope of this article. It gives us the opportunity

⁷² Ibid. P.162

⁷³ Solicitors Regulation Authority 2021. *Pathways to qualification* [Online]. Online: Solicitors Regulation Authority. Available: <https://www.sra.org.uk/become-solicitor/admission/pathways-qualification/> [Accessed 17.03.23].

⁷⁴ Department for Business, Innovation & Skills (2015) Apprenticeships (in England): vision for 2020. Available at: GOV.UK [Accessed: 02.05.25]. Contains public sector information licensed under the Open Government Licence v3.0.

⁷⁵ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173.

⁷⁶ CONNELL-SMITH, S. H. A. A. 2018. Widening participation strategy in higher education in England. Online: House of Commons Library. P.3.

⁷⁷ Solicitors Regulation Authority. 2013. *Training for Tomorrow Ensuring the lawyers of today have the skills for tomorrow* [Online]. Solicitors Regulation Authority. Available: <https://www.sra.org.uk/globalassets/documents/sra/training-tomorrow.pdf?version=49a4a5> [Accessed 03/05/24 2024].

to develop clinical legal education, as well as potentially giving an opportunity to those who may be unable to access traditional forms of higher education. As indicated by Hymes and Evans, if we are teaching clinic properly outside of the educational institution, then it is not a 'cheap' or 'easy' option.⁷⁸ Our challenge is to ensure that the learners on an apprenticeship programme receive a quality learning experience and that the ethos of 'learning by doing', is not eroded or downplayed. At Northumbria University we have learnt important lessons about the infrastructure required to ensure the apprenticeship is effective. It is a team approach, which includes academic, support staff and coaches. The apprentice is surrounded by support within the academic institution to provide them with rounded, specialist guidance. The academic providing the knowledge and skills training required for completion of the apprenticeship, as well as pastoral support when required. The coaches provide mentoring and guidance and can support the apprentice in the workplace as they speak directly with the apprentice's workplace mentors. The support teams which include all teams within the University that provide student guidance and support, including academic support and governance which ensures the quality and compliance of the apprenticeship with regulatory rules, to student support and wellbeing, who can provide appropriate pastoral support. Every element of this support is vital to ensure the apprenticeship is effective. Whilst this level of support undoubtedly comes at a cost, it can arguably vitally support those embarking on this type of pathway and foster and encourage their development and success on the apprenticeship.

Clinicians have stressed the importance of clinical legal education but noted the limitations of some clinical models and questioned whether they replicate the reality of real practice.⁷⁹ The solicitor apprenticeship is an opportunity to apply the clinical approach to education,⁸⁰ to a fully qualifying law programme. The key to this is the design of curriculum which embraces our philosophy of a student-centred approach to learning, whilst accepting that we are working with a diverse range of learners. At Northumbria University in our core undergraduate law degree, we gradually build clinical work into the curriculum, allowing the students to increase their exposure to clinical work as they begin to 'mature' as learners. At the early stages of the apprenticeship the learners may not have the experience to control their own learning; they are likely to require direction and depend on the teacher for guidance.⁸¹ It will be important to ensure that theoretical knowledge is integrated into the programme at an appropriate level and time,⁸² as well as in conjunction with their practical learning experience in the workplace. The challenge with apprenticeships is the different level of experience of the cohort, as some may join an apprenticeship directly from school, whilst others may have worked for a legal employer for many years. They also as a cohort, may engage in very different areas of law and work for different types of legal organisations. This can pose challenges in ensuring that they are all supported appropriately and for those more able, are provided with the stretch they need to excel. On a positive, they can learn from each other's experiences in a community of practice.

If it is acknowledged that as educators we have a lack of control over the learners in the workplace, if we design a curriculum that requires them to engage with the educational institution as part of their work, for example with use of work-based learning modules, then we can monitor and guide their learning as much as possible. Whilst embracing technological advances and the ability to use a range of media to present and convey the core knowledge content, the role of the 'teacher' is still pivotal to

⁷⁸ EVANS, A. & HYAMS, R. 2015. Specialist Legal Clinics: their pedagogy, risks and payoffs as externships. *International Journal of Clinical Legal Education*, 22, 34.

⁷⁹ MARSON, J., WILSON, A. & HOOREBEEK, M. 2005. The Necessity of Clinical Legal Education In University Law Schools: A UK Perspective. *Ibid.* 7.

⁸⁰ *Ibid.*

⁸¹ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173.

⁸² BRUNER, J. S. 1960. *The process of education*, Cambridge, Harvard University Press.

the learning experience.⁸³ Solicitor apprentices will spend a considerable period in the workplace supported by their workplace mentor and other experienced colleagues and will still require strong academic support. Our understanding of the importance of reflection and the need to encapsulate and contextualise learning activities,⁸⁴ will enable us to support the learner and encourage reflective thinking.

The NU Solicitor Apprenticeship gives us an opportunity to develop the concept of clinical teaching and create new and interesting ways to integrate working and learning. As noted by Griffiths, in respect of the development of clinical legal education programmes, to meet the resources challenge of clinical legal education we need to enhance our understanding of different clinical methodologies.⁸⁵ Brayne et al, neatly summarise the contribution that the clinical approach to teaching can have on undergraduate legal education. In essence, it provides experience of how the law impacts on people, it encourages reflection, engagement with ethical dilemmas, develops research skills and can support and develop team working as well as self-reliance and independent skills.⁸⁶ The NU Solicitor Apprenticeship can also do this. It further enables us to engage with the legal profession, observe current practices and utilise their expertise and knowledge more actively. This in turn could shape and enhance the alternative clinical programmes we offer as well as enhance our profile in the professional world and possibly, open future employment opportunities for our students. Legal clinicians are best placed to drive forward legal apprenticeships and make them an integrated part of our clinical work – we need to embrace the apprenticeship model and make it part of our law school clinical provision.

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⁸³ FULLER, A. & UNWIN, L. 1998. Reconceptualising apprenticeship: exploring the relationship between work and learning. *Journal of Vocational Education & Training*, 50, 153-173.

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⁸⁶ BRAYNE, H. 1998. *Clinical legal education : active learning in your law school*, London, London : Blackstone Press. P xiv

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Article

Collective advocacy in the age of neoliberalism: Getting political in an interdisciplinary law clinic

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Abstract

Background: In a context of neoliberal policies where social, health and legal services are increasingly scarce, legal or interdisciplinary clinics can play a pivotal role in defending the rights of the most marginalized, in addition to training students on the structural and political dimension of the law and social-work practices.

Purpose: Based on students' experiences of collective advocacy at the Outaouais Interdisciplinary Social Law Clinic Law Clinic, this article explores the nature and impact of learning through community engagement and collective advocacy.

Methodology: A case study conducted through semi-structured interviews with 9 clinic students and analyzed using an inductive approach.

Findings/Conclusions: The learning experiences transform students' conception of justice, by integrating the basic needs of all community members along with ending oppressive police and judicial practices, but also the role they wish to play as future professionals for social justice.

Implications: These findings demonstrate the importance of addressing the political dimension of higher education.

Keywords: Experiential learning; Social justice; Case study; Community settings; Higher education

Introduction

Neoliberalism, characterized by the deregulation of financial and labor markets, is based on the idea that free markets and private property are the best ways to ensure equality, and that public institutions are ineffective in economic and social matters (Brown 2006; Harvey 2005). Since the 1980s, the neoliberalization of public policy has imposed the market logic on the entire state structure, resulting in increasing economic inequalities in almost all countries, even those with effective social-protection systems (Navarro 2007; Word Inequality Lab, 2022).

Although the neoliberal doctrine advocates for a “smaller state,” the actual downsizing of neoliberal states has not been observed. To the contrary, in most countries, while budgets allocated to social missions have been shrinking—leading to cuts in social services, mental health programs, addiction treatment, and affordable housing initiatives—repressive institutions (police, courts, prisons) have seen their budgets increased exponentially, with the effect of over-targeting poor and marginalized social groups (Wacquant, 2009).

Instead of addressing the structural causes of rising inequalities, neoliberal discourses and policies tend to criminalize social problems, framing them primarily as “mental health” and “security” issues rather than as social and economic issues (Boyd & Kerr, 2016). As a result, a “law and order” agenda, focused on maintaining social stability and protecting property rights, has taken precedence (Harvey, 2006; Wilson & Kelling, 1982). This has led to harsher law-enforcement responses to social problems, such as increased policing and surveillance of marginalized individuals and communities (Perlin & Lynch, 2016; Wacquant, 2009) and a 5.5% increase of the prison population worldwide in the last decade (United Nations Office on Drugs and Crime, 2024).

Legal clinics, which provide support to individuals and groups who face barriers to accessing legal representation, can play a significant role in countering police profiling and coercion geared towards homeless individuals, while exposing and training students in the social justice dimension of the law practice (Buhler et al., 2015; Macfarlane, 2009). While legal clinics are often focused primarily on providing individual support, collective advocacy, education, and community outreach can also play a major role in defending the rights of the most marginalized, all the while having a global impact on community solidarity (Ashar, 2008; Barbera & Protopapa, 2020; Carolin, 2014).

In terms of education, clinical experience enables law students to move away from legal “book education” to understand the legal problems of everyday life, to develop self-reflection in relation to practice and to reintroduce justice into the law (Cooper & Trubek, 2018). The integration of social-work students into legal clinics helps to make social justice and advocacy a key element of clinical education through the sharing and articulation of disciplinary knowledge and values (Baines, 2017; Breunig, 2019; Dalrymple & Boylan, 2013). While acquiring new skills, knowledge, and forging a more complex understanding of situations (Braye & Preston-Shoot, 2006; Boys et al., 2015; Colarossi & Forgey, 2003; Morton et al., 2010; Stein, 2004), law and social-work students work as an “experientially integrated team” (Current & Ryder, 2023, p. 9) and develop a critical approach of the law in its political, economic and social contexts. However, Dodge and Smyth (2018) highlight that relatively little scholarship discussing the possibilities and challenges of collective advocacy in clinical education have been done, many clinics operating on an individual legal services model. According to the literature, collective advocacy can address structural issues by adopting an anti-oppressive approach that challenges the traditional hierarchies of legal consultation by considering the knowledge and priorities of those directly affected. However, this approach requires significant work from clinicians, who must often unlearn and deconstruct certain assumptions and methods acquired in academic settings, particularly in law schools. Additionally, collective advocacy is difficult to fund, as it does not align with the expectations of funders for measurable outcomes based on the of individual consultations (Dodge & Smyth, 2018).

In this paper, we will discuss the case of the Outaouais Interdisciplinary Social Law Clinic, which is the fruit of a partnership between the Faculty of Law, the School of Social Work and the School of Nursing at the University of Ottawa, Canada. The Clinic, which opened in September 2021, not only offers consultations, legal proceedings information and support (regarding criminal, family, administrative, housing and health-related matters) to people who are at risk of or who are experiencing homelessness but is also equally involved in collective-advocacy projects relating to community issues on homelessness and local police profiling. The Clinic has the distinctive feature of being a training

center for university students in law, social work and nursing, as well as for trainees in paralegal education programs. Based on a qualitative case study of “community based-knowledge” (Seaman et al., 2020) and a collective advocacy experience conducted between 2021 and 2023, we will present, the students’ learning experience in terms of solidarity, knowledge mobilization, and professional skills. First, we will detail the ways by which cities, such as Gatineau, Quebec, Canada, the city where the clinic operates, deploy modes of policing geared toward the homeless and marginalized communities, which legal clinics are called upon to respond and resist.

Context. Cities’ responses to homelessness: from containment to therapeutic policing

Since the early 1990s, studies in urban sociology and critical geography have highlighted the spread of urban conflicts in several North American cities faced with an increasing and visible problem of homelessness. These studies have underlined how, over the past 30 years, cities have become sites of rising tensions between the homeless individuals and residents (Amster, 2003; Davis, 1990; Mitchell, 2003; O’Sullivan, 2012; Snow & Mulcahy, 2001; Wasserman & Clair, 2010; Watts et al., 2018). Homeless populations are seen as “out of place” (Cloke et al., 2000; Cresswell, 1996) and are portrayed as undermining the commercial and touristic attractiveness of cities, as well as residents’ sense of security (Gibson, 1998; Mitchell, 2006, 2011; Takahasi, 1998). Existing literature has documented how local governments, the state, and communities respond to urban tensions primarily with increasingly punitive measures that bear down on the homeless and their use of space, constantly surveilling and pushing them out to geographically marginal areas (Maestri & Hughes, 2017). In their article, “Space, Politics, and the Survival Strategies of the Homeless” (2001), Snow and Mulcahy identify three modes of policing: containment, displacement, and exclusion, which differ slightly in terms of objectives and methods. First, containment seeks to corral homeless individuals by reducing their public visibility and interactions with other citizens, and by using disruptive tactics to curtail their mobility and ecological range through tactics including profiling, surveillance, and arrest. Second, displacement seeks to temporarily dislodge and remove (and, more rarely, relocate or resettle) homeless individuals from all spaces (whether used as a home or to panhandle, for example) through tactics such as herding, demolition of camps, squats, or shantytowns, or revising local zoning ordinances. Exclusion refers to a strategy, often used in conjunction with the first two, to permanently keep homeless people out of designated areas. The NIMBY (“Not in My Backyard”) phenomenon or other collective opposition, such as petitions, to the construction or relocation of homeless shelters in specific neighbourhoods are examples of exclusion strategies. Walby and Lippert (2011), in continuity with previous typologies and consistent with critical legal literature on aesthetics and urban order (Ghertner, 2010; Gibson, 2005; Lippens & van Calster, 2002; Mitchell & Staeheli, 2006), consider a fourth mode they describe as “dispersal” policing. These policing aims to temporarily dislodge or remove homeless individuals from all spaces for reasons of aesthetics and beautification. Research on this final mode of containment has shed light on initiatives to displace homeless people from urban public spaces to enhance the city through recreation or tourism. Techniques deployed in this mode seek to avoid the concentration of homeless bodies in commercial zones, by temporarily dispersing them out of sight, as “unsightly trash to be removed, objects with limited aesthetic value” (Walby & Lippert, 2011, p. 1019), therefore creating “spectral geographies that hide homeless lives from view” (Walby & Lippert, 2011, p. 1029). In a context in which social services are lacking, the police are the first respondents (McKenna et al., 2015; Parker et al., 2018). They are seen by public authorities as key players in resolving safety crises (Van Veen et al., 2019), which explains the proliferation of new models of therapeutic policing, adding to the list of contemporary policing modes. Guided by these models, the police have been adding to their conventional policing mandate—linked to criminal law—a therapeutic mission that aims, in theory, at helping poor and marginalized people reintegrate into society. Homeless people, who are perceived, in a neoliberal doctrine, as a public-space nuisance and regarded as the epitome of a “bad citizen,” are particularly targeted by these therapeutic policing practices.

Therapeutic policing operates as a form of outreach social work that aims to transform and reintegrate residents as productive, self-governing citizens. Equipped with new legal tools and expanded discretionary authority, officers use coercive ultimatums—enter a rehabilitative program or go to jail, look for employment or suffer monetary fines—to instill residents with new habits, attitudes, and dispositions. Deployed as “tough love” for residents’ own good, this street-level mode of poverty governance legitimates elevated levels of repression while widening the net of coercive control. As a result, additional (and previously noncriminal) behaviors and populations are subjected to ubiquitous surveillance and intrusive regulation (Stuart, 2016, p. 15).

The effectiveness of such police practices is controversial. While some studies show that they are less traumatic and less likely to result in arrests or injuries compared to conventional police practices (Puntis et al, 2018; Watson & Wood, 2017), studies conducted among the people concerned and their families show an equivalent perceived level of coercion, notably because arrests are replaced by involuntary emergency-room admissions (Furness et al., 2017; McKenna et al., 2015; Watson & Wood, 2017). Studies also show that the way in which police officers identify, select or target people for therapeutic intervention depends on their opinions, perceptions, or preferences, not on clear universal guidelines (Perlin and Lynch, 2016). Moreover, research shows how groups that are marginalized by intersecting systems of oppression (e.g., race, social class, gender, sexuality, citizenship status, ethnicity and age) are more often the targets of police surveillance and harassment (Boyce et al., 2015; Desmond, 2012; Wacquant, 2009; Watson & Wood, 2017).

In the city of Gatineau, where the Outaouais Interdisciplinary Social Law Clinic is implemented, several of these policing techniques (dispersal, containment, exclusion and therapy) have been deployed in response to increasing poverty and homelessness, mirroring a national trend (Fagan, 2023). Police officers are issuing a growing number of fines related to the use of public space, including to shelter users or to those without a permanent address. Three-quarters of these fines lead to incarceration despite a 2020 legislative change prohibiting courts from issuing warrants of imprisonment in case of inability to pay (Radio-Canada, 2022a). Historically, the city of Gatineau holds the record for incarceration for non-payment of fines in Quebec (Chesnay et al., 2014). At the request of citizens who fear for their safety, “calls are once again being made for a law and order response to address this highly visible manifestation of urban poverty” (O Gready et al., 2011, p. 6). During the Covid-19 pandemic, demands for emergency accommodation rose by 18% (Ministry of Health and Social Services, 2022). However, the various levels of government have not released the funds needed to respond to the crises, whether by opening more places in shelters and day centers, by serving more meals or by building social housing. Access to transitional housing is also a limited, since it is conditional on participation in a recovery program, whether related to employment, drug or alcohol abuse, or mental health (Tsemberis, 2010). The police have therefore been increasing their presence and exercising ever closer surveillance with tougher laws and stricter enforcement (Herring, 2019), all the while prompting people to take part in recovery programs (Rutland, 2023). The Outaouais Interdisciplinary Social Law Clinic users report having experienced daily contact with the police, to the extent of feeling stalked and harassed. Many have spent time in prison for unpaid tickets or are in hiding because of warrants of imprisonment against them. In addition, they express a sense of being ignored since they are not consulted when decisions affecting their lives are taken. While the methods used to control the homeless are numerous and increasingly well documented, the collective responses that attempt to resist those methods are less so. In the next section, we will describe an example of a collective mobilization and community solidarity that took place in the city of Gatineau in response to increasing policing measures geared towards the homeless communities. We will focus on the role played by the Clinic in this mobilization, notably through collective advocacy.

A clinical practice in the city: resisting oppression through collective advocacy

According to Abramowicz (2004), the three most fundamental defining characteristics of community legal clinics are local community governance, practice in the areas of poverty law, and legal response provided through a broad array of services (Abramowicz, 2004, p. 73). Collective advocacy, on the other hand, which seeks to better engage the community to achieve long-term and sustainable outcomes, is rarely defined as a key component of such clinics. And yet, in a neoliberal context that maintains and reinforces situations of injustice, collective advocacy makes it possible to aim for the systemic changes necessary for people's well-being and for greater social justice. Paulo Freire (1993), in his discussions on collective advocacy, emphasizes the power of collaborative efforts in advancing social change. He underscores the importance of individuals coming together to collectively advocate for shared goals and challenges the notion that advocacy is solely an individual endeavour. Freire envisions a participatory and inclusive approach where communities unite to address systemic issues, fostering a sense of solidarity and empowering everyone involved in the pursuit of a more just and equitable society. Freire's ideas hence highlight the way legal clinics benefit from shifting towards a collective advocacy approach (Mimoso et al., 2018).

The Outaouais Interdisciplinary Social Law Clinic was recently involved in a collective advocacy action that took place in 2022 and 2023 following the plans for the city of Gatineau to move its police headquarters to a site located in close proximity to the major homeless shelter and community services (Radio-Canada, 2022b). This plan, which was announced in the media in November that year, was made without consulting the residents nor the local community actors in the area. The Gatineau police department dominated much of the public discourse on the issue. In a series of media appearances and public presentations, the police department depicted the city's homeless situation as a public-safety issue requiring greater police presence. In addition to citizens' fears, the police were reporting a growing number of "heavy users" of their services, therefore needing to get closer and to better assist them. On numerous occasions, municipal representatives echoed the police department's rhetoric.

The Clinic's team, composed of supervisors, professors and students, published in newspaper several open letters highlighting the issues at stake for the many homeless people in the area (Tunney, 2022). Drawing on research findings and clinical observations, the letters highlighted the risks of harassment, profiling and judicialization, as well as the displacement of homeless and low-income people to areas further away from social services. Calling for a public consultation on the issue, the Clinic's team appeared on several occasions at city-council hearings alongside its community partners. Several information sessions about the City of Gatineau's decision and the issues it raised were organized by clinic students.

In January 2023, the Clinic and a few community groups organized a public forum about the future of the site that had been designated by the city to house the police headquarters. The aim of the forum was to start a conversation about the wishes and desires of people living in the neighbourhood, including people who use the Clinic and local homeless services. The clinic's students documented the ideas that emerged from this exercise and were specifically attentive to the needs and reactions of the homeless people themselves.

In January and February, the Clinic's team, in collaboration with its community partners, kept up the pressure on the city council, multiplying open letters, media interviews and attendance at city council hearings. At the end of February, the city council voted against moving police headquarters downtown, and announced a public consultation (Canadian Broadcasting Corporation, 2023).

The criticisms levelled by some elected officials at the Clinic's team was that its actions are based on academic research and not on what citizens, including people experiencing homelessness, really think.

Proponents of moving police headquarters downtown claimed that homeless people want more police presence for their own safety, although the people concerned were not directly heard.

To enable people experiencing homelessness and the community workers who support them to make their voices heard during the public consultations, the clinic, in collaboration with a community group, conducted an action-research project on relations with the police and the future of the neighbourhood. The project aimed to identify community needs through a participatory and creative process, while producing knowledge useful in mobilizing public authorities to support claims based on real needs and legitimate interests (Sauvé & Provencher, 2019). Inspired by the method presented in *Mapped! A youth community mapping toolkit for Vancouver* (Ragan et al., 2009), the study proceeded through a process of mapping the city, followed by an activity to create a “dream tree.” The aim was to document and bring to light people’s experiences in the neighbourhood, as well as their ideas and aspirations for their community. Data collection and analysis, as well as the writing of a research report, were carried out by a student on a research internship at the clinic with the support of the team’s professors.

The research report can be used in future public consultations, as well as a guide to support the clinic and its community partners in future actions (Clinique en droit social de l’Outaouais et al., 2023). A second phase of research is currently underway, aiming to delve deeper into certain topics through individual interviews with research-action participants.

In Gatineau, as in many other Canadian cities, an encampment has been set up to compensate for the lack of housing and shelter spaces. During the summer of 2023, with the support of a street outreach worker, the campers formed a committee to advocate for the rights and needs of people experiencing homelessness in the city. With the support of a student, a supervisor and a professor, the “campers’ committee” drafted a letter addressed to the public, which was published in the local newspaper (Les campeurs en câlisse, 2023).

Method

The research team has practical and research experience in legal clinics, in community settings and in the context of homelessness. The training and service model developed at the Outaouais Interdisciplinary Social Law Clinic is based on the cross-results of studies conducted by team members in recent years.

Research design : case study and participants

The Clinic is conceived as a case study, as it aims to document and disseminate knowledge about the benefits of our interdisciplinary, collective advocacy-based approach for students, users, and the community at large. The study carried out at the Clinic includes students, users and community partners, but in this article, we will present and discuss only the results for students. Since the opening of the Clinic, all students have been invited to participate in approximately one-hour semi-structured interviews on the themes of their clinical experiences, the relevance of the training offered, and how they envision their civic and professional future. Our main research question concerns the impact of clinical experience on student training and professional identity, but we also seek to better understand the impact of collective advocacy on the way law and rights are conceived. Participation is voluntary, and not participating has no consequences for students’ involvement in clinic activities. The interviews were conducted by a research assistant, and the students were not compensated for their participation. Given the small sample size (4 participants in 2022–2023 and 5 in 2021–2022), this case study approach is particularly suitable, as it acknowledges the limited scope for generalization across clinics more broadly. Nonetheless, the themes emerging from the data may provide valuable insights

and food for thought for other clinicians who run or wish to establish similar clinics. These findings, while contextualized within our specific setting, hold the potential to spark dialogue, inspire innovation, and inform best practices in clinical legal education. By documenting students' experiences, we aim not only to improve training and clinical follow-up but also to deepen our understanding of the nature of their learning and its impact on their academic and professional trajectories. The Clinic also serves as a platform for fostering critical reflection, empowering students to engage with complex social issues and develop advocacy skills that extend beyond the classroom. Our research findings will be used to create practical training and clinical intervention tools that can be adapted and applied in other legal clinics. These tools, grounded in our case study data and linked to pre-existing literature, will contribute to the growing body of knowledge on experiential learning and community-oriented legal practice. From the outset, the Clinic received approval from the University of Ottawa Ethics Committee, ensuring compliance with ethical standards in our documentation and dissemination process.

Materials

Our main material consists of nine thematic individual interviews carried out in French with law and social-work university students, as well as one paralegal trainee during the academic years 2021-22 and 2022-23: Lucien, Suzy, Mourad, Rita and Angelica (paralegal trainee and law student); and Simone, Nanette, Mario and Iman (social-work students). We chose to proceed with individual interviews rather than group interviews due to previous research experience in interdisciplinary clinics where we observed that law students tend to dominate discussions, to the detriment of social work students. We wanted to ensure we created an environment where students would feel comfortable discussing issues that matter to them, particularly in relation to interdisciplinarity. Individual interviews are also a means of documenting individual experiences in depth, which can vary significantly.

These interviews aim to shed light on various experiences of “community-based knowledge” (Seaman et al., 2020), with the goal of uncovering the collaborative dynamics and collective learning that emerge from these contexts. During the interviews, students were asked to describe their experiences and their learnings at the clinic, and to situate them in their academic and professional paths. Through this case study, we will explore the intersection of theory and practice within the framework of community engagement. By drawing from both the collective advocacy work and individual interviews, we aim to highlight the different ways in which knowledge is co-constructed, shared, and applied in community settings. This approach will also allow us to reflect on the broader implications of community-based knowledge for social change, the empowerment of marginalized groups, and the potential for transformative action at local levels. Ultimately, we seek to demonstrate the power of collective action and its capacity to generate innovative, context-specific solutions to pressing societal challenge.

Interview canvas

- 1- What was your motivation for joining the Outaouais Interdisciplinary Social Law Clinic?
- 2- What were your learning and training expectations?
- 3- How important is interdisciplinary collaboration in your clinical experience?
- 4- How important is collective advocacy in your clinical experience?
- 5- What has collective advocacy taught you about the practice of law or social work?
- 6- What kind of (legal or social work) practice are you interested in?

Coding and analysis strategies

The interviews lasted about an hour and were recorded. They were then transcribed. A coding grid was constructed inductively, based on the content of the interviews, and covered experiential versus theoretical learning, community involvement, collective advocacy, law, justice and rights, and the concept of self as a professional. It was while constructing the coding grid that it became evident to us that the collective advocacy constitutes a form of experiential learning in itself.

The analysis aims to highlight the community and political dimensions of experiential learning in interdisciplinary clinic settings to underscore their transformative potential. However, throughout the analysis process, we ensured to maintain proximity to the data by creating analysis categories that reflect the words used by students in interviews. We also chose to incorporate quotation of their statements as much as possible in our writing.

Learning through “community engagement”

Students at the Outaouais Interdisciplinary Social Law Clinic have been involved in various ways at all stages of these collective advocacy activities, be it by conducting research, drafting documents, representing the clinic at events, or asking questions at municipal council meetings. They have worked closely with the clinic’s community partners and interacted with clinic users in a context different than individual consultations. Here, service users and community workers hold essential knowledge for action, and through their immersion in the community, students are introduced to the complexity of regional issues through both personal and collective experiences, which is the main source of clinical learning (Ajagunna & Byron, 2024; Barry et al., 2011).

For the Clinic’s trainee and students, the most significant aspect of their learning is connected to community solidarity. Based on their immersion in the community environment, they have asserted that the community is “united” and “like a family.”

They recount having discovered solidarity through the generosity of clinic users, as exemplified by Lucien: “It’s ironic in the sense that it’s the people who have the least who give the most. In the sense that users are like, ‘Oh, that person needs a coat, I’ll give it to them.’ That really struck me.” Iman explains that she realized that homelessness is first and foremost a social disaffiliation, and that community solidarity has the power to “reaffiliate” people by creating “communities that accept everyone.” She explains:

People experiencing homelessness remind us of the importance of creating a society that is more inclusive, more focused on community life. It shows us the extent to which in our society we live our lives individually. Seeing people experiencing homelessness who get off the street and then really need to connect reminds us that there's something wrong with the way we live our lives. You know, we need each other.

Through these experiences, students gain a profound appreciation for the interconnectedness of community life. Witnessing acts of generosity and solidarity among individuals with so little challenges traditional assumptions about poverty and powerlessness. These examples underscore the transformative potential of community solidarity in addressing social exclusion and reestablishing a sense of belonging. The students’ reflections also highlight how immersion in such environments reshapes their understanding of societal priorities, encouraging them to envision a more collective, inclusive future.

Immersion in community work also helps students transition from theoretical knowledge to a practical understanding of justice. Students report that their immersion in the community has made them understand how inaccessible the law and justice are for the most marginalized communities, and how this affects everyday life. They knew it before, but only theoretically, as Simone explains:

It was something I had read about and heard about, but seeing it, talking to these people who tell you their stories, how their rights are violated left and right, how they're made to feel like they don't even have the right to say anything, and they just must accept it because they're in a precarious situation... It puts things into perspective, it's completely different.

The Emotional Impact of Experiential Learning

Active, experiential learning also evokes strong emotional responses from students, ranging from “shock” and “powerlessness” to empathy and newfound awareness. In interviews, the students recount the “shock,” the “powerlessness,” the stress and the empathy they experienced (Dodge & Smyth, 2018; Macfarlane, 2009). These emotions ground their most tangible insights, starting with the awareness of their own privileges (Barry et al., 2011), as expressed by Nanette:

It made me realize: “Wow, how I’m lucky to have a roof over my head!” It made me aware of my blessings. If I’m not in that situation [homelessness], it’s not because of me and not because I’m better or smarter than someone else. No, no, it’s the opportunities I’ve had through my parents, through the history of my entire family, the advantages I’ve had because of my parents’ jobs, my easy childhood and all that.

For many students, the emotional weight of their experiences not only deepened their understanding but also motivated them to act. Empathy became a driving force behind their efforts to address systemic injustices. Students described moments when witnessing the resilience of clinic users prompted them to reevaluate their assumptions about vulnerability and strength. These moments of connection and empathy allow students to see beyond the abstract concepts of law, justice and social work, grounding their learning in real life experiences. By engaging with individuals who embody resilience and agency, students gain a deeper appreciation for the collective strength within marginalized communities. Empathy thus becomes not just a personal response but a professional tool (Lawton, Saban & Whittam, 2022), inspiring students to approach advocacy with humility and a commitment to amplifying the voices of those most affected. Through their emotional engagement, students transition from theoretical understanding to embodied knowledge. Experiences of shock and stress challenge their assumptions about fairness and justice, while feelings of empathy and connection motivate them to act. These moments help students bridge the gap between their academic training and the lived realities of marginalized populations, fostering a sense of responsibility to address the structural inequities they encounter. This emotional grounding not only enhances their professional competence but also equips them to approach their future roles with humility and a commitment to advocacy. By confronting uncomfortable truths and engaging with the human impact of systemic injustice, students emerge with a deeper understanding of their potential to effect meaningful change within their communities. The literature also notes that clinical experience is particularly effective in developing a sense of professional and social responsibility among students, in addition to cultivating reflexivity about their own practices (Ajagunna & Byron, 2024; Maresh, 2018; Sossin, 2014; Barry et al., 2011; Sandefur & Selbin, 2009).

Co-Creating Justice with Community Partners

Even though many clinic users “know their rights very, very well,” they struggle to assert them. As seen in other collective advocacy projects (Dodge & Smyth, 2018), in interviews, students talked about how law and justice are often at the root of rights violations. While they observed these dynamics in individual consultations, it is in the context of collective advocacy that they recognize their structural dimension. They report that homeless individuals have all received fines for actions such as crossing the street in the wrong place, making noise, or urinating in public. These experiences have created, according to several students, a significant breakdown of trust in the judicial system, causing people to no longer want to assert their rights.

When asked about their experience at the clinic, all the students shared a sense of injustice which is often presented as a driving force for action. The injustices experienced by the clinic’s users are omnipresent in their social experiences and go beyond the question of rights or law. They are rooted in something much more fundamental, which pertains to the very structure of social fabric (Barry et al., 2011). Both the awareness of individual privileges and the understanding of their structural dimension led the students to readjust their way of conceiving justice, as well as understanding their own role in terms of justice (Breunig, 2019). Social-work students reported realizing that their vision of law and justice was idealistic. Simone, for instance, said that “what makes us human is having rights.” She questioned the meaning of social intervention in a context where rights are simply denied. Law students highlighted that it can be uncomfortable to provide legal information to individuals with practical experience who have a much better understanding of the law than they do. They know they must consider the experiential knowledge of the clinic’s users to understand the law, something the Faculty of Law did not prepare them for.

Through collective advocacy experiences, clinic students, together with service users and community workers, co-create a conception of justice that considers the basic needs of all community members, along with an end to oppressive police and judicial practices. Justice then functions as a social determinant of health that can serve as both an improvement lever and a factor aggravating inequalities. It is thus through a shared understanding of justice that a genuine sense of community belonging can take shape for students, extending beyond the clinic, as Angelica describes: “When I arrived at the clinic, that’s where I built that sense of belonging, and it was so helpful to have people [users of the clinic and community workers] who have the same perspectives.”

The experiences of clinic students underscore the transformative potential of co-creating justice through collective advocacy. By engaging directly with marginalized communities, students moved beyond theoretical learning to develop “a nuanced understanding of systemic inequities”, as one student mentioned. These experiences highlighted the limitations of traditional legal and social-work frameworks while offering new pathways for addressing structural issues. Through collaboration, students learned that justice must be redefined to address the lived realities of those most affected by systemic oppression. This reimagined justice is rooted in community solidarity, experiential knowledge, and a commitment to systemic change.

Collective advocacy as a Catalyst for Systemic Change

While justice, combined with an awareness of the social determinants of health, serves as a tool for collective action, it also reveals the structural and political dimensions of inequalities. The daily life at the clinic responds to systemic inequalities and right violations: tenants illegally evicted, homes infested with cockroaches and rats, police officers refusing to take a sexual assault complaint against a landlord, arguing it’s a private dispute, police assisting landlords in illegal evictions, police harassment, imprisonment for unpaid fines, and insufficient access to food, healthcare, and housing. For the students, these structural issues, which stem from current or past political decisions, require different strategies than those employed during individual consultations. In a legal context where, apart from

certain aspects, collective actions, rights, and remedies are individual, collective advocacy must necessarily involve political mobilization. Recounting her experience at the citizen forum, Iman asserts that “what we did there was really to give a voice to people and for people experiencing homelessness to be able to express themselves and be heard.” This experience has enabled her to put into practice the feminist approach she believes in by exposing the “oppressions and political background behind it.”

Therefore, the students and interns report that they have learned that their actions have the most impact when they participate in collective advocacy alongside clinic users. Angelica explains: “The collective struggle led by the clinic and its community partners have shown me the impact that activism can have at a political level. These mobilizations have demonstrated that they can be a powerful instrument of significant change for the community.”

Hence, by engaging with community partners and addressing structural injustices, students were able to bridge the gap between individual legal remedies and broader social inequalities. The issues they encountered—illegal evictions, police harassment, and inadequate access to basic needs like housing and healthcare—reveal how systemic problems are often the result of political and structural decisions rather than isolated incidents. Through their collective advocacy efforts, students learned that meaningful change often requires political action. Iman’s account of amplifying the voices of homeless individuals at a citizen forum exemplifies this approach, as it situates advocacy within a framework of empowerment and feminist praxis. By exposing the structural oppressions that underlie social issues, students were able to challenge the status quo and foster a sense of agency among marginalized groups. This process underscores the importance of advocacy as both a practical and political intervention—one that seeks to reshape systems of power and reimagine justice in more inclusive and equitable terms. Finally, the students’ reflections on the limits of the legal system as a tool for justice are particularly striking. By questioning practices that facilitate access to a system that often exacerbates oppression, they challenge the fundamental assumptions of their respective fields. This critical perspective is essential for rethinking the role of law and social work in addressing inequality. Advocacy, as the students discovered, is most effective when it moves beyond individual cases to engage with the broader political and structural dimensions of injustice.

Transformative Experiences and Career Implications

Our results are consistent with the literature regarding the impact of clinical experience on the professional trajectory of students, and more particularly on their commitment to social justice (Ajagunna & Byron, 2024; Kotkin, 2018; Maresh, 2018; Sandefur & Selbin, 2009). For all Outaouais Interdisciplinary Social Law Clinic’s students, the experience of collective advocacy has been transformative in that it has changed their vision of law and justice, and their vision of their role as professional. By participating in collective advocacy, students not only deepened their professional skills but also cultivated “a sense of responsibility and belonging” that guide their future careers. For many students, these advocacy experiences have shaped their academic and professional aspirations, as well as on their community involvement. Many have expressed a desire to continue contributing directly to the community, through volunteering, summer employment or work with a community group or involvement with the clinic, as students or as volunteers. Regarding further studies, many want to build on their experience to guide the next steps in their academic journey.

For example, several social-work students are considering pursuing law degrees to support their social-work practice, to better understand and support people affected by the law and legal processes; law students contemplating to do a master's degree have expressed their intention to focus their research on structural legal issues. When it comes to career choices, all the students have asserted that their collective advocacy experience has at the very least confirmed, and in some cases has redirected, their professional perspective. For social-work students, the collective advocacy experience confirmed that

social-work practice can deal with “structural issues,” address “the root of the issues” and aim for “long-term social change.” When it comes to law students, some are considering practice in a legal-aid office, while others envision a career in the community sector, options they had never thought about before. Social-work students’ interest in law degrees reflects their recognition of the intersection between legal systems and social justice, while law students’ newfound focus on community-oriented practice reveals a shift from traditional legal frameworks to more holistic approaches. In both cases, the students express their hope that through their professional engagement and involvement, they can continue the collective advocacy work they experienced at the Clinic. These career aspirations highlight how advocacy can serve as a catalyst for long-term systemic change, not only through direct action but also by inspiring a new generation of professionals committed to addressing root causes of inequality.

Discussion: The political dimension of higher education

The results of this case study highlight how collective advocacy and community-based learning are a central part of community interdisciplinary clinics in the neoliberal area of rising inequality and increasing policing measures geared toward homelessness individuals. This approach recognizes that learning is not confined to formal educational institutions but can thrive in everyday experiences and interactions within a community. Hence learning is seen not just as an intellectual exercise but as a political means to address and improve social conditions. While collective advocacy typically includes “letter writing campaigns, formal political engagement with elected decision makers, public protests, and community planning meetings” (Dodge & Smyth, 2018: 52), it also entails what is known, in social work, as “community based-learning:” a notion that was first thought of by Jane Addams (1964), a major figure in the settlement house movement and co-founder of the Hull House in Chicago at the turn of the 20th century. Her work at the settlement Hull House involved a “clinical practice” in the city, by providing services and support to the community. Addams believed in empowering individuals to take collective action to improve their own conditions and emphasized the importance of local communities in addressing social problems, such as poverty and inequality, through collective action and community engagement. She believed that using collective action to bring about systemic changes would benefit society as a whole. Settlement houses, like community legal clinics today, were located in poorer neighborhoods and were considered as hybrid spaces, between academia and social institutions, which created learning opportunities rooted in the community. Addams viewed community-based learning as a way to promote active participation of citizens in shaping their communities. Collective advocacy, in her view, was not just about addressing immediate needs but also about fostering a sense of civic responsibility and engagement. Jane Addams's community based-learning thus emphasize community engagement and social solidarity, and addresses issues through collective action. The application of her ideas provides insights into how community legal education clinics offer valuable learning opportunities through collective advocacy activities. Her perspective is also in line with Freire’s (1993) emphasis on critical thinking and active learning, which are key components of his pedagogical approach (Hegar, 2012). Furthermore, Freire's focus on dialogue and awareness aligns with the goals of community based-learning, which non only aim to empower marginalized communities, but also students. In sum, Addams and Freire’s principles encourage students to engage with real-life cases of collective advocacy and work towards social change.

The findings of our study align with this literature, showing that clinical experience, especially through collective advocacy, plays a pivotal role in reshaping students’ perceptions of their roles as professionals. Through these experiences, students move beyond their position as knowledge-holders and experts, and embrace a more open, learner-centered approach in relation to the Clinic’s users. Following Freire’s teachings (1993), collective advocacy serves as a way of considering and levelling class relations and place students in a position of reciprocal leaning with the communities they serve. The Outaouais Interdisciplinary Social Law Clinic’s experience shows that in this setting, real political

engagement and solidarity can develop. Many students question the practices aimed at facilitating access to a legal system that produces so much risk and oppression for marginalized communities (Ashar, 2008; Buhler, 2017; MacDonald, 2010). For many students, it is the political engagement through collective advocacy that appears to bring about the essential structural and systemic changes. Furthermore, our findings demonstrate that collective advocacy has a lasting impact on students' career choices. Beyond steering them toward social justice-oriented careers, it reshapes how they perceive their professional roles, focusing on the structural and political dimensions of inequalities and offering a material conception of justice. As students transition from academic settings to professional practice, these insights are likely to inform their approaches to real-world work, whether in legal or social work environments. These transformative learning experiences are essential for sparking broader structural change—provided universities commit fully to engaging with marginalized communities.

However, current practices in higher education reflect a disturbing neoliberal shift, which serves to undermine these progressive educational models. Universities, under the influence of neoliberal policies, are increasingly promoting an education that is disconnected from the realities of marginalized communities. Exorbitant tuition fees, selective admissions policies, and a focus on theoretical, middle-class-oriented curricula contribute to perpetuating the status quo. Rather than challenging inequality, universities train professionals who are often complicit in reinforcing neoliberal structures, including lawyers and social workers who adopt a therapeutic, policing approach to social issues.

In this context, legal and interdisciplinary university clinics, which involve both students and community residents, hold a critical social responsibility. They are uniquely positioned to serve as hubs for community engagement, community-based learning and political resistance. Through collective advocacy, the clinics can become pivotal spaces for mobilization, solidarity, and the promotion of popular democracy, actively fighting against oppression. The case study of Outaouais Interdisciplinary Social Law Clinic demonstrates, as highlighted in this paper, how collective advocacy can address structural issues in real-time, as they arise, while resisting the pervasive forces of neoliberalism. These clinics are not only sites of legal education but also spaces of political resistance that embody the potential for transformative social change.

In conclusion, collective advocacy and community-based learning serve as vital tools for challenging the systemic inequalities entrenched within both higher education and society at large. By engaging students in direct action and fostering connections between academia and marginalized communities, these clinics can create a more inclusive, politically engaged form of education. However, for these transformative practices to thrive, universities must commit to real partnerships with communities and resist the pressures of neoliberal forces that seek to reduce education to a commodity. Only through this commitment can higher education fulfil its true potential as a site of resistance, social justice, and collective action.

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Article

Preparing Lawyers for Global Legal Practice - A Road Map for Introducing Mandatory Continuing Legal Education in India

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Abstract

Globalization has led to opportunities for legal professionals to engage beyond national boundaries in advising and representing their clients making legal practice a global affair. But the prospect of this global legal practice has met a strong protectionist counter as 'Right to legal practice' in a country has been conventionally right of its citizens only. To this extent the Hon'ble Supreme Court of India in the case of *A.K Balaji v. Bar Council of India* (2018) had held that right to practice of law in India including international law and matters concerning foreign laws should be exclusively limited to Indian citizens. However, some members of the legal and academic fraternity have expressed concerns about the competence of the Indian lawyers to meet the professional demands of global legal practice. It has also been widely canvassed that the restriction on foreign lawyers will cause a serious vacuum and strain on the legal system. In recent years the debate over entry of foreign lawyers have again come into prominence with the introduction of Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022 and the draft bill for amendment of the Advocates Act (2025). Correctness and feasibility of allowing entry of foreign lawyers in India is subject of a separate debate, but in this paper the objective is to analyse the opening up of opportunity for Indian lawyers to engage in the global legal practice and preparing them to encounter its challenges. Introduction of an effective and mandatory system of Continuing Professional Legal Education (CLE) has potential to make Indian lawyers partake this new professional role. CLE is a recognized tool for professional development of lawyers. Its objective is to augment the information, integrity and confidence of lawyer to enhance new skills, knowledge and competence to cope with the changes in the legal order. The paper recommends design of an effective CLE curriculum to strengthen the skills and competence of Indian lawyers for meeting the demands of global legal practice.

Introduction

Economic globalization has made it possible for increased flow of investment, business and economic activities beyond national borders. Every sector of socio-economic activities marks with presence of transnational and global actors. This has paved opportunities for legal and regulatory professionals to engage beyond national boundaries in advising and representing their clients making legal practice a

global affair. However, the classical contours of '*Right to legal practice*' have been primarily a nationality-based approach. A debate has evolved whether right to practice of law before a sovereign court should be limited to only its own citizens with strong arguments on both sides.

The Hon'ble Supreme Court of India faced with this specific question in the case of *A.K Balaji v. Bar Council of India* (2018) held that right to practice of law in India including international legal matters and foreign laws should be exclusively limited to Indian citizens. The apex court arrived to this view based on its interpretation of the legal and regulatory framework governing legal practice. However, some members of the legal and academic fraternity have expressed concerns about the competence of the Indian lawyers to meet the professional demands of global legal practice. It has been canvassed that curriculum of legal education and professional training is intrinsically India centric and has negligible exposure to global legal practice. The restriction on foreign lawyers will cause a serious vacuum and strain on the legal system.

Correctness of the *Balaji* decision is subject of a separate debate, this paper considers that the decision has opened an opportunity for Indian lawyers to engage in the global legal practice and encounter its challenges.¹ The road ahead for India lies in improving the standards of its legal education and professional training. Although it is important to improve the standards of legal education for the new entrants to the profession, but this paper focuses on the professional training of person already enrolled and practicing law. The main argument is that introducing an effective system of Continuing Professional Legal Education (CLE) has potential to make Indian lawyers partake this new professional role. CLE is a recognized tool for professional development of lawyers. Its objective is to augment the information, integrity and confidence of lawyer to enhance new skills, knowledge and competence to cope with the changes in the legal order. CLE is already recognized by the regulators of Indian legal profession, but its reach and design is inadequate. The paper after undertaking a survey of CLE best practices recommends design of an effective CLE curriculum to strengthen the skills and competence of Indian lawyers for meeting the demands of global legal practice.

This paper is divided in five sections. It begins by examining the growing demand of transnational legal practice in the aftermath of economic globalization and contents of the contemporary global law and the scope for global legal professionals. In Section Two the paper analyzes the global reforms introduced to meet demand of global practice. In this section the paper provides the global evidences on use of CLE arguably as the most effective tool to meet lawyers continuous and life-long requirement of new knowledge and skills for legal practice. In Section Three right to practice in India is discussed and attention is drawn to the *Balaji* case and the opportunities before Indian lawyers to engage in global legal practice. The Fourth Section highlight the gaps and challenges in meeting global legal practice and argues the way ahead lies in introducing mandatory and compulsory CLE programs. Finally, the paper proposes a brief design and curriculum of a model CLE programs for Indian lawyers after a survey of CLE global best practices. The paper concludes that global experience suggest that effective use of CLE has been the proven path to meet the changing demands in professional legal market. The regulators of Indian legal profession must adopt a comprehensive and mandatory CLE curriculum to make Indian lawyers competent to deliver global legal service.

¹ In 2023 Bar Council of India had introduced the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022, but the rules have not been implemented.

[I] Globalization of legal practice: Birth of Transnational Lawyers

The role of lawyers in society has undergone major transformation in the last thirty years. Over the years the nature of legal services has undergone transformation, from being merely engaged in court-room based litigious practice, the functional dimension of lawyers has got significantly widened. The globalization of economy has also brought in the process of globalization of legal knowledge and legal practice. Today lawyers are part of policy planning, business advisor, negotiator, arbitrator, mediator, lobbyists, in addition to their traditional functions of counseling and legal representation.

New emerging areas of regulatory governance such as intellectual property rights, environmental concerns, cyber security, data protection, telecommunication and broadcasting issues etc. have compelled the legal practitioners to engage in international laws and cross-border legal issues. Similarly in areas of public law such as issues relating to rule of law, human rights, privacy and rights-based discourses, the domestic courts are looking towards other comparable jurisdictions in search of progressive interpretation of laws so that the rights of the citizens can be better protected. In an ever-transformative society, the legal professionals are required to assume the status of ‘*glocal*’ which requires them to provide globalized services at the domestic level.²

The scope of global legal practice includes four major legal services such as (i) Legal advisory services, (ii) Legal Representational services, (iii) Legal arbitration and conciliation/ mediation services and (iv) Legal documentation and certification services.³ To meet with the challenges of providing competent legal services in a globalized environment different countries have adopted different approaches. Some countries have preferred to integrate foreign lawyers and law firms within their domestic system by imposing different eligibility criteria, while some states have allowed foreign lawyers to visit for a temporary period and advise clients exclusively on laws of their own country, and there are few other states which prohibit entry of foreign lawyers.⁴

A survey into the position on entry of foreign lawyers in different jurisdictions clearly indicates that legal practice is largely considered to be within the exclusive domain of local lawyers under the supervision of local bar. However, to meet the contemporary needs some countries have allowed limited and very restricted scope of practice for foreign lawyers.⁵ Some of these countries have permitted through limited licenses to foreign lawyers to offer their legal services whereas some other countries have prescribed for short-term services through ‘fly-in, fly-out’ assignments.⁶

Several restrictions have been imposed by different countries in the nature of prohibitions on the establishment of foreign law firms, restrictions on joint ventures between local and foreign law

² John Varghese, Global Legal Education and India – A Blueprint for raising Indian Legal Education to Global Standards, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1728451 (visited on 10.02.2025)

³ WTO, Communication from Australia, Canada, Chili, The European Communities, Japan, Korea, New Zealand, Singapore, Switzerland, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, and the United States, TN/S/W/37 S/CSC/W/46, 24 February 2005, Council for Trade in Services, Special Session, Committee on Specific Commitments, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/S/CSC/W46.pdf&Open=True> (visited on 27.3.2025)

⁴ Wayne J. Carroll, Liberalization of National Legal Admissions Requirements in the European Union: Lessons and Implications, 22 PENN St. Int’l L. Rev. 563 (2004), p 589

⁵ John Flood, Legal Education in the Global Context Challenges from Globalization, Technology and Changes in Government Regulation, University of Westminster School of Law Research Paper No. 11-16 Legal_Education_in_the_Global_Context_Challenges.pdf (visited on 10.2.2025)

⁶ WTO, Council for Trade in Services, Special Session, Communication from Australia, S/CSS/W/67, 28 March 2001

firms, prohibition on the practice of home-country laws, restrictions on employment of local lawyers, restriction on the sharing of fees arrangement between local and foreign law firms, lack of reciprocity in recognition of law degrees and qualifications, unreasonable terms for licensing, complicated regulatory procedure etc.⁷

Hence unrestricted market access to foreign lawyers based on the principles of equality with local lawyers is almost non-existent, even though liberalization of legal practice has been in discussions for long. In the absence of easy and cost-effective access to foreign lawyers, it is necessary to look for alternative mechanisms whereby competent legal services on transnational matters can be provided at the domestic level. The need to develop competent legal practitioners in areas of transnational laws through alternative inward arrangements has become essential for Nation States.

[II] Reforms introduced by nation states to meet the demand of global legal practice

Many countries have restricted the right to legal practice to its citizens only and have totally prohibited entry of foreign lawyers or law firms. They have introduced reforms in their formal legal education and profession to meet the demand of global legal practice at the national level. These global approaches to evolve alternative inward arrangements to strengthen global legal practice has been multifaceted. It has been argued by legal educators that global legal practice “brings to the fore different theories of law, of different legal traditions, embedded in different cultures, with different professional roles for the practitioners”⁸ hence the legal education curriculum and pedagogy has to accommodate these needs. In the previous two decades it has been observed that legal education is undergoing a sea of changes globally wherein now the curricular focus is shifting to training students into national, international and interdisciplinary subjects. Imparting skills (e.g., negotiating transnational contracts, client-consultation, understanding psychology and working in cross-cultural dimension) education is an integral part of the contemporary legal education curriculum. The law schools are also trying to forge global cooperation with their counter-parts in other nations and establish student & faculty exchange programs, joint or dual degree programs, summer schools abroad and promotion of funding and grants in transnational collaborative research and learning projects.

Also, another common professional reform has been introduction of effective system of Continuing Professional Legal Education (CLE). CLE is deemed to be the effective tool for the purpose of ensuring qualitative growth of legal practitioners’ post-enrolment in the twenty-first century. It is considered to be a viable and sustainable solution of this challenge. CLE generally implies ‘*professional education of lawyers after the admission to the bar*’.⁹ The mission of CLE is to augment the information, integrity and confidence of advocates in a continuing basis to compete at international levels.¹⁰

Rochelle and Payne justifying the need of CLE for lawyers have observed “*When a citizen is faced with the need for a lawyer, he wants, and is entitled to, the best-informed counsel he can obtain. Changing times produce changes in our laws and legal procedures. The natural complexities of law require continuing intensive study by a lawyer if he is to render his clients a maximum of efficient*

⁷ Ibid

⁸ Stephen C. Hicks, Global Alternatives in Legal Education for a Global Legal Profession, Parallax: A Journal of International Perspectives, Vol. 3, p. 47, 2006

⁹ Prashant Singh Gaur v. State of Uttar Pradesh, WP No. 9925 (MB) of 2010

¹⁰ Ibid.

service. And, in so doing, he maintains the high standards of the legal profession; and he also increases respect and confidence by the general public.”¹¹

CLE enhance the capacity of the members of the bar for ensuring better dispensation of justice. As officers in administration of justice, it is the responsibility of every legal practitioner to abide by the duty of competence. Importance of imparting CLE is now recognized in legislations governing professional responsibility and conduct of legal profession in almost every jurisdiction of the world. The rules express in explicit terms that obligations of lawyers to act with competence and care. The rules mandate that lawyers to compulsorily undertake CLE and constantly update their skills and knowledge to competently perform their duties in this dynamic and fast changing legal world. CLE has become part and parcel for meeting the needs of continuous professional developments in these jurisdictions. A brief survey of the contemporary developments in legal professional in some selected jurisdictions will make it clear.

United Kingdom

In the UK, CLE is referred to as Continuing Professional Development (CPD).¹² CPD are mandatory for all lawyers, including both barristers and solicitors. Under the Code of Conduct as laid down by the Bar Standards Board (BSB), barristers are required to undertake CPD.¹³ For the newly qualified practitioners during their first 3 years of practice are required to obtain 45 credits of CPD per year. This must include a minimum of 9 credit points for advocacy training and 3 credit points for ethics which are part of the New Practitioners' Programme. All other barristers are required to obtain 12 credits per year as part of the Established Practitioners' Programme. The solicitors and all other registered European lawyers, working in England and Wales, and work for 32 hours or more per week are required to obtain a minimum of 16 credits per year. The lawyers are required to record all their training activities in their individual training record and register them with the Law Society of England and Wales. The Solicitors Regulation Authority requires the legal practitioners to individually assess their training needs and identify the activities within the CPD schemes which is likely to fulfil their training and developmental needs.¹⁴

United States

The responsibility of maintaining standard of legal profession in US is vested on the judiciary of each States. Law graduates after satisfactorily meeting the degree requirements are required to appear for bar examinations for obtaining license to practice law in their respective State jurisdiction of practice. Post enrolment in majority of US States CLE is mandatory. In states with mandatory continuing legal education, attorneys receive credits for attending lectures and seminars taught by respected attorneys, judges, and scholars. The courses cover a variety of topics involving virtually all areas of practice. The Code of Professional Responsibility adopted by every state maintains that lawyers must

¹¹ William J. Rochelle & Har-vey O. Payne, *The Struggle of Public Understanding*, 25 TEXAS B.J. 109, 160 (1962).

¹² CPD, What is Continuing Professional Development? <https://www.cpduk.co.uk/explained> (visited on 10.2.2025)

¹³ Bar Standards Board, BSB Handbook, Version 4.3, <https://www.barstandardsboard.org.uk/static/f0d114af-9c5a-4be4-9dbffa9f80b1e47f/8c50a665-79ee-4bfa-b36eb5c138798d72/Part-2-Code-of-Conduct18092019092228.pdf> (visited on 10.2.2025)

¹⁴ Solicitors Regulation Authority, <https://www.sra.org.uk/> (visited 19.2.2025)

remain proficient in their work.¹⁵ Continuing legal education is one way to achieve professional competence. In 2017, the ABA amended its Model Rule for Mandatory CLE (MCLE) credits, setting an example for licensing jurisdictions to use.¹⁶ The MCLE Model Rule requires an average of 15 credit hours per year over the course of the reporting period to be undertaken by every lawyer.¹⁷ Those credits must include three specific categories: (1) an average of one hour of ethics and professionalism credit per year; (2) an hour of mental health and substance abuse disorder credit every three years; and (3) an hour of diversity and inclusion credit every three years. The Model Rule provides various exemptions that would excuse attorneys from completing the MCLE requirements. Exemptions apply, for instance, for non-practicing attorneys with inactive licenses or those on retired status. But in adoption of the rule State jurisdictions have diverged from the Model Rule, resulting in MCLE requirements differing from each other in a number of ways, including, for example, the quantity of credit hours and the period over which those credits may accrue. In the US failure to abide by a State's MCLE requirements can, depending on the state, result in a range of penalties from fines to suspension from practice of law.¹⁸

Canada

CLE is referred to as Continuing Professional Development (CPD) in Canada.¹⁹ Under the Canadian CPD system lawyers are required to undertake at least 12 hours of study each calendar year of which 3 hours will be devoted to topics relating to ethics, professionalism and/or practice management. The Law Society of Upper Canada undertakes the responsibility to teach courses on ethics, professionalism and practice management as per the CPD requirement free of cost.²⁰ Credits are granted through a number of ways like-credit is based on actual time in attendance at a course, participating in 'real time' online courses, streaming videos, web-based conferences, telephonic conversations, etc., and two or more lawyers or paralegals reviewing a previously recorded course. Credit can also be obtained through participation in a registered course from a university or college, including distance education programmes, undertaking teaching assignments, mentoring or supervising a paralegal field placement, writing or editing of books or articles, participating in study groups or educational components of bar and law association meetings, etc.

Germany

In Germany, there is no statutory obligation on lawyers to undertake any formalized CLE programme. But under Section 43a BRAO (Federal Code of the Legal Profession) there is a professional obligation

¹⁵ Congressional Research Service, Continuing Legal Education: What's Required and Opportunities for Members and Staff to Satisfy those Requirements, Updated March 25, 2019, <https://crsreports.congress.gov/product/pdf/LSB/LSB10278#:~:text=In%202017%2C%20the%20ABA%20amended,course%20of%20the%20reporting%20period>. (visited 2.3.2025)

¹⁶ ABA Model Rules, ABA MCLE Model Rule Implementation Resources <https://www.americanbar.org/events-cle/mcle/modelrule/> (visited on 3.3. 2025)

¹⁷ Ibid

¹⁸ Continuing Legal Education: What's Required and Opportunities for Members and Staff to Satisfy Those Requirements, March 25, 2019 (<https://crsreports.congress.gov/product/pdf/LSB/LSB10278>)

¹⁹ CMC Canada, Continuing Professional Development (CPD), <https://www.cmc-canada.ca/cpdpoints> (visited on 2.3.2025)

²⁰ Law Society of Ontario, <https://lso.ca/home> (visited on 2.3.2025)

on every German lawyer to update his professional expertise.²¹ But for the purposes of being designated as Fachanwalt (a specialist lawyer), a lawyer needs to take part in advanced training for a minimum of 10 hours per year under Section 15 Fachanwaltsordnung. Lawyers can obtain specialization in 20 areas of practice such as criminal, family, property, inheritance, administration and labour.

Singapore

The Singapore Institute of Legal Education has been created under the Legal Profession Act to maintain and improve the standards of legal education in Singapore.²² The mandatory CLE scheme was introduced on April 1, 2012. Under the Legal Profession (CPD) Rules 2012 and the Guidelines on the CPD scheme 2012 all advocates and solicitors admitted to the Singapore Bar on or after January 2, 2009 and holding a license to practice law for more than five months are required to comply with the mandatory CPD activities.²³

CLE is the way-out to ensure greater sense of integrity and confidence to adopt new skills of the profession and deal with the changes in the legal system. CLE can provide a level of contemporary and updated knowledge to the legal practitioners engaging in multi-jurisdictional legal practice.²⁴ In most of the countries the formal legal education imparted in law schools largely caters to the domestic needs and doesn't focus on the skills necessary to deal effectively with transnational legal practice.²⁵ Majority of legal practitioners do not have the means or the capacity to develop these skills and knowledge independently and need specialized training. The cross-jurisdictional specialized curriculum of CLE program creates the opportunities for domestic lawyers acquire the knowledge and skills integral to transnational legal practice. Also, CLE can play a crucial role in ensuring continuous knowledge expansion and professional improvement.²⁶

[III] Right to legal practice and entry of foreign lawyers in India

Legal profession in India is deemed to be the second largest in the world.²⁷ The Advocates Act, 1961 is the governing legislation relating to regulation of the legal profession in India. The legal profession is governed by an unified national independent regulator known as the Bar Council of India (BCI).²⁸ BCI is entrusted with the responsibility to regulate the working of the legal profession²⁹ by laying down the standards of professional conduct and etiquette, exercising disciplinary jurisdiction over

²¹ Federal Ministry of Justice, Federal Code for Lawyers (Bundesrechtsanwaltsordnung – BRAO) https://www.gesetze-im-internet.de/englisch_brao/englisch_brao.html (visited on 2.3.2025)

²² Singapore Institute of Legal Education, <https://www.sile.edu.sg/> (visited on 2.3.2025)

²³ Singapore Statutes Online, Legal Profession (Continuing Professional Development) Rules 2012, <https://sso.agc.gov.sg/SL/LPA1966-S115-2012?DocDate=20170914> (visited on 1.3.2025)

²⁴ Wayne J. Carroll, Liberalization of National Legal Admissions Requirements in the European Union: Lessons and Implications, 22 PENN St. Int'l L. Rev. 563 (2004)

²⁵ Ibid, p 589

²⁶ Andrew Boon, Continuing Professional Development in Ethics and Professional Conduct for Solicitors, Solicitors' Regulation Authority, 2011

²⁷ Law Commission of India, Working Paper on the Review of the Advocates Act, 1961, <https://lawcommissionofindia.nic.in/working%20paper%20on%20advocates%20act,%201961.pdf> (visited on 10.02.2025)

²⁸ Yashomati Ghosh, Legal Ethics and the Profession of Law, LexisNexis, 2014, p 82

²⁹ O.N. Mahindroo v. The Bar Council of Delhi AIR 1968 SC 888

the enrolled advocates and by safeguarding the rights, privileges and interests of the advocates.³⁰ Under the prescribed rules an Indian citizen can be admitted as an advocate if he is above the age of 21 years and has obtained a degree in law from an university recognized by the BCI.³¹ The citizenship criteria is an essential legislative requirement for the purpose of admission and enrolment to the Indian bar.³² After enrolment the advocate has the right to practice throughout the territories of India before all courts, tribunals and other authorities, including the Supreme Court of India.³³ He has the legal right to practice all aspects of the profession of law in India.³⁴ But the BCI can recognize foreign lawyers and admit them as advocates on the basis of equal reciprocity and mutual recognition of law degrees between India and the other country.³⁵ At present there are no foreign country which has given at par recognition to the Bachelor of Law degree from an Indian university for the purposes automatic admission of an Indian citizen to their bar, hence BCI has not granted permission to foreign lawyers for the purpose of enrolment to the Indian bar.³⁶ Conditional and limited permissions for legal practice given by few of the other countries to foreign lawyers do not fulfill the criteria of equal reciprocity. Foreign lawyers have not been permitted entry by the Indian regulators.³⁷

This prohibitive approach of the Indian regulators towards foreign lawyers were challenged before the Indian judiciary in a series of cases. The first case was filed before the Bombay High Court in the matter of *Lawyers Collective v. Bar Council of India*.³⁸ The main argument made in favour of foreign law firms was that a distinction should be made between litigious and non-litigious parts of legal practice, and non-enrolled legal practitioners, including foreign lawyers should be permitted to engage in non-litigious works.³⁹ The Bombay High Court held that under the Advocates Act a lawyer has to be an Indian citizen for the purpose of enrolment with the Bar Council to be able to practice the profession of law as an advocate and foreign lawyers cannot be permitted to practice even in non-litigious legal matters such as drafting, counseling, negotiations etc.

The second case on the issue of eligibility of foreign lawyers was brought before the Madras High Court in *A.K. Balaji v. The Government of India*⁴⁰ where the core argument was to deliberate whether a foreign law firm without establishing any liaison office in India, could visit the country for a temporary period for the purpose of advising their clients on foreign law and leave thereafter. The Madras High Court upholding the prohibition on legal practice imposed on foreign lawyers and law firms, made the exception that foreign lawyers could visit India for a temporary period on 'fly in and fly out' basis for the specific purpose of giving legal advise to their Indian clients about foreign laws, foreign jurisdictions and international legal issues. It was also made permissible for foreign lawyers to come to India on matters relating to international commercial arbitration.

³⁰ Advocates Act, 1961 Section 6 and 7

³¹ Ibid, Section 24

³² *V. Sudeer v. Bar Council of India* AIR 1999 SC 1167

³³ Advocates Act, 1961 Section 30

³⁴ Supra Note 29, p. 118

³⁵ Supra Note 33, Section 24(1)(a)

³⁶ In 2023 Bar Council of India has introduced the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022, but the rules have not been implemented. Prior to that in 2016 an attempt was made to prepare draft rules BCI Rules for Registration and Regulation of Foreign Lawyers and Law Firms in India, for liberalizing the legal profession, but it did not materialize.

³⁷ AIR 2012 Mad 124, MANU/TN/0192/2012

³⁸ MANU/MH/1467/2009

³⁹ The interpretation of 'practice the profession of law' was made by the Supreme Court in Harish Uppal case.

⁴⁰ MANU/MH/1467/2009

Finally, the issue of eligibility of foreign lawyers to engage in legal practice in India was put to rest by the Supreme Court of India under the existing provisions of the Advocates Act when an appeal was filed against the Madras High Court decision in the A.K. Balaji case.⁴¹ The Apex Court recognized the non-commercialization of the legal profession and the ethical norms on the Indian lawyers as unique features of the nobility of the legal profession in India.⁴² It re-emphasized that under the existing laws only Indian advocates have the legal right to practice law in India, and no other individuals, including foreign lawyers can engage in legal practice.⁴³ Further, the court rejected the 'fly in and fly out' concept and held that foreign lawyers could not be permitted to engage in any form of temporary legal practice, except in international commercial arbitration.⁴⁴

Although, it has been argued by the respondent foreign law firms before the Court that opening its legal services market would be in its advantage because it will allow international clients to access the international market of world-class services, increases creativity and innovation, will cause the domestic legal services market to grow, and the competition would increase the legal profession qualitatively and make it more effective.⁴⁵ But the Court was unwilling to accept these reasons weighed against the argument of shrinking opportunities for India lawyers, brain drain and the possibility of India firms being pushed out of the legal services market.⁴⁶ The Court was concerned with the negative experience in Singapore and other South Asian and African jurisdictions where post liberalization of the legal service market had adversely affected the domestic law firms and local lawyers.⁴⁷

The *Balaji* decision can be criticized for being inward looking and from a global perspective this decision defeats the obligations under GATS, but on a positive side this judgment can be considered as creating a new opportunity for Indian lawyers to look beyond domestic legal practice. Absence of foreign lawyers would imply creation of new opportunities for legal practice in the area of transnational legal services for Indian advocates. Appreciating the need for protectionist approach, Shri Anil Diwan, Senior Advocate Supreme Court of India had observed that allowing the entry of foreign lawyers and law firms would adversely affect the legal and political systems of host countries which are nascent democracies' and the growth of legal profession in these emerging economies.⁴⁸

⁴¹ Bar Council of India v. A.K. Balaji MANU/SC/0239/2018

⁴² Some of the ethical norms are not applicable to lawyers from other jurisdictions such as Indian lawyers are prohibited from not only solicitation but also all forms of service related advertisements, including charging of fees based on the outcome of a case or contingency fees. Indian lawyers cannot be party to any form of funding of litigation nor can they enter into any form of sharing of fees arrangement with non-lawyers.

⁴³ Indian advocates have the exclusive right to engage in both litigious and non-litigious practice of law, including making appearance in courts, giving of opinions, drafting instruments, participation in legal conferences and discussions etc.

⁴⁴ Supra Note 41, para 42 - 43

⁴⁵ Writ Petition Filed Against 31 Foreign Law Firms and an LPO – Immigration Law Violations Also Alleged, BAR & BENCH (Mar. 22, 2010), <http://www.barandbench.com/index.php?title=writ%20Petition%20filed%20against%2031%20foreign%20law%20firms%20and%20an%20LPO%20%E2%80%93%20Immigration%20law%20violations%20also%20alleged&page=brief&id=597&gn=0>. (visited on 10.2. 2025)

⁴⁶ Arno L. Eisen, Legal Services in India: Is there an Obligation Under the GATS or are There Policy Reasons For India to Open its Legal Services Market to Foreign Legal Consultants?, 11 Rich. J. Global L. & Bus. 273 (2012)

⁴⁷ Cf. Weng Meng Meng, President's Message, Foreign Lawyers in Singapore: Any Future for Singapore Law Firms?, SINGAPORE LAW GAZETTE, [http:// www.lawgazette.com.sg/2012-03/](http://www.lawgazette.com.sg/2012-03/) (visited on 10.2. 2025)

⁴⁸ Law Commission of India, Working Paper on the Review of the Advocates Act, 1961, <https://lawcommissionofindia.nic.in/working%20paper%20on%20advocates%20act,%201961.pdf> (visited on 10.2. 2025)

The IBA had also acknowledged the needs of individual nations to determine on the issue of cross-border legal practice based on their system of laws, historical factors and level of economic development.⁴⁹ The Supreme Court in the *Balaji decision* had also recognized the need of Indian lawyers to engage in transnational legal practice within the domestic walls, since practice of law includes practice of foreign laws.⁵⁰

The present challenge for the legal community is to equip some of the young legal practitioners to be part of the global community of transnational lawyers and provide competent services to their clients about the fundamental norms of international legal practice in areas such as protection and management of intellectual, business and industrial proprietary rights, environmental regulations, global financial and commercial law practices, anti-corruption guidelines etc. to name a few. With Indian corporates and citizens frequently engaging in transnational activities it is necessary to train Indian lawyers with the basic fundamentals of international law and foreign system of laws. The Law Commission had also observed that Indian lawyers would have to “develop professional expertise on the laws of the home country of the company or the corporate body concerned as well”.⁵¹

Post *Balaji* the responsibility of the Indian legal fraternity has increased many folds with the need to provide Indian clients and foreign clients with legal services comparable to the global best practices. At present there are only a handful of law firms working in the few large metropolitan cities which provide competent legal services to their clients in the area of business laws, international investment and commerce, IPR issues etc. The vast majority of lawyers working in different high courts and subordinate courts in the country are not equipped to provide competent legal services in niche business and transactional areas. The Indian Supreme Court has protected the internal market in the legal services sector for the time being, but it is necessary that members of the legal profession should consider this protective system as an opportunity to develop the quality and standards of legal services from a globally competitive perspective.

Last year the Bar Council of India had framed Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022 permitting foreign lawyers limited scope of legal practice in the area of foreign law, international law and international arbitration based on the principles of reciprocity.⁵² Recently a draft bill to amend the Advocates Act have also been proposed to overcome the restrictions on the entry of foreign lawyers. In such circumstances it has become all the more necessary to equip the Indian lawyers with the necessary skills and knowledge to engage in the competitive world of global legal practice.

[IV] Reforming the Indian legal profession to meet the demands of global legal practice

⁴⁹ IBA Statement of General Principles for the Establishment and Regulation of Foreign Lawyers, IBA June 1998, <https://www.ibanet.org/MediaHandler?id=CE283F20-6D78-40D2-8F6F-50285D37A527> (visited on 10.2. 2025)

⁵⁰ Supra Note 41, para 37 - 41

⁵¹ Law Commission of India, Working Paper on the Review of the Advocates Act, 1961, p.60 <https://lawcommissionofindia.nic.in/working%20paper%20on%20advocates%20act,%201961.pdf> (visited on 10.2. 2025)

⁵² Bar Council of India Notification, Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022, The Gazette of India, 10th March, 2023, available at https://www.livelaw.in/pdf_upload/bar-council-of-india-rules-for-registration-and-regulation-of-foreign-lawyers-and-foreign-law-firms-in-india-2022-463531.pdf [visited on 1.3.2025]

The Rules have been further amended on 13.05.25 through Gazette Notification.

India has one of the largest legal markets with number of licensed legal professional working in the delivery of legal service. In 2011 the number was around 1.3 million,⁵³ but the number has increased to more than 2 million in 2023.⁵⁴ According to official records BCI there are approximately 1721 recognized law schools in 2022 in India, adding thousands of fresh graduates every year.⁵⁵ BCI estimates the average growth of licensed legal professional at a rate of 4 percent in five years between 2007-11.⁵⁶ Majority of these lawyers are self-employed and litigates before courts and tribunals. There are several law firms in India operating mostly from the major commercial centers and are principally engaged in providing legal advice on transactional legal services in commercial matters to corporate clients. Also, lawyers have been employed by industry to work in-house.⁵⁷ Further, in recent years growth of legal process outsourcing firms (Legal-Tech) has received a great amount of attention and lawyers are employed in these firms.⁵⁸

As discussed in the preceding section the legislation governing legal profession in India⁵⁹ has established BCI as the sole regulator for the profession and legal education in India.⁶⁰ Accordingly, BCI recognizes either a three-year LL.B. or an integrated five-year LL.B. degree obtained from any BCI recognized law school for the purpose to seeking enrollment to bar.⁶¹ There are principally three types of law schools in India. The first type is the law departments established in central or state funded universities or institutions. The second is the specialized single discipline law universities established by legislations passed by state legislatures called the National Law Schools. There are currently 26 such law schools.⁶² The statutes establishing these law schools have given them an autonomous status and they are mainly funded from the tuition fees collected from the students. The chancellor of these law schools is either Chief Justice of India or Chief Justices of the respective State High Courts. Except one at New Delhi the admission in these law schools is made by a common entrance test conducted by the consortium of NLUs.⁶³ The last category is private law schools having recognition and affiliation from any state or central university, or law schools in private universities established by legislation of state or center. These types of institutions are totally funded by private trust or other private sources.

⁵³ Lawyers in Indian States, Legally India, https://www.legallyindia.com/wiki/Lawyers_in_India_by_state (visited on 10.2. 2025)

⁵⁴ Latest News, Only 20 lakhs Advocates are registered in India – Law Ministry, 13 August 2023, <https://www.latestlaws.com/latest-news/breaking-only-20-lakhs-advocates-are-registered-in-india-law-ministry-203917#:~:text=Ministry%20of%20Law%20%26%20Justice%20informed,Uttar%20Pradesh%20%E2%80%93%200400016%20Lawyers> (visited on 2.2.2025)

⁵⁵ Ministry of Law and Justice, Unstarred Question No. 3892, March 25, 2022, <https://legalaffairs.gov.in/sites/default/files/AU3892.pdf> (visited on 2.3.2025)

⁵⁶ Supra Note 82

⁵⁷ Krishnendu Sen & Ritankar Sahu, Need for FLCs in India with Respect to Honoring GATS, 6 J. INT'L TRADE L. & POL'Y 25, 27 (2007)

⁵⁸ Rating India as the most attractive location in the world for outsourcing in 2009 by e Global Services Location Index (GSLI) 2009 Report, A.T. Kearney, <http://www.atkearney.com/index.php/Publications/global-services-location-index-gsli2009-report.html#> (visited on 10.2. 2025)

⁵⁹ The Advocates Act of 1961

⁶⁰ The Bar Council of India, Legal Education, <http://www.barcouncilofindia.org/about/legal-education/#:~:text=The%20Bar%20Council%20of%20India%20visits%20and%20inspects%20Universities%20Fla w,and%20the%20State%20Bar%20Councils> (visited on 10.2. 2025)

⁶¹ BCI Rules on Standards of Legal Education and Recognition of Degrees Rules, 2008, <http://www.barcouncilofindia.org/about/legal-education/education-rules-2008/> (visited on 10.2. 2025)

⁶² Edugraph Colleges, List of NLUs in India, <https://www.telegraphindia.com/edugraph/colleges/ranking/national-law-university-nlus/55> (visited on 2.2. 2025)

⁶³ Consortium of NLUs, <https://consortiumofnlus.ac.in/> (visited on 2.2.2025)

These Centre of Legal Education primarily focus on creating competent law graduates who are about to enter the profession.

India has emerged as a major global economic force, especially in the services sector and continues to attract large amounts of foreign direct and indirect investment. It is equally a reality that globalization of trade and business in India has led to a growing demand for legal advice that transcends the borders of one jurisdiction.⁶⁴ Several international law firms with offices around the world that provide their clients with legal services for all their international ventures are interested to enter into the Indian legal service market by various arrangements with Indian law firms.

The nature and character of the emerging global legal practice that the clients especially the transnational and globalized entities require is very unique, specialized and require highly trained and skilled legal resources. The opening up of the legal services market in a limited way would have facilitated the international transactions, as there would have been presence of international law firms that commands vast resources of legal professionals and the know-how of international law. In the absence of foreign lawyers, the Indian legal professional would have to advice and represent clients on foreign, international, and third country law problems arising in transnational transactions.⁶⁵ This presents a crucial challenge for the 2 million existing lawyers to meet up to the demands of global legal practice.⁶⁶

The quality and competence of majority of the Indian legal professionals have often raised questions about their adequacy to match the requirements of global legal practice. The average quality of the Indian Bar is not satisfactory to meet the demand of the global legal practice currently. Quality in Indian legal education is also a problem.⁶⁷ The National Knowledge Commission recommended drastic changes in the curriculum, pedagogy and skills enhancement.⁶⁸ Needless to say, steps to reform the curriculum of legal education are under way and the NLUs are the pioneer in this reform process. But the same will not help the 2 million currently enrolled legal professionals in India. It is equally critical to train a sizable proportion of them to the specialized knowledge, sophisticated skills and culture of global legal practice.

It is evident from the observations of the comparative position in other countries that CLE programs have become a globally recognized means to meet the continuous and sustained demands of evolving professional knowledge and skills for lawyers. Therefore, for the 2 million enrolled advocates of India there is hope to survive with the challenges of global legal practice and makeup for the gaps in their knowledge and skills by attending the CLE programs designed for enrolled advocates.

⁶⁴ Douglas Wong, India's 'Not For Sale' Legal Market Draws U.S., U.K. Law Firms, BLOOMBERG NEWS (June 16, 2009), <http://www.bloomberg.com/apps/news?pid=20601109&sid=AHz8zYy8.Vdg> (visited on 10.2. 2025)

⁶⁵ Zach Lowe, Still No Passage to India for Foreign Law Firms, THE AMLAW DAILY (June 16, 2009), <http://amlawdaily.typepad.com/amlawdaily/2009/06/waiting-on-india.html> (visited on 10.2. 2025)

⁶⁶ IBA, Communication to the World Trade Organization on the Suitability of Applying to the Legal Profession the WTO Disciplines for the Accountancy Sector 2003 https://www.wto.org/english/tratop_e/serv_e/workshop_march04_e/sess3_wto_resolution_terry_e.pdf (visited on 10.2. 2025)

⁶⁷ Krishnendu Sen & Ritankar Sahu, Need for FLCs in India with Respect to Honoring GATS, 6 J. INT'L TRADE L. & POL'Y 25, 27 (2007)

⁶⁸ Baseline for the Working Committee on Legal Education, NATIONAL KNOWLEDGE COMMISSION, <http://www.knowledgecommission.gov.in/downloads/baseline/legal.pdf> (visited on 10.2. 2025)

Embracing mandatory CLE is need of the hour for India. The regulators of legal profession require to introduce reforms to necessitate this process of change.⁶⁹

The CLE for Indian lawyers has to focus on training them effectively to face the challenges and contemporary issues in transnational and global practice. The aim of the CLE programs must not be to create individuals who can practice law in a number of jurisdictions, but to create lawyers who are comfortable and skilled in dealing with the differing legal systems and cultures that make up our global community while remaining strong in one's own national legal system.⁷⁰ The learning outcomes must be designed to achieve goals that helps to bridge the existing skills and knowledge gaps and transform the lawyers working in the local courts to a practitioner equipped with professional abilities to deal with laws of different jurisdictions and functioning of the transnational legal environment.⁷¹

[V] CLE curriculum to prepare Indian lawyers for global legal practice- A proposal

Law and legal processes are dynamic and evolving constantly to match with the progress of human society and its economic, technological and cultural changes. Therefore, legal education should be also dynamic and continuing process. The cognitive teaching-learning in law schools acquired by individuals before their entry into the profession represents a minuscule percentage of the actual knowledge and skills that a lawyer requires to pursue his carrier in law. Also, at that point majority of the knowledge and professional skills that are acquired is in an abstract sense. The individual has a very limited opportunity to the actual working realities of the legal profession. The actual share of lawyer's learning happens after joining the profession. This phase of his learning is a contextual learning wherein he is exposed to the actual legal setting, its procedures and the fundamental skills and values essential to perform his profession duties.⁷²

The task force established by American Bar Association in 1990 to examine and recommend measures for narrowing the gap between profession and legal education after examining the process by which lawyering skills and professional values are acquired: before law school, during law school and after law school emphasized that professional education for lawyers has to be a continuum attempting to ensure meeting the professional development need at all stages of their careers. According to the report the first phase is before entry to the profession where a lawyer acquires knowledge by formal legal education imparted by law schools. The subsequent phases of his legal education transpire by experiential and reflective method acquired from practice and complimented with the CLE aimed to constantly imparting new knowledge and skills.⁷³

Several literatures discussed in the foregoing parts have emphasized the importance of CLE for lawyers especially in the context of emerging transnational practice, but still CLE has not received much attention in India. Some in-person professional development programs are underway currently organized by the professional bodies of lawyers, law-tech firms, online entrepreneurs, corporate law

⁶⁹John Flood, Legal Education in the Global Context Challenges from Globalization, Technology and Changes in Government Regulation, University of Westminster School of Law Research Paper No. 11-16 *Legal_Education_in_the_Global_Context_Challenges_f.pdf* (visited on 10.2. 2025)

⁷⁰Wayne J. Carroll, Liberalization of National Legal Admissions Requirements in the European Union: Lessons and Implications, 22 PENN St. Int'l L. Rev. 563 (2004)

⁷¹Baseline for the Working Committee on Legal Education, NATIONAL KNOWLEDGE COMMISSION, available at <http://www.knowledgecommission.gov.in/downloads/baseline/legal.pdf> (visited on 10.2. 2025)

⁷²Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, Legal Education and Professional Development—An Educational Continuum (Chicago, 1992)

⁷³Supra Note 71

firms and academic institutions, but they are not systematic, sufficiently visible, expensive and accredited properly. There are certain specific reasons for the same. *Firstly*, there is no compulsory obligation for legal professionals in India to undertake any specific credit hours of CLE like all other major jurisdictions. Unlike code of professional bodies of other countries, the BCI rules applying to lawyers in India don't impose any fine or penalty for not undertaking any skill development or CLE programs post enrolment to the bar. *Secondly*, although to ensure continuing judicial education judicial academies have been established at national and state level in India⁷⁴, but there is no such institution for lawyers. Currently, only some isolated programs e.g. seminars, workshops or conferences are being organized by the bar councils, bar associations and other professional bodies for lawyers. Participation in these programs is voluntary. The programs are also not adequately advertised and the takers of these programs are far less. *Thirdly*, many CLE programs have been introduced by corporate law firms, legal-tech platforms and academic institutions in both offline and online medium.⁷⁵ However their content and training methods are inconsistent and not always practice driven. Visibility of this program are also not sufficient. Majority of them have failed to penetrate the mass lawyers base as its takers. The online CLE programs conducted by legal-tech platforms are also of dubious character and quality of the program remains quite low. *Fourthly*, the cost of these CLE programs conducted by academic institutions and reputed law firms very high. The average earning of lawyers in India is not very high compared with many other common law countries and especially for young lawyers it is abysmally low compared to even other professions.⁷⁶ The high cost of quality CLE programs offered in India makes them not affordable for majority of Indian lawyers.

The CLE must be made mandatory for all enrolled lawyers and accordingly the BCI rules and allied legal norms are required to be amended. The proposed Amendment to the Advocates Act has empowered the BCI to provide for continuing legal education for advocates⁷⁷ with the aim of bringing legal profession and legal education with 'global best practices' and focuses on 'improving legal education, equipping lawyers to meet the demands of a rapidly changing world, and raising professional standards.'⁷⁸

The BCI should make it a part of continuous system to be organized by every State Bar Council. The teaching-learning methodology should include participatory exercises, trained instructors, concurrent feedback and evaluation. The CLE programs must be regularly examined in the light of the growing body of skills and knowledge required in the field of global legal practice. It should strive to ensure that the courses provide opportunity for active participation and immediate assessment of the participants through reflective and experiential learning tools.

The CLE curriculum must be transnationalised by making it a unique combination of globalization and cultural forces and accredited by BCI or State Bar Councils. The aim should be to

⁷⁴ The National Judicial Academy at Bhopal (<https://nja.gov.in/>) and State Judicial Academies in all states of India (<https://nja.gov.in/sja-programmes.html>).

⁷⁵ Government of India, Ministry of Law and Justice sponsored action research project titled "*Global Practices in Continuing Legal Education: Emerging Platforms for Professional Development of Advocates*", conducted by Indian Institute of Management Kashipur, June 2021
<https://cdnbbsr.s3waas.gov.in/s35d6646aad9bcc0be55b2c82f69750387/uploads/2021/11/2021112350.pdf>
(visited on 2.2.2025)

⁷⁶ Lawyer salaries in India, https://www.glassdoor.co.in/Salaries/lawyer-salary-SRCH_KO0,6.htm (visited on 2.2.2025)

⁷⁷ Draft Advocate (Amendment) Bill 2025 has introduced Section 7 (q) empowering BCI to provide for Continuing Legal Education for Advocates.

⁷⁸ Draft Advocate (Amendment) Bill 2025 - Preamble

make lawyers more intellectually and culturally flexible and exposed to comparative and international perspectives on a wider range of law subjects. Cultural competency skills should be included as a part of professional lawyering skills. This will help to transpire in the participants an ability to understand and navigate problems that involve systems and cultures other than one's own. Thus, institutional alignment with cultural competency as a learning outcome can become further legitimized.⁷⁹

Hence the basic learning outcomes for the CLE programs must aim at the following:

- (a) Knowledge and understanding of substantive and procedural law usually required in transnational practice;
- (b) Legal analysis and reasoning, legal research, *problem-solving*, and written and oral communication in multi-jurisdiction legal context;
- (c) Exercise of proper *professional and ethical responsibilities* to clients and the legal system; and
- (d) Other professional skills needed for *competent and ethical* participation by multi-jurisdiction legal profession

Also, the faculty involved in teaching or advising these courses or co-curricular activities should ensure that participants receive a basic overview of international law, either through direct instruction or provision of appropriate resources. As with any course, thoughtful and intentional curricular design is critical to achieving the learning objective of exposure to international law. Similarly writing requirement, some administrative coordination and articulation of the international requirement, including faculty responsibility, would be necessary. While no single course can deliver the full array of elements needed to gain global competency in a lawyering context, exposing students to international law can substantially enhance students' understanding and perception of it.

A Mandatory continuous legal education academy for lawyers to be established at national, state and district level in line of the judicial academies and affiliated to BCI. It should promote excellence in the practice of law and address on a continuing basis the entire process by which lawyers acquire and refine the lawyering skills and knowledge per requisite for global legal practice. It must aim to facilitate critical analysis and progressive refinement of the CLE programs; develop modes of instruction, course materials and teaching aids to assist CLE service provider to teach these skills and values more effectively. It should develop and serve as a clearinghouse for model curricula, instructional materials and teacher training for providers of continuing legal education and law office programs; and promote research and publication relevant to the understanding and enhancement of CLE programs. A step in this direction has been undertaken by the establishment of the India International University of Legal Education and Research (IIULER) at Goa as center for promoting transnational legal education and imparting of skill sets to Indian law students to work towards global legal practice.⁸⁰ The center has also introduced bridge course programme for Indian law students, who have graduated from foreign universities, to be trained in the fundamentals of Indian laws and legal principles so that the students gain the necessary skills for transnational legal practice. One of the

⁷⁹ Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, Legal Education and Professional Development—An Educational Continuum (Chicago, 1992)

⁸⁰ India International University of Legal Education and Research, (IIULER) Goa, <https://www.iiuler.edu.in/home> (visited on 2.2.2025)

core functional objectives is to also engage in CLE programs as value addition and skills training course for professionals in varied areas of law and legal practice.⁸¹

Lastly, the advent of Massive Open Online Courses (MOOCs) in the recent years has been a game changer for all professional and universal education systems globally. These platforms can be used to design and deliver interactive as well as self-learning CLE courses with an assessment module to grant credits earned post completion of the course. The methodology employed by MOOC courses are mainly based on videos, with a large number of participants who are called learners. They would get feedback only from fellow learners and machine-evaluated quizzes, making it possible for a single professor to reach and teach virtually an unlimited amount of learners. Already the University Grants Commission of India has implemented MOOC in form of SWAYAM courses, WIPO (World Intellectual Property Organization) Course on intellectual property and UDEMY Courses to mention a few.⁸² BCI being the common regulator of legal profession and legal education requires to take a lead to develop and publicize MOOC's course for CLE in India. For the content development and delivery, it can partner with legal education institutions, law firms, legal-tech entities. But the course content, teaching and learning tools to be applied and assessment modules must be accredited adequately. The earlier proposed lawyers continuing education academy at national level in association with the directorate of legal education of BCI can be the body for granting accreditation to these courses.

Conclusion

The goal of education is to train individuals to accept the changing landscape in society and to equip themselves to easily adapt to the evolving professional demands within the global ecosystem. Lawyers after entering into the profession must be able to critically think and find solution to the legal and social problems by being innovative and adaptative taking into consideration the local and global needs of the society. Many studies on professional education for lawyers have identified it as a lifelong process and the continuum of legal education span over his entire professional life. CLE is a globally accepted tool to assist lawyers to manage their knowledge and skills progression in course of their professional life. So mandatory CLE can effectively assist the Indian Lawyers to deliver global and transnational legal service.

⁸¹ IIULER Continuing Professional Legal Education Series - Value Addition Courses and Certificate Courses, <https://www.iiuler.edu.in/info/certificate-courses> (visited on 2.2. 2025)

⁸² Government of India, Ministry of Law and Justice sponsored action research project titled "*Global Practices in Continuing Legal Education: Emerging Platforms for Professional Development of Advocates*", conducted by Indian Institute of Management Kashipur, June 2021 <https://cdnbbsr.s3waas.gov.in/s35d6646aad9bcc0be55b2c82f69750387/uploads/2021/11/2021112350.pdf> (visited on 2.2.2025)

Article

Bridging the Gap: Law Students as Agents of Public Legal Education and Community Empowerment

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Abstract

This article explores the critical role of law schools in advancing Public Legal Education (PLE) and the unique contributions of law students in fostering a more legally literate society. By examining the impact of law students as 'Street Law' teachers, the article highlights how these programmes not only benefit communities through increased legal awareness but also enhance students' practical skills and legal consciousness. The discussion extends to PLE initiatives in non-traditional settings, such as prisons, where legal education contributes to rehabilitative cultures and supports reintegration efforts. The incorporation of legal capability and the Capabilities Approach into PLE is proposed as a means to enrich these programmes, ensuring they are more effective in empowering individuals. The article also addresses the challenges and importance of evaluating PLE programmes, reviewing successful models and offering recommendations for future assessments. Ultimately, the article calls on law schools to deepen their commitment to PLE, emphasising the need for strategic expansion and innovative partnerships to build a more legally literate society. Future research directions are suggested, focusing on the long-term impact of PLE and its potential to enhance legal education. Through these efforts, law schools can fulfil their vital role in promoting legal literacy and social justice.

Keywords: public legal education, clinical legal education, street law, legal literacy.

Introduction

Background and Significance of Public Legal Education

Legal education serves as the foundation for equipping individuals with the knowledge and skills needed to engage with the law, advocate for justice and contribute to society. Within this broad context, Clinical Legal Education (CLE) emerges as a subfield that bridges academic learning and real-world legal practice. CLE programmes provide law students with opportunities to apply their knowledge in practical settings, fostering experiential learning and professional development.¹ Public Legal Education (PLE), a vital component within CLE, takes this a step further by focusing on endowing communities with legal knowledge. PLE initiatives aim to build a legally literate society where individuals can navigate the legal system, assert their rights and engage meaningfully in civic

¹June Chapman, "Why Teach Legal Ethics to Undergraduates?" (2002) 5 Legal Ethics 68.

processes.² By connecting law schools with their communities, PLE fosters mutual benefits: law students gain practical skills and societal awareness, while communities receive valuable legal insights. To enhance the effectiveness of PLE programmes, it is important to focus on building legal capability — the ability of individuals to understand, use and engage with the law. This article argues that law schools should integrate PLE as a core component of their curricula, adopting the Capabilities Approach, which emphasises individuals' empowerment and agency, to further enrich PLE initiatives. Evaluating PLE programmes is crucial for understanding their impact and ensuring continuous improvement. However, measuring the effectiveness of these initiatives presents challenges, such as quantifying intangible outcomes like increased legal confidence or changes in behaviour, which this article will also explore.

PLE refers to the efforts aimed at educating the general public about the law, legal processes and their legal rights and responsibilities. Although it is of course accepted that the purpose of legal education is not solely as preparation for professional practice,³ it is also fair to say that a significant amount of legal education is primarily focused on training individuals for legal professions. In contrast, PLE is designed to empower ordinary citizens by making legal knowledge accessible, relevant and understandable. This education serves as the foundation for promoting legal literacy, which is essential for enabling individuals to navigate the legal system effectively, make informed decisions and safeguard their rights. By demystifying the law and breaking down barriers to understanding, PLE democratises legal knowledge, fostering a more informed and engaged citizenry. This, in turn, equips individuals with the tools needed to participate actively in society, advocate for their interests and hold institutions accountable. Arthurs underscores the transformative potential of educational initiatives that build civic awareness and responsibility.⁴ He argues that fostering legal literacy is not merely about knowledge acquisition but about cultivating the skills and values needed for active citizenship. By aligning with these principles, PLE initiatives can go beyond disseminating legal facts to motivate individuals to become agents of change, capable of contributing to the strengthening of democratic institutions and promoting social equity. PLE therefore plays a vital role in nurturing a culture of accountability and engagement, which is critical for the health and resilience of democratic societies.

CLE initiatives, which encompass PLE as a key component, are pivotal in enabling law schools to integrate practical legal experience into their curricula. CLE programmes, such as legal clinics and law reform initiatives, provide students with hands-on experience in addressing real-world legal issues, allowing them to engage directly with community needs and contribute to broader societal goals.⁵ PLE, as a subset of CLE, focuses specifically on promoting legal literacy and access to justice by educating the public on their rights and the legal system. For instance, specialised clinics focusing on PLE might educate vulnerable populations, such as stateless individuals or victims of domestic abuse, equipping them with knowledge to navigate legal challenges.⁶ These initiatives not only address critical community needs but also enhance students' understanding of complex legal issues and the societal impact of legal interventions.

The adaptability of law schools is further demonstrated by their integration of digital tools and hybrid learning models into CLE and PLE initiatives. The shift to remote teaching during the pandemic

²Richard Grimes, 'Evaluating Legal Literacy Programmes - Aims, Challenges, Models and a Call to Action' (2018) 2 *International Journal of Public Legal Education* 28.

³Anthony Bradney, 'Elite Values in Twenty-first Century, United Kingdom Law Schools' (2008) 42 *The Law Teacher* 291.

⁴Sean Arthurs, 'Street Law: Creating Tomorrow's Citizens Today' (2015) 19 *Lewis & Clark Law Review* 925.

⁵Kris Gledhill and Robin Palmer, 'Law Reform Clinical Programmes Should Be Promoted in Law Schools: An Explanation' (2024) *International Journal of Clinical Legal Education* 6.

⁶Katie Robertson, 'The Stateless Legal Clinic: Innovative Models for Addressing Unmet Legal Need in Australia through Clinical Legal Education' (2024) 31 *International Journal of Clinical Legal Education* 5.

highlighted opportunities to make legal education more accessible and effective, with many institutions continuing to incorporate these methods into traditional instruction.⁷ Additionally, CLE modules often integrate themes of social justice, instilling values of service and advocacy in students and preparing them to address societal needs throughout their legal careers.⁸ By linking CLE and PLE, law schools can advance legal education in a way that integrates practical experiences, embraces innovation, supports social justice and equips students to contribute meaningfully to society.

Law schools are well placed to be at the forefront of PLE initiatives. As institutions dedicated to the study and teaching of law, they possess the expertise, resources and institutional credibility necessary to design and deliver impactful PLE programmes. By integrating PLE into their curricular and extracurricular activities, law schools can serve as vital bridges between the legal community and the general public, making legal knowledge accessible and encouraging individuals to navigate legal systems with confidence.⁹ This engagement benefits not only the community but also law students, who gain valuable practical skills through their involvement in PLE.¹⁰ Research on CLE highlights its positive impact on employability, with students developing essential competencies such as problem-solving, communication and client-centred thinking. For instance, Grimes has underscored how experiential learning through PLE initiatives prepares students for legal practice by exposing them to the complexities of real-world legal issues and fostering their sense of professional responsibility.¹¹ CLE programmes, incorporating PLE, enhance students' understanding of social justice, empathy and the societal role of the law, making them more well-rounded and socially conscious practitioners. Furthermore, the active participation of law schools in PLE aligns with their broader mission to serve the public good and promote justice within society. This civic role of universities, as discussed by Arthurs,¹² emphasises the responsibility of higher education institutions to contribute to societal advancement and address issues of access to justice. By committing to PLE, law schools can leverage their unique position to promote legal empowerment, enhance social equity and cultivate a legally literate society.

The Evolving Role of Law Students in PLE

All too often, the role of law students has been confined to academic study and preparation for legal practice. However, there is a growing recognition of the potential for law students to serve as effective facilitators of PLE. Engaging in PLE activities allows students to step out of the classroom and into the community, where they can apply their legal knowledge in practical, impactful ways. As PLE facilitators, law students can help demystify the law for the public, making it more accessible and less intimidating. This role not only aids in the dissemination of legal knowledge but also helps students develop a deeper understanding of the law and its social implications. The involvement of law students as facilitators of PLE is underpinned by a growing body of literature that highlights the benefits of CLE more broadly.

CLE programmes provide students with practical, real-world legal experience, of which PLE is an

⁷Amy Wallace, 'Cyberspace Back to the Classroom: Taking Lessons Learned from Teaching Street Law During the Pandemic Back to In-Person Instruction' (2021) 28 International Journal of Clinical Legal Education 149.

⁸Andrea Todd, 'Law Students as Active Citizens: Instilling a Career-Long Commitment to Pro Bono and Social Justice via the CLE Curriculum' (2023) 30 International Journal of Clinical Legal Education 159.

⁹Ana Speed, 'Clinical Legal Education as an Effective Tool for Improving the Accessibility of Protective Injunctions for Victims of Domestic Abuse: A Case Study Example of the Models of Support Available at Northumbria University' (2021) 28 International Journal of Clinical Legal Education 66.

¹⁰Liz Hardie, "'Training Is Everything": How to Prepare Students for Policy Clinic Projects' (2024) International Journal of Clinical Legal Education 72.

¹¹Grimes (n 2).

¹²Arthurs (n 4).

important component. Studies consistently show that participation in CLE initiatives enhances students' legal skills, including critical thinking, communication and the ability to translate complicated legal concepts into accessible language.¹³ Within this framework, PLE activities enable students to engage directly with community education efforts, which enriches their understanding of legal concepts while fostering a client-centred approach. Recent research underscores the positive impact of CLE on academic performance, as students apply their knowledge in clinical settings to address real-world legal issues ranging from environmental law to criminal appeals.¹⁴ By participating in these initiatives, students not only deepen their grasp of legal theory but also develop a sense of social responsibility and a commitment to public service.¹⁵ For instance, PLE activities often require students to explain legal principles in ways that enlightens communities, an experience that cultivates empathy and a broader awareness of societal issues.¹⁶

Law schools also recognise the importance of supporting students' well-being and resilience when working on emotionally challenging cases or sensitive issues.¹⁷ Training on managing vicarious trauma and fostering a supportive environment are essential to maintaining students' mental health and effectiveness in clinical settings. These experiences not only contribute to students' professional development, enhancing skills such as research, analysis and advocacy,¹⁸ but also align with the broader goals of PLE by promoting legal literacy and social responsibility.¹⁹ Smyth and others emphasise the importance of trauma-informed lawyering within student legal clinics, a practice that is highly relevant to the advancement of PLE.²⁰ Trauma-informed approaches equip law students with the empathy and skills necessary to support vulnerable clients effectively, ensuring that these clients receive both legal assistance and emotional understanding. This dual impact — on the students' development as socially responsible professionals and on the empowerment of community members — demonstrates the unique value of PLE as a vital component of CLE. By framing PLE within the broader context of CLE, the connection between hands-on student learning, community education and the promotion of legal literacy becomes clear and compelling.

The literature suggests that law students involved in clinics and pro bono work play a significant role in improving access to justice for underserved and vulnerable communities.²¹ Through these initiatives, students address systemic gaps in the legal system, providing crucial support to individuals who might otherwise be excluded from legal protections. A notable example is the 'Street Law'

¹³Andy Unger and others, 'Evaluating the Academic Benefits of Clinical Legal Education: An Analysis of the Final Average Marks of Five Cohorts of LSBU LLB Graduating Students, 2011-2015' (2024) 31 *International Journal of Clinical Legal Education* 206.

¹⁴Tabea Wilkes and others, 'Not a Blueprint: Reflections on the Cardiff Environmental Law and Policy Clinic' (2024) *Special Ed International Journal of Clinical Legal Education* 34.

¹⁵Emma Curryer and Carol Edwards, 'The Impact of Policy Work on Employability Skills in the Policy Project Connected to the Criminal Appeals Clinic at the Open University' (2024) *International Journal of Clinical Legal Education* 109.

¹⁶Amy Lawton, Kathryn Saban and Sadie Whittam, 'Do We Want a Human First, and a Lawyer Second? Developing Law Student Empathy Through Clinical Legal Education' (2022) 29 *International Journal of Clinical Legal Education* 4.

¹⁷Emma Curryer and Gillian Mawdsley, 'Navigating Vicarious Trauma: The Importance of Planning, Teaching, and Delivering Vicarious Trauma Training to Support Law Students and the Legal Profession' (2024) 31 *International Journal of Clinical Legal Education* 126.

¹⁸Curryer and Edwards (n 15).

¹⁹Folakemi Olabisi Ajagunna and Ibijoke Byron, 'Clinical Legal Education and Social Justice: Assessing the Impact on Law Students in a Law Clinic in Nigeria' (2024) 31 *International Journal of Clinical Legal Education* 44.

²⁰Gemma Smyth, Dusty Johnstone and Jillian Rogin, 'Trauma-Informed Lawyering In The Student Legal Clinic Setting: Increasing Competence In Trauma Informed Practice' (2021) 28 *International Journal of Clinical Legal Education* 149.

²¹Speed (n 9).

programme, where law students take on the role of PLE facilitators by teaching legal concepts in schools, community centres and other public venues. Studies on such programmes highlight their transformative potential, demonstrating the dual impact of PLE on both the participating students and the communities they serve.²² In these programmes, law students are not only the primary deliverers of PLE but also provide valuable feedback on the initiatives they lead. Drawing from their direct experiences of engaging with diverse audiences, students offer insights that help refine teaching methods, identify challenges and enhance the overall effectiveness of PLE initiatives. For instance, they may observe areas where participants struggle to grasp complex legal concepts or suggest alternative teaching strategies to improve engagement and understanding. This feedback loop ensures that PLE programmes remain dynamic, responsive and better tailored to the needs of the communities they aim to serve, while also enriching the students' educational and professional development.²³

Law students can therefore contribute uniquely to advancing PLE by engaging in community legal education, applying their knowledge to real-world issues, developing empathy, advocating for access to justice and providing feedback for programme improvement. Together, these efforts foster a more legally literate society and enhance the impact of legal education on both students and the public. The evolving role of law students in PLE reflects a broader trend towards experiential learning in legal education, where students are encouraged to apply their knowledge in real-world contexts. This shift has the potential not only to benefit the professional development of students but also to contribute to greater legal awareness. This article explores the critical role of law schools in advancing PLE and the unique contributions of law students in promoting legal literacy. By examining the impact of various PLE initiatives, this article highlights how these programmes not only benefit communities through increased legal awareness but also enhance students' practical skills and legal consciousness.

The Role of Law Schools in Building a Legally Literate Society

Law schools can play a crucial role in advancing PLE by leveraging their resources and expertise to make legal knowledge accessible and relevant to diverse communities. Beyond their traditional function of training future lawyers, law schools can design and deliver adaptable, research-informed programmes that enhance public understanding of the law, foster innovation in legal education and influence policy to support broader legal empowerment. By collaborating with policymakers, legal practitioners and community organisations, they can help shape the legal landscape in ways that promote greater legal literacy and empowerment.²⁴ This advocacy role is crucial for advancing the societal impact of PLE and ensuring that it is supported and sustained over the long term.

Collaborative Approaches

The effectiveness of PLE initiatives often hinges on the strength of partnerships between law schools and the communities they serve. Collaborative approaches ensure that PLE programmes are not only informed by academic expertise but are also grounded in the real-world experiences and needs of community members. These partnerships create a dynamic exchange of knowledge, where law schools contribute legal expertise while communities provide insights into the practical challenges and barriers to legal literacy. Collaboration with community organisations, local governments, schools and other stakeholders allows law schools to extend their reach and impact. For example, partnerships with non-profit organisations can facilitate the delivery of PLE programmes to underserved populations, such as

²²Wallace (n 7).

²³Louise Hewitt and Lucy Yeatman, 'Feeding up and Feeding Back: Exploring the Value of Peer Learning through a Law Clinic Setting' (2023) 30 International Journal of Clinical Legal Education 102.

²⁴Saurabh Sood, 'Convergence in the Practice of Legal Aid to Improve Access to Justice' (2019) 6 Asian Journal of Legal Education 18.

low-income families, immigrants or rural communities. Bengtsson and others²⁵ have highlighted the effectiveness of integrating clinical legal education with community service in advancing PLE through partnerships like the one between their law school and the Citizens Advice Bureau. These collaborations can also help bridge the gap between legal theory and practice, making legal education more relevant and accessible to those who need it most.

Several successful case studies highlight the power of collaborative approaches in PLE. One notable example is the partnership between Georgetown University Law Centre and Washington D.C. public schools to implement the Street Law programme (see below). This initiative involves law students teaching practical law courses to high school students, covering topics such as constitutional rights, consumer law and criminal justice. The collaboration not only enhances the legal knowledge of the students but also provides law students with invaluable teaching and community engagement experience. Another example is the partnership between the University of Toronto Faculty of Law and local community organisations in their 'Access to Justice' initiative.²⁶ This programme offers free legal workshops and clinics to residents in low-income neighbourhoods, addressing issues like tenant rights, employment law and family law. By working closely with community groups, the law school ensures that its PLE efforts are responsive to the specific legal challenges faced by these communities, thereby maximising the programme's impact. Collaboration therefore not only amplifies the reach of PLE programmes but also ensures that they are deeply connected to the needs and realities of the people they are designed to serve.

In the UK, the University of Strathclyde has collaborated with local prisons to deliver PLE to inmates, focusing on legal rights, the criminal justice system and reintegration challenges.²⁷ This partnership has proven effective in reducing recidivism rates and empowering inmates with the knowledge needed to navigate their legal situations, both during incarceration and after release. The programme is a prime example of how law schools can contribute to social justice and rehabilitation through targeted legal education. These case studies demonstrate that when law schools and communities work together, PLE initiatives can be more effective, sustainable and impactful.

Law Students as 'Street Law' Teachers

Street Law, a form of PLE, is an innovative educational programme that brings legal education directly to the community by having law students teach non-lawyers about the law, democracy and fundamental rights.²⁸ The primary goal of Street Law is to make legal knowledge accessible to everyone, particularly those who may not have easy access to legal resources or education. What sets Street Law apart is its distinctive learner-centred teaching methodology, which emphasises interactive, participatory and practical learning.²⁹ Lessons are designed to engage participants through role-playing, case studies and problem-solving exercises, enabling them to actively apply legal concepts to

²⁵Lyndsey Bengtsson, Callum Thomson and Bethany A Court, 'The Law In The Community Module At Northumbria University- Working In Partnership With Citizens Advice As An Effective Teaching Tool' (2021) 28 International Journal of Clinical Legal Education 111.

²⁶University of Toronto, 'Access to Justice: Downtown Legal Services, U of T's Community Legal Clinic, Celebrates 50 Years' <<https://www.utoronto.ca/news/access-justice-downtown-legal-services-u-t-s-community-legal-clinic-celebrates-50-years#:~:text=Today%2C%20the%20Downtown%20Legal%20Services,%20criminal%20refugee%20and%20immigration>> accessed 31 August 2024.

²⁷University of Strathclyde Law Clinic, 'Providing Access to Justice in Glasgow and the Surrounding Areas' <[https://www.lawclinic.org.uk/beyond-casework/projects/public-legal-education/prisons#:~:text=Since the pilot in 2010,how to re-enter employment](https://www.lawclinic.org.uk/beyond-casework/projects/public-legal-education/prisons#:~:text=Since%20the%20pilot%20in%202010,how%20to%20re-enter%20employment)> accessed 31 August 2024.

²⁸Brandon Golob, 'Student in the Seats, Teacher in the Streets: Evaluating the Impacts of Law Students Becoming "Street Law" Teachers' (2021) 5 International Journal of Public Legal Education 37.

²⁹Seán Arthurs and others 'From zero to 60: Building belief, capacity and community in Street Law instructors in one weekend' (2017) 24 International Journal of Public Legal Education 118.

real-life situations. Law students, under the guidance of their law schools, deliver lessons on a variety of legal topics, such as consumer rights, criminal law, family law and human rights, often tailored to the needs and interests of specific community groups. The programme typically operates in schools, community centres, prisons and other public spaces where legal literacy is needed. By focusing on practical, everyday legal issues, Street Law aims to empower individuals with the knowledge they need to navigate legal challenges and engage more fully as informed citizens.

The Street Law programme originated in the early 1970s at Georgetown University Law Centre in Washington D.C. during a period of significant social change in the USA.³⁰ Initially conceived as a response to the civil rights movement's call for greater legal empowerment of marginalised communities, the programme was designed to provide high school students in underserved areas with basic legal knowledge and skills. Over the decades, Street Law has expanded globally, with numerous adaptations in various countries, reflecting different legal systems and cultural contexts. The core principles of the programme – teaching practical law and fostering active citizenship – have remained consistent, even as the content and delivery methods have evolved. Today, Street Law is a well-established model for PLE, with a strong network of programmes in law schools around the world, each contributing to the broader mission of legal empowerment and social justice.

Studies have shown that participation in Street Law and similar PLE programmes fosters a sense of social responsibility and public service among law students.³¹ Furthermore, the hands-on nature of Street Law provides students with early exposure to teaching, mentoring and advocacy, all of which are valuable skills in legal practice. For instance, Ridout and Thomas³² highlight how Street Law enhances students' ability to communicate complex legal principles effectively and develop empathy through their interactions with diverse communities. As a result, students emerge from the programme not only as more skilled legal professionals but also as more socially conscious and engaged citizens. The impact of Street Law extends beyond the law students involved – it also significantly benefits the communities they serve. By providing accessible legal education, Street Law helps demystify the law for community members, many of whom may have little prior exposure to legal concepts.³³ This education emboldens individuals to make informed decisions, assert their rights and avoid legal pitfalls. In particular, Street Law often targets vulnerable populations, such as low-income individuals, youth and incarcerated persons, who may be at a greater risk of being marginalised by the legal system. By equipping these groups with legal knowledge, Street Law helps to level the playing field, enabling them to navigate legal challenges with greater confidence and autonomy.³⁴

Numerous examples demonstrate the success of Street Law initiatives in empowering communities. For instance, in the USA, Street Law programmes in high schools have been credited with increasing students' understanding of the legal system, improving their critical thinking skills and fostering a sense of civic responsibility.³⁵ In the Czech Republic, the Prague Street Law programme has played a crucial role in educating citizens about their rights under the country's constitution, contributing to a more informed and engaged populace.³⁶ Similarly, in the UK, Street Law projects in prisons have helped

³⁰Lydia Bracken, 'A Case Study on the Impact of a Capstone Street Law Teaching Project' (2022) 56 *The Law Teacher* 206.

³¹Richard Roe and others, 'Teaching with Justice: Global Perspectives on Clinical Legal Education and Rebellious Lawyering' (2022) 68 *Washington University Journal of Law & Policy* 141.

³²Frances Ridout and Linden Thomas, *Street Law: Theory and Practice* (Bloomsbury, 2023).

³³Arpeeta Shams Mizan, 'Challenges of Human Rights Literacy in Developing Countries: Lessons from South Africa and Bangladesh on Conducting Street Law for the School Students' (2018) 5 *Asian Journal of Legal Education* 40.

³⁴Arthurs and others (n 29).

³⁵Bracken (n 30).

³⁶Michal Urban and Tomáš Friedel, 'Ten Years of Prague Street Law: Lessons to Learn from Our First Decade' (2019) 26 *International Journal of Clinical Legal Education* 177.

inmates understand their legal rights and responsibilities, aiding in their rehabilitation and reintegration into society.³⁷ LawWorks, a charity committed to enabling access to justice through free legal advice, has documented the widespread adoption of PLE initiatives, highlighting their effectiveness in reaching underserved populations. The findings of a survey in 2020 show that Street Law has now become a mainstream part of legal education, as well as law schools' wider community engagement.³⁸ During the pandemic, as Wallace highlights, Street Law initiatives demonstrated remarkable adaptability by transitioning to virtual environments, ensuring continued access to legal education.³⁹ This flexibility not only sustained PLE efforts during a crisis but also opened new possibilities for integrating virtual methods alongside in-person instruction, broadening the reach and accessibility of Street Law programmes. These examples highlight the transformative potential of Street Law, not only in terms of legal education but also in promoting broader social change.

It must be recognised that Street Law initiatives face several challenges: they often struggle with limited financial resources, which can impact the quality and reach of the initiatives;⁴⁰ access to teaching materials, venues and technology can be constrained, limiting their effectiveness;⁴¹ and reaching the remote or marginalised communities that may benefit the most from Street Law can be hampered by geographic and infrastructural barriers.⁴² Furthermore, law schools face significant resource constraints and funding challenges, e.g. budget cuts, increased student-to-staff ratios and pressures to prioritise revenue-generating programmes, which can make it difficult to sustain PLE initiatives.⁴³ Strategies to address these difficulties include collaborating with community organisations, NGOs and legal aid clinics to obtain additional resources, expertise and funding; encouraging law students to take leadership roles in PLE programmes to reduce staffing costs, while providing valuable experiential learning opportunities; and seeking funding from charitable foundations, government grants and alumni donations to help sustain and expand PLE efforts.⁴⁴ By adopting such innovative strategies law schools can overcome financial barriers and continue to advance PLE, fostering both community empowerment and student development.

PLE in Non-Traditional Settings: The Case of Prisons

Law schools have increasingly recognised the importance of extending PLE to non-traditional settings, such as prisons, where access to legal knowledge is often limited. In these environments, PLE programmes are designed to educate inmates about their legal rights, the justice system and the law's role in society. Law schools are well positioned to spearhead these initiatives due to their access to legal expertise, academic resources and motivated student bodies. These programmes typically involve law students and faculty delivering tailored legal education courses within correctional facilities,

³⁷Rachael Kirkup, 'Collaborative Public Legal Education: A Case of "Many Hands Make Light Work", or "Too Many Cooks"?', (2019) 3 International Journal of Public Legal Education 75.

³⁸LawWorks, 'Public legal education: a new vision statement' <<https://www.lawworks.org.uk/solicitors-and-volunteers/resources/lawworks-law-school-pro-bono-and-clinics-report-2020>> Accessed 17 January 2025.

³⁹Wallace (n 7).

⁴⁰Richard Owen, 'Sustainability and University Law Clinic' (2020) 27 International Journal of Clinical Legal Education 77.

⁴¹Anne Hewitt and Natalie Skead, 'The Resource Implications of Work Integrated Learning and Legal Clinics in Australian Legal System: Managing Workload, System Support and Recognition' (2023) 30 International Journal of Clinical Legal Education 4.

⁴²Alex Nicholson and Alireza Pakgohar, 'Lean Thinking in a UK University Law Clinic: A Reflective Case Study' (2020) 27 International Journal of Clinical Legal Education 171.

⁴³Lucy Blackburn, 'Qualifying Work Experience: Do Street Law Projects Provide a "Legal Service"?', (2023) 57 The Law Teacher 84.

⁴⁴Amy L Wallace, 'Classroom to Cyberspace: Preserving Street Law's Interactive and Student-Centered Focus During Distance Learning' (2020) 27 International Journal of Public Legal Education 83.

focusing on topics relevant to the incarcerated population, such as criminal law, human rights, family law and post-release legal challenges.⁴⁵

PLE in prisons plays a critical role in promoting a rehabilitative prison culture. By educating inmates about the law and their rights, PLE helps to empower them, fostering a sense of agency and responsibility that is crucial for successful rehabilitation.⁴⁶ Studies have shown that understanding legal processes can reduce feelings of helplessness and resentment, which are often barriers to rehabilitation.⁴⁷ Instead, informed inmates are better equipped to engage constructively with the legal system, advocate for themselves and make decisions that align with their best interests. For example, programmes such as those offered by Nottingham Law School's Legal Advice Centre in the UK demonstrate how prison-based PLE initiatives can provide inmates with actionable knowledge about family law, housing rights and employment disputes, aiding in their reintegration.⁴⁸ Providing legal education within prisons aligns with the broader goals of rehabilitation and reintegration by helping prisoners develop skills that may be beneficial upon their release.⁴⁹ Law schools have contributed directly to these goals through initiatives like prison-based business law and tax clinics, which have shown potential in addressing financial literacy gaps among inmates and preparing them for life outside prison.⁵⁰ These efforts also underscore the importance of integrating commercial awareness into legal education, as it equips students to deliver PLE on legal issues that intersect with commerce, such as consumer rights or tax obligations.⁵¹ This approach not only enhances legal literacy but also contributes to a more informed and empowered society, which aligns with the overarching objectives of PLE.

Implementing PLE in prison settings presents several challenges, ranging from logistical issues to institutional resistance. Restricted access to prisons is one of the most significant barriers, as it limits the frequency and duration of educational programmes.⁵² Security protocols and the need to maintain order within the facility often impose strict constraints on what can be taught, how classes are conducted, and even who is allowed to participate. For instance, some programmes have reported difficulties in obtaining approvals for external facilitators, which can delay or disrupt the delivery of PLE initiatives.⁵³ Institutional resistance from prison staff or administrators is another challenge. This resistance often stems from a perception that education is secondary to security and control, or from scepticism regarding the potential benefits of legal education for inmates. Research by Edgar, O'Donnell and Martin highlights how prison staff sometimes view rehabilitative programmes as

⁴⁵Keren Lloyd Bright and Maria McNicholl, 'The Open University Law School's Public Legal Education in Prisons: Contributing to Rehabilitative Prison Culture' (2021) 5 International Journal of Public Legal Education 94.

⁴⁶Kimmet Edgar and Tim Newell, *Restorative Justice in Prisons: A Guide to Making it Happen* (Waterside Press, 2006).

⁴⁷Gwen Robinson, Fergus McNeill and Shadd Maruna, 'Punishment in society: the improbable persistence of probation and other community sanctions and measures' in Jonathan Simon and Richard Sparks (eds.) *The SAGE Handbook of Punishment and Society* (SAGE, 2012) 1-26.

⁴⁸Nottingham Law School Legal Advice Centre, 'Annual Report' <https://www4.ntu.ac.uk/nls/document_uploads/181404.pdf> Accessed 16 January 2025.

⁴⁹Cecilia Blengino, 'Interdisciplinarity and Clinical Legal Education: how synergies can improve access to rights in prison' (2018) 25 International Journal of Clinical Legal Education 210.

⁵⁰Helen Codd and others, '"The Best of Times and the Worst of Times": Reflections on Developing a Prison-Based Business Law and Tax Clinic in the Midst of a Global Pandemic' (2020) 27 International Journal of Clinical Legal Education 39.

⁵¹Siobhan McConnell, 'A Study of Supervisor and Student Views on the Role of Clinical Legal Education in Developing Commercial Awareness' (2022) 29 International Journal of Clinical Legal Education 4.

⁵²Bright and McNicholl (n 45).

⁵³Roe and others (n 31).

conflicting with their primary duty of maintaining discipline.⁵⁴ Addressing these attitudes requires evidence-based advocacy to demonstrate the value of PLE in reducing recidivism and improving prison culture.⁵⁵ Designing a curriculum for inmates presents additional difficulties due to the diverse levels of educational attainment and legal literacy within the inmate population. According to the UK Ministry of Justice, a significant proportion of inmates have literacy and numeracy skills below Level 1, equivalent to that of an 11-year-old.⁵⁶ This disparity necessitates a curriculum that is accessible for individuals with limited educational backgrounds while remaining meaningful for those with more advanced knowledge. Programmes in the USA (such as the 'Prison Education Project' – see below) have successfully addressed this issue by using modular approaches that allow for differentiation in content delivery.⁵⁷

Despite these challenges, there are examples of successful PLE initiatives in prisons that demonstrate the positive impact of these programmes. For instance, the Open University Law School's prison education programme in the UK has been widely recognised for its contributions to rehabilitative prison culture.⁵⁸ This programme offers inmates courses in legal studies, helping them to develop critical skills and knowledge that support both their rehabilitation and reintegration. Evaluations of the programme have shown that participants gain a greater understanding of their legal rights, experience improved self-esteem and develop a stronger sense of purpose. Another successful example is the Prison Education Project (PEP) in California, which partners with law schools to provide legal education to inmates.⁵⁹ This programme has not only improved legal literacy among inmates but has also fostered a more positive learning environment within the prison. Participants have reported feeling more empowered to handle legal issues, both during and after their incarceration and have expressed a greater sense of hope for their futures. Research has also highlighted the broader social benefits of PLE in prisons, including reduced recidivism rates.⁶⁰ For instance, studies have found that inmates who participate in educational programmes, including PLE, are statistically 43% less likely to re-offend compared to those who do not have access to such programmes.⁶¹ These findings underscore the potential of PLE to contribute to both individual transformation and public safety.

Strategic Directions for the Future

To expand their role in PLE, law schools can consider several strategic directions. First, they can integrate PLE more fully into their curricula by offering specialised courses or clinics that focus on community-based legal education. These courses could involve students working directly with community partners to design and deliver PLE programmes, providing them with practical experience while also serving the public good. Law schools could also expand their partnerships with non-legal disciplines, such as education, social work and public health, to create interdisciplinary PLE programmes. These collaborations can enrich the content of PLE initiatives, addressing the legal

⁵⁴Kimmet Edgar, Ian O'Donnell and Carol Martin, *Prison violence: The dynamics of conflict, fear and power* (Willan Publishing, 2003).

⁵⁵Robinson and others (47).

⁵⁶Ministry of Justice, 'Prison education: a review of reading education in prisons' <<https://www.gov.uk/government/publications/prison-education-a-review-of-reading-education-in-prisons/prison-education-a-review-of-reading-education-in-prisons>> Accessed 16 January 2025.

⁵⁷Jeremy Travis, Bruce Western and Steve Redburn, *The growth of incarceration in the United States: Exploring causes and consequences* (National Academies Press, 2014).

⁵⁸Curryer and Edwards (n 15).

⁵⁹PEP, 'Prison Education Project' <<https://www.prisoneducationproject.org/>> accessed 31 August 2024.

⁶⁰UK Parliament, 'Not Just Another Brick in the Wall: Why Prisoners Need an Education to Climb the Ladder of Opportunity' <[https://publications.parliament.uk/pa/cm5803/cmselect/cmeduc/56/report.html#:~:text=Research by the Ministry of Justice, year reoffending rate of 40.1%25](https://publications.parliament.uk/pa/cm5803/cmselect/cmeduc/56/report.html#:~:text=Research%20by%20the%20Ministry%20of%20Justice,year%20reoffending%20rate%20of%2040.1%25)> accessed 31 August 2024.

⁶¹RAND, 'Education and Vocational Training in Prisons Reduces Recidivism, Improves Job Outlook' <<https://www.rand.org/news/press/2013/08/22.html>> accessed 31 August 2024.

aspects of issues like healthcare access, social services and educational rights. Interdisciplinary approaches can make PLE more comprehensive and relevant, helping individuals navigate complicated, multi-layered challenges in their lives.

The vision for a more legally literate society, as articulated by advocates of PLE such as Grimes and Arthurs, hinges on the proactive and sustained involvement of law schools in PLE. In this vision, law schools are not just training grounds for future lawyers but are active participants in the broader social mission of legal empowerment. Through ongoing PLE initiatives, law schools can help build a society where individuals are informed about their rights, capable of advocating for themselves and others and equipped to engage with legal and civic processes. By facilitating these efforts, law schools directly contribute to PLE by ensuring that legal knowledge and services are accessible to those most in need. CLE can thus be an effective tool for enhancing social justice teaching, thereby aligning with the broader goals of PLE.⁶²

A legally literate society is one where citizens understand the law not as a distant or intimidating system but as a set of tools that can be used to achieve justice and equity. Law schools, through their PLE efforts, can play a crucial role in demystifying the law and making it more accessible to everyone. This involves not only teaching legal principles but also fostering a culture of legal inquiry, critical thinking and civic engagement. To achieve this vision, law schools must continue to innovate and expand their PLE efforts, embracing new initiatives, forging stronger community partnerships and integrating PLE more deeply into their educational missions. By doing so, they can help create a society where legal literacy is widespread and where the law is seen as a shared resource that everyone has the power to understand, use and shape.

Enhancement and Evaluation of PLE

Integrating Legal Capability and the Capabilities Approach in PLE

Legal capability refers to an individual's ability to recognise and address legal issues, make informed decisions about legal matters and take effective action to resolve them.⁶³ Unlike legal knowledge, which focuses on understanding laws and legal principles, legal capability emphasises the practical application of this knowledge in real-world situations. It encompasses a range of skills, including the ability to identify when a problem is legal in nature, seek out and use relevant information, communicate effectively in legal contexts and navigate the legal system. In the context of PLE, legal capability is a critical goal. PLE aims not just to inform the public about the law, but to empower individuals to use this knowledge to protect their rights, fulfil their responsibilities and participate more fully in society. By focusing on legal capability, PLE programmes can move beyond traditional forms of legal instruction to foster a deeper, more practical understanding of the law and its relevance to everyday life. This approach helps ensure that individuals are not just passive recipients of legal information, but active participants in the legal process, capable of advocating for themselves and others.

The Capabilities Approach, developed by economist Amartya Sen and further refined by philosopher Martha Nussbaum,⁶⁴ is a framework for evaluating individual well-being and social justice. It emphasises the importance of enabling individuals to achieve the attributes they value – such as being

⁶²Jacqueline Weinberg, 'Preparing Students For 21st Century Practice: Enhancing Social Justice Teaching In Clinical Legal Education' (2021) 28 International Journal of Clinical Legal Education 5.

⁶³Dawn Watkins, 'Reimagining the Relationship between Legal Capability and the Capabilities Approach' (2021) 5 International Journal of Public Legal Education 4.

⁶⁴Ingrid Robeyns, *Wellbeing, Freedom and Social Justice: The Capability Approach Re-Examined* (Open Book Publishers, 2017).

healthy, educated and able to participate in social and political life – by expanding their capabilities or real opportunities to achieve these attributes. When applied to legal education, the Capabilities Approach shifts the focus from merely imparting legal knowledge to enhancing individuals' abilities to use this knowledge to improve their lives. It advocates for a holistic view of education, where the goal is not just to create competent legal professionals, but also to cultivate individuals who can use their legal understanding to contribute to social justice and the public good. This approach recognises that legal knowledge alone is insufficient unless it is coupled with the freedom and opportunity to apply it meaningfully in various life contexts.

In PLE, the Capabilities Approach can help educators design programmes that not only teach legal content but also develop the broader capabilities that individuals need to use this knowledge effectively. This includes critical thinking, problem-solving, ethical reasoning and the ability to engage in legal and civic processes.⁶⁵ Integrating the concepts of legal capability and the Capabilities Approach can significantly enhance the effectiveness of PLE programmes by making them more responsive to the real-world needs of learners.⁶⁶ This integration encourages PLE initiatives to focus on developing a comprehensive set of skills and abilities that empower individuals to navigate legal challenges, rather than just transmitting legal information. By adopting the Capabilities Approach, PLE programmes can tailor their content and delivery methods to the diverse needs of different communities. For example, a PLE programme designed for low-income individuals might not only cover basic legal rights but also provide practical tools for accessing legal services, understanding bureaucratic processes and advocating for policy changes. Similarly, PLE initiatives in law schools might focus on developing students' critical thinking and ethical reasoning, enabling them to engage thoughtfully with legal issues and contribute to a more just society.

The Capabilities Approach also encourages a participatory model of education, where both community participants in PLE sessions and law students are actively involved in the design and implementation of PLE programmes. For community participants, this means that their voices and experiences are valued in shaping the content and delivery of the sessions, ensuring the programmes address their specific needs and lived realities. For law students, the participatory approach enables them to collaborate with community members, fostering a deeper understanding of the legal challenges faced by those they aim to serve. This approach is already evident in many Street Law projects, where community members are engaged in the process of identifying the legal topics most relevant to their circumstances. For example, in Street Law programmes focused on housing rights, facilitators often work closely with tenant groups to co-develop session content that directly addresses the participants' concerns. Such collaboration not only enhances the relevance and impact of the PLE sessions but also exemplifies the principles of the Capabilities Approach by empowering both community members and law students to be active agents in the educational process.

Practical implementation of the Capabilities Approach in PLE often involves tailoring programmes to the specific needs and priorities of the target audience. For instance, PLE workshops could focus on legal issues such as housing rights, consumer protection or employment law, as determined through consultation with the community. This approach is not entirely new, as many PLE initiatives – particularly Street Law projects – already emphasise engaging with community stakeholders to identify relevant legal topics. For example, facilitators of Street Law sessions commonly collaborate with schools, prisons or community organisations to shape their workshops around the most pressing concerns of the participants. However, adopting the Capabilities Approach could further refine and expand this practice by emphasising a deeper level of co-design with the community. Rather than

⁶⁵Abiodun Michael Olatokun, 'The Journey To Legal Capability: Challenges for Public Law from Public Legal Education' (2022) 6 *International Journal of Public Legal Education* 28.

⁶⁶Ann Katrin Habbig and Ingrid Robeyns, 'Legal Capabilities' (2022) 23 *Journal of Human Development and Capabilities* 611.

merely responding to identified needs, PLE programmes could involve community members more actively in designing the curriculum, delivery methods and evaluation criteria. This would ensure that the programmes are not only relevant but also empowering, fostering a sense of agency among participants as they develop the legal knowledge and skills to navigate challenges in their lives.

PLE programmes could offer workshops that are specifically designed to address the legal issues most relevant to particular communities. For instance, workshops for immigrant communities might focus on navigating immigration law, understanding workers' rights and accessing public services. These workshops would not only provide legal information but also help participants develop the skills and confidence needed to advocate for themselves in legal contexts. In schools, PLE programmes could be integrated into the broader curriculum to teach students about their legal rights and responsibilities in a democratic society. These programmes could include mock trials, debates and service-learning projects that encourage students to apply their legal knowledge in real-world situations. Such practices, widely associated with the Street Law methodology, already reflect the principles of the Capabilities Approach, even if they are not explicitly framed as such. By emphasising critical thinking, civic engagement and active participation, these programmes align with the Capabilities Approach's focus on empowering individuals to take charge of their own lives and contribute meaningfully to public life.

The use of online platforms can make PLE more accessible and flexible, particularly for individuals who face barriers to attending in-person sessions, such as those in rural areas, those with mobility challenges or those with caring responsibilities.⁶⁷ These platforms could operate in several ways to meet diverse needs. For example, some platforms might deliver live, interactive sessions via video conferencing tools, allowing participants to engage directly with facilitators and peers in real-time discussions or Q&A sessions. Others could offer pre-populated interactive content, such as legal self-assessment quizzes, virtual simulations of legal scenarios or guided pathways that walk users through common legal processes, like filing a small claims case or addressing housing disputes. By incorporating elements of the Capabilities Approach, these platforms would go beyond providing static information to actively engage users in the learning process, helping them build the skills and confidence needed to navigate the legal system. For incarcerated individuals, PLE programmes could be designed to support their reintegration into society by focusing on practical legal issues they are likely to face upon release. These programmes might include lessons on securing housing, understanding employment law and accessing social services. By equipping inmates with the legal knowledge and skills needed to overcome these challenges, PLE programmes can help reduce recidivism and support successful reintegration.

In each of the above examples, the integration of legal capability and the Capabilities Approach ensures that PLE programmes are not just about imparting legal knowledge but about enabling individuals to use this knowledge to improve their lives and contribute to a more just society. This reimagined approach to PLE recognises the importance of fostering both the knowledge and the capabilities that individuals need to navigate the complexities of the legal system and engage meaningfully in civic life.

Evaluating PLE Programmes: Aims, Challenges and Models

Evaluating PLE programmes is essential for several reasons. First, it provides a mechanism for assessing the effectiveness of these initiatives in achieving their intended outcomes, such as increasing legal literacy, enhancing legal capability and empowering individuals to engage with the legal system. Through systematic evaluation, stakeholders can determine whether the educational content is being

⁶⁷Freda Grealy and others, 'Education, Empowerment and Access to All - Public Legal Education and Massive Open Online Courses at the Law Society of Ireland' (2019) 3 International Journal of Public Legal Education 24.

understood and applied by participants and whether the programme is reaching its target audience effectively. Second, evaluation serves as a tool for continuous improvement. By identifying what works well and what does not, programme designers and educators can refine their approaches, develop more targeted interventions and allocate resources more efficiently. This process is crucial for ensuring that PLE programmes remain relevant, responsive to community needs and capable of adapting to changing legal and social environments. Finally, evaluation is important for accountability and advocacy. Funders, policymakers and the public often require evidence of the impact and value of PLE initiatives. A robust evaluation process can provide this evidence, demonstrating the programme's contributions to legal empowerment and social justice. This, in turn, can help secure ongoing support and funding and inform broader policy decisions regarding the role of PLE in society.

Evaluating the impact of PLE programmes presents several challenges, many of which stem from the complex and multifaceted nature of legal education and its outcomes. One significant difficulty lies in measuring intangible outcomes, such as increased legal confidence, empowerment and changes in behaviour. Unlike traditional education programmes, where success can often be gauged through quantifiable measures like test scores, the outcomes of PLE are more diffuse and harder to capture. Grimes emphasises this challenge, noting that while knowledge acquisition can sometimes be measured, evaluating shifts in attitudes or the application of skills requires more nuanced approaches.⁶⁸ He suggests that mixed-methods evaluations, combining quantitative and qualitative data, may be the most effective way to capture the broad spectrum of PLE impacts. Another challenge is the variability in participants' prior knowledge, cultural backgrounds and learning needs. PLE programmes often serve diverse groups, making it difficult to establish a standardised baseline for evaluation. For example, a participant with prior exposure to legal concepts may progress differently from someone encountering these ideas for the first time. As McQuoid-Mason highlights, tailored approaches to pre- and post-programme assessment are necessary to accommodate this diversity and ensure evaluations are meaningful.⁶⁹

Additionally, the delayed impact of PLE complicates efforts to measure its effectiveness. Participants may not immediately apply the legal knowledge and skills they gain, and the true value of a programme may only become evident months or even years later when faced with a legal challenge. Grimes argues for longitudinal studies to address this issue, though he acknowledges the logistical difficulties involved, including the need for sustained funding and participant retention over time.⁷⁰ Resource constraints also pose a significant barrier, particularly for community-based or volunteer-driven PLE initiatives. Limited funding, time and expertise often restrict the scope and depth of evaluations, leading to gaps in data collection and analysis. McQuoid-Mason suggests that embedding evaluation into the design of PLE programmes from the outset can help mitigate these challenges by ensuring that data collection is systematic and ongoing rather than an afterthought.⁷¹

Despite these challenges, several evaluation models have proven effective in assessing PLE programmes, offering ways to navigate the inherent complexities of measuring impact. One such model is the Logic Model, which maps out the relationship between a programme's resources, activities, outputs and outcomes.⁷² By breaking down the programme into these components, the

⁶⁸Richard Grimes, *Public Legal Education: The Role of Law Schools in Building a More Legally Literate Society* (Routledge, 2021) 132-155.

⁶⁹David McQuoid-Mason, *Street Law and Public Legal Education: A collection of best practices from around the world* (Juta & Co Ltd, 2019) 28-32.

⁷⁰Grimes (n 68) 105-131.

⁷¹David McQuoid-Mason, 'Street Law as a Clinical Programme: The South African Experience with Particular Reference to the University of Kwazulu-Natal' (2008) 17 Griffith Law Review 27.

⁷²Sara Carpenter, "'Modeling" Youth Work: Logic Models, Neoliberalism, and Community Praxis' (2016) 26 International Studies in Sociology of Education 105.

Logic Model provides a structured framework for identifying key metrics of success. For example, a PLE programme in a prison might use the Logic Model to track the number of workshops delivered (outputs), assess increases in participants' legal knowledge (short-term outcomes) and evaluate the long-term impact on recidivism rates (long-term outcomes). While the challenge of measuring intangible outcomes like empowerment persists, the Logic Model allows for a stepwise assessment, where each stage is linked to specific, observable indicators. This clarity helps evaluators focus on both immediate and eventual impacts, even if the latter require longitudinal tracking.

Another effective approach is Participatory Evaluation, which involves stakeholders — such as programme participants, community members and educators — in the evaluation process.⁷³ This model directly addresses challenges like the diversity of participants' backgrounds and the difficulty of measuring intangible outcomes. By engaging participants in co-creating evaluation tools (e.g. surveys or focus groups), the process becomes more inclusive and responsive to the unique experiences and needs of the community. For example, participants in a Street Law project could provide feedback on whether the content resonated with their lived experiences and how it has influenced their confidence in addressing legal issues. This feedback enriches the evaluation process by offering qualitative insights that complement quantitative measures, helping to overcome the gaps in data caused by relying solely on numerical metrics.

Outcomes-Based Evaluation is another valuable model, focusing on the specific changes or benefits that result from the programme.⁷⁴ This approach is particularly useful in addressing the challenge of delayed impact, as it emphasises long-term outcomes such as participants' ability to resolve legal issues, access justice or advocate for their rights. By setting clear, actionable goals at the outset — such as increasing participants' ability to complete legal forms or access legal advice independently — the model allows for targeted tracking of these outcomes over time. For instance, follow-up surveys or interviews conducted months after programme completion can capture delayed effects, offering insights into how participants have applied their learning in real-life scenarios. While resource constraints can make long-term tracking difficult, partnerships with community organisations or leveraging technology (e.g. automated follow-up surveys) can help mitigate these issues.

These three models collectively address some of the challenges inherent in evaluating PLE. While no single model can fully overcome all difficulties, combining elements from multiple frameworks can create a more robust and nuanced evaluation strategy. For example, the Logic Model can provide structure, Participatory Evaluation can ensure inclusivity and Outcomes-Based Evaluation can focus on tangible, long-term impacts. By integrating these approaches, PLE programmes can generate meaningful insights into their effectiveness, demonstrating their value while identifying areas for refinement.

To improve the evaluation of PLE programmes, such programmes should begin with clearly defined goals and objectives that are both specific and measurable. This clarity helps in selecting appropriate evaluation metrics and tools, making it easier to assess the programme's success. Combining quantitative and qualitative data collection methods can provide a more comprehensive view of the programme's impact. Surveys, interviews, focus groups and case studies can be used together to capture both statistical trends and in-depth personal experiences. Given that the impact of PLE programmes may emerge over time, longitudinal studies that track participants' progress over months or years can provide valuable insights into the long-term effects of these initiatives. Such studies can help identify sustained changes in legal capability and behaviour. Involving participants in designing

⁷³Cristina Aragon and others, 'Participatory Evaluation: A Useful Tool for Contextualising Cluster Policy?' (2014) 35 Policy Studies 1.

⁷⁴Gillian Nisbet and others, 'Interprofessional Learning for Pre-Qualification Health Care Students: An Outcomes-Based Evaluation' (2008) 22 Journal of Interprofessional Care 57.

and implementing the evaluation process can ensure that their perspectives are central to the assessment. This engagement can lead to more relevant and accurate measures of the programme's impact and foster a sense of ownership and investment in the outcomes. Digital tools and platforms can streamline the evaluation process, making it easier to collect, analyse and interpret data. Online surveys, mobile apps and data visualisation tools can enhance the efficiency and effectiveness of PLE evaluations. To contribute to the broader field of PLE, programmes should share their evaluation findings and lessons learned with other educators, policymakers and stakeholders. This exchange of information can help build a body of knowledge on effective PLE practices and encourage the adoption of successful evaluation models across different contexts.

Ultimately, while evaluating PLE programmes poses certain challenges, adopting effective evaluation frameworks and strategies can significantly enhance the understanding of these initiatives' impact. By focusing on clear objectives, using diverse methodologies and involving participants in the evaluation process, PLE programmes can ensure they are making a meaningful contribution to legal empowerment and social justice.

Conclusion

Throughout this discussion, the transformative potential of the Capabilities Approach in PLE has been underscored, alongside the pivotal role of law schools as hubs for legal empowerment. Law students have emerged as important facilitators of PLE, with programmes like Street Law and other community-based legal education initiatives demonstrating their capacity to bridge the gap between theoretical legal knowledge and its real-world application. By equipping communities with accessible legal knowledge and fostering legal confidence, these students not only enhance the legal literacy of those they serve but also develop critical skills and a deeper sense of social responsibility that are essential for their growth as future legal professionals. This dual impact — on both students and communities — is a compelling testament to the enduring value of embedding PLE within the fabric of legal education.

The discussion has also emphasised the unique position of law schools as central drivers of PLE. As institutions that combine academic expertise, societal credibility and community engagement, law schools are well placed to lead the charge in promoting legal literacy. By engaging actively with communities through partnerships with schools, prisons and other organisations, law schools can expand the reach of PLE, ensuring it addresses the needs of diverse populations. This reinforces the notion that legal education should not be confined to classrooms or courtrooms but must extend into the broader society, fulfilling a civic mission to empower individuals to navigate the complexities of the legal system.

The integration of the Capabilities Approach offers a useful opportunity to enhance the impact of PLE by shifting the focus from merely delivering legal knowledge to fostering the capabilities that enable individuals to engage effectively with the law. This learner-centred, participatory model not only builds confidence and legal literacy but also aligns with broader goals of social justice and empowerment. By tailoring programmes to meet the specific needs of underserved or vulnerable groups, such as immigrants, youth and prisoners, PLE can play a transformative role in addressing inequities and fostering greater access to justice.

The importance of evaluating and refining PLE programmes has also been highlighted as crucial to their long-term success. Challenges such as measuring intangible outcomes, accounting for diverse participant needs and tracking delayed impacts require robust, evidence-based evaluation frameworks. Models such as the Logic Model, Participatory Evaluation and Outcomes-Based Evaluation offer promising pathways for assessing the effectiveness of PLE initiatives while ensuring

that programmes remain responsive, inclusive and impactful. Such evaluations are essential not only for demonstrating the value of PLE but also for identifying best practices, guiding improvements and securing the resources needed to sustain these efforts.

Moving forward, law schools must deepen their commitment to PLE, recognising it as a core pillar of legal education and a vital mechanism for societal empowerment. This involves integrating PLE programmes into curricula, encouraging student participation and fostering partnerships with communities to deliver inclusive and accessible legal education. Law schools are uniquely positioned to act as catalysts for legal empowerment, ensuring that legal knowledge is not an exclusive privilege but a widely shared resource that enables individuals to advocate for their rights and navigate legal systems with confidence.

To sustain and expand PLE, there is a pressing need for further research. Future studies should investigate the long-term impacts of PLE on participants and communities, exploring how enhanced legal literacy translates into meaningful legal empowerment and broader social change. Research should also focus on identifying the most effective methodologies for delivering PLE to diverse audiences and examine the role of technology in broadening access to legal education. As digital tools and platforms become increasingly integral to education, exploring their potential to deliver innovative, interactive and tailored PLE programmes will be essential.

In terms of programme development, law schools should consider expanding their PLE offerings to address emerging legal challenges and reach underrepresented audiences. Specialised programmes targeting contemporary issues like digital privacy, environmental law or human rights could equip communities with the knowledge needed to navigate complex modern challenges. Additionally, interdisciplinary PLE initiatives that integrate legal education with fields such as public health, education or social work could offer holistic solutions to the complicated issues individuals face in their daily lives.

Ultimately, the future of PLE is both bright and deeply interconnected with the efforts of law schools to embrace their civic role as champions of legal literacy. By committing to sustained innovation, rigorous evaluation and inclusive practices, law schools can help build a more informed, empowered and just society. This vision is not only achievable but essential in ensuring that the law serves as a tool for empowerment, equality and social progress.