



**Proceeding
of the Panel Discussion**

on the

**Role of Law Schools in Improving
Peoples' Right to Access to Justice**

Organized by

Ethiopian Lawyers' Association

&

Ethiopian Young Lawyers' Association

Ghion Hotel, May 15, 2015



Foreword

It is a public knowledge that, for several decades the country had relied solely on one law school with capacity of producing not more than 60 legal professionals per annum. Tremendous changes have taken place in the past two decades in terms of expansion of law schools. As a result, the number of law schools has shown dramatic increase in terms of numbers and geographical spread. Thousands of legal professionals are graduating from all law schools across the country every year. Although this remarkable achievement is an encouraging sign in the human resources development front, it is also entangled with manifold problems. One among these problems is that law schools have done little in bridging “the Justice Gap”. Consequently, students who graduate from law schools usually lack the attitude towards public service, the skills and competencies necessary to represent and advise indigent persons. Law schools also seem to have little interest in funding researches on problems impairing the realization of access to justice. Nor are they keen in organizing conferences from time to time that deliberate on the hurdles obstructing the realization of Access to Justice. Their relation with the justice sector is weak to say the least.

Considering these and other challenges ELA and EYLA conducted a day-long panel discussion on the Role and Contribution of Law Schools in Improving Access to Justice on May 15, 2015 at the Ghion Hotel, in Addis Ababa. The objectives of the panel discussion were to:

- Familiarize participants with the role and contribution of law schools (from around the world) in improving people’s Access to Justice, challenges they encounter in achieving this end, and lessons that can be learned from their experience;
- Acquainting participants with the role and contribution of Ethiopian law schools in improving access to justice; and their achievements; and



- Identifying the underlying problems hindering law schools from organizing continuous discussions on improving people's Access to Justice and thereby stimulates debate among relevant stakeholders on the issue.

The panel discussion gave insight to participants with regard to the 2005/2006 Legal Education Reform which was conducted as part of the Comprehensive Justice System Reform Program (JSRP, 2002) which included "legal education as one of its pillars of reform." Moreover, the findings emerged from the discussion show that law schools have to go a long way to fully implement the 2005/2006 Legal Education Reform package. As things stand now relevant skills such as legal research, legal writing, and professional ethics are still peripheral. Law schools still practice simulation rather than live client clinics and hence there is a clear need for making the overall teaching/learning environment well suited to experiential learning for students so as to enable them regularly contacts with practicing lawyers; real cases ,and real clients. By and large, the panel discussion created a forum for law schools coming from the nine regions, students, and concerned government agencies to sit and deliberate on the role the law schools in contributing toward access to justice, what they have achieved so far, their shortcomings, and the way forward.

ELA and EYLA are indebted to all law schools, concerned government agencies that sent their representatives to the panel discussion. ELA and EYLA would also like to thank the Addis Ababa University School of Law and Governance for facilitating the attendance of students during panel discussion. Moreover ELA and EYLA would like to express their gratitude to the Ethiopia-European Union Civil Society Fund II for financing the panel discussion. We are also thankful to the panelists Dr. Getachew Assefa, Dean, AAU College of Law and Governance, Dr. Elias Nour Chief Editor of Mizan Law Review and the moderator of the panel discussion Associate Professor Zekaria Kenea and all the participants and stakeholders without whom the panel discussion would not have been successful.

Tamirart Kidanemariam
President of the Ethiopian Lawyers' Association



1. Introduction

As part of the series of panel discussions planned on the theme “Access to Justice”, the Ethiopian Lawyers Association jointly with the Ethiopian Young Lawyers’ Association organized a one day panel discussion on the “Role of Law Schools in Improving Peoples’ Right to Access to Justice”, on May 15, 2015 at the Ghion Hotel, in Addis Ababa. Two discussion papers entitled “The Role of Law Schools in Ensuring Access to Justice: Lessons from Foreign Experience” and “Elements and Enablers of Effective Legal Aid Clinics: Attempts of Legal Education Reform 2006, and Challenges” were presented by Dr. Getachew Assefa, Dean of the School of Law and Governance, Addis Ababa University, and Dr. Elias Nour, Chief Editor of Mizan Law Review, respectively. The day long panel discussion was moderated by Zekarias Kenea, Associate Professor, at the School of Law and Governance, Addis Ababa University. A total of 67 participants drawn from the nine regional states law schools, legal aid centers run by ELA and EYLA in Addis Ababa, Adama, Assosa, Bahir Dar, Hawasa, JigJiga and Mekele as well as representatives of government agencies, NGOs and law schools students took part in the panel discussion. Of these participants 8 were women.



Morning Session

2. Welcoming address

Ato Abera Haiemariam, the Project Coordinator at ELA, welcomed Mrs. Stephanie Carrete, European Union Governance and Civil Society Section Head, and participants of the panel discussion, and invited Ato Gebreamlak Gebregiorgis, member of the Executive Committee of ELA and the Chairperson of the Legal Aid Committee to make an opening speech.

Ato Gebreamlak commended ELA and EYLA for organizing the panel discussion, and he expressed gratitude for the financial assistance from the Ethio- European Union Civil Society Fund II. In his opening remarks, Gebreamlak accentuated the paramount role law schools play in educating and training legal professionals and in improving the people's rights to access to justice, and expressed his hope that participants of the panel discussion will make use of this opportunity to assess, examine and come up with innovative approaches that can improve peoples' access to justice , and invited Mrs. Stephanie Carrete, European Union Governance and Civil Society Section Head to give her key note address.

Mrs. Stephanie, the European Union Governance and Civil Society Section Head, started her keynote address by expressing the European Union's unwavering stance and solid commitment to work with Civil Society and Non-State Actors like ELA. Stressing on the current funding modality in place to buttress the works of civil society in Ethiopia, Stephanie, remarked that, "Civil Society Fund (CSF) is one of the EU's instruments to strengthen Ethiopian Civil Society Organizations, implemented since 2006 as part of the official development cooperation between the Government of Ethiopia and the EU". Stephanie also explained the wide array of activities supported by CSF-II that include governance, the promotion and protection of individual and group rights, gender equality, conflict transformation, environmental sustainability, maternal health, and development coordination.



Mrs Stephanie expressed EU's commitment to the Rule of Law by saying, "The topic of Rule of Law is one of the areas which we are particularly pleased to support with the CSF, as it is in line with the European Union's and its 28 members' core values". Regarding the relevance of the joint project run by ELA and EYLA, Stephanie said, the project presents a great value addition to the EU's efforts, as it engages lawyers, law students and paralegals in strengthening and promoting people's access to justice on a very practical and hands-on level, while at the same time raising awareness to the issue of lack of access to justice, especially of the marginalized segments of the society, and engaging in advocacy and dialogue." She underlined the importance of using the forum not only as an opportunity to learn "the role of law schools in improving people's right to access to justice, but also to exchange general ideas and experiences in this field." Stephanie thanked the Government of Ethiopia for designating the CSF resources as local fund without which EU "could not have supported ELA to materialize this" and she added that "EUD is aware and encouraged of the improvements in organizational capacities and outreach work of ELA and EYLA since the CSF II support."

In her concluding remarks, Stephanie noted the need for the sustainability of such projects because EU's financial support cannot and will not continue indefinitely, and she appealed to ELA and EYLA's members and stakeholders to understand this and work on "to further strengthen the capacity of mobilizing more resources from local sources" and underlined the need for scaling up "collaboration and interactions with the key justice sector stakeholders". She thanked ELA and EYLA for making best use of the opportunity provided by CSF.



3. Presentation One

The Role of Law Schools in Ensuring Access to Justice: Lessons from Foreign Experiences

Following the keynote address, Associate Professor Zekarias Kenea, the moderator, took the floor and briefly introduced the first speaker, Dr. GetachewAssefa to the participants, and invited him to present his paper.

Thanking the organizers for giving him the opportunity to share his idea on the subject, Dr. Getachew set out by introducing the topic of his presentation, “The Role of Law Schools in Ensuring Access to Justice: Lessons from Foreign Experiences.” Explaining the structure of his presentation Dr. Getachew notified participants of the panel discussion as he will first briefly touch upon the meaning and components of Access to Justice to be followed by the discussion on the theme “law schools and access to justice”. He indicated that the third component of his presentation will focus on analysing “Examples of Access to Justice Curricula” and wind up his presentation with the way forward.

3.1 Meaning

Dr. Getachew brought to the attention of the participants of the panel discussion the challenges of finding out universally agreed definition on the notion of Access to Justice. Continuing his speech, Dr. Getachew said like most social science and legal concepts Access to Justice is a fluid concept that may mean many things depending on the context it is being used, and the subject matter under scrutiny and noted that absence of an agreed up on definition has its own downside in imparting a clear message to the participants of the panel discussion. The speaker picked up two definitions forwarded by an American judge and academic as examples from among several definitions to show the difficulty of finding a comprehensive and an all agreed meaning to the concept. According to Dr.Getachew, while the American judge defined Access to Justice as “the ability to avail oneself of the various institutions, governmental and non-



governmental, judicial and non-judicial, in which a claimant might pursue justice”, the American academic on the other hand attached the meaning to the concept as “the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standard.” The speaker further pointed out that regional and international bodies have also attempted to provide their own meaning to the notion of Access to Justice by stating its attributes and cited as an example how Agency for Fundamental Rights of the European Union (FRA) described the typical features/attributes of Access to Justice. According to the speaker for FRA “Access to Justice” consists of attributes including as “the right to a fair hearing within a reasonable time by an independent and impartial body previously established by the law”; “the right to legal aid for those who lack sufficient resources”; and “the right to an effective remedy.” Looking at Access to Justice from the vantage point of the necessary requirements for its realizations, Dr. Getachew argued that knowledge of rights, access to laws, access to lawyers, fair and comprehensive laws- substantive and procedural, physical location of courts and justice institutions are prerequisites for the realization of Accesses to Justice without which it would only be a pipe dream. The speaker wrapped-up his discussion on the first theme by saying that Access to Justice “entails putting in place necessary legal and institutional structures and ensuring their effective functioning in practice for which the role of the state and other stakeholders are of paramount importance”

3.2 The Role of Law Schools

The speaker began his presentation on the second item by making it clear that nowhere in the world is the goal of access to justice attained satisfactorily not the least in the United States. Tracing the history of the beginning of the legal aid service in the United States, Dr. Getachew remarked that legal aid had been initiated not by the bar but by law students, in 1893, at the University of Pennsylvania; and the full-fledged legal clinic started at Duke Law School. According to Dr. Getachew the expansion of legal aid service in the US took place between 1959 and 1978 through the generous financial assistance of the Ford Foundation. The speaker also briefly touched up on the distinction between legal aid and legal clinics indicating that the latter



“were with mixed nature: some credit based others just free legal aid without students earning credits for the service.” Explaining the ups and downs that the law schools’ in the US had been experiencing, the presenter noted that due to slash in budget law schools’ legal aid service had been downplayed beginning mid-70s, and the Bar stepped in to fill in the gap created and “towards the end of 1980, law student and faculty efforts restarted to engage in pro bono activities”. Dr. Getachew in his presentation, came up with long list of activities that have been performed by law schools including legal aid and counselling on family matters, housing, employment, elderly, etc; partnering with law firms to provide legal aid; establishing various kinds of pro bono programs such as “elderly; fair hearing and representation; foreclosure legal assistance; homeless; family; domestic violence; disability; juvenile justice with which students sign up to perform certain hours of free service over the course of their stay in the law school for which students get official recognition and awards.” Other important activities that have been undertaken by law schools and mentioned by Dr. Getachew include “integrating public interest work in the law curricula so that students earn credits for their works”, providing opportunities to law students to undertake research “for and with CSOs working in areas of civil liberties on a variety of topical issues such as the state of public defence provision by the government by documenting and making observations”; “holding public interest days and events during which students are encouraged to participate in public service as an integral part of and responsibility of being an attorney.

In addition to the preceding activities, the Presenter also disclosed that many law schools have Public service and Pro bono programs as part of their structures (eg assistant dean for public Service; Office for public interest, public Interest Law Center, etc), and these structures serve as hubs and focal sites for public interest and free service works.” Another equally important point raised by Dr. Getachew during his presentation was in most law schools there are student driven bodies and societies with a variety of activities. Dr. Getachew said, despite these commendable jobs done “law schools fail to nurture students passion (and socialize and sensitize them) for public service who usually cite the desire to serve the public as their motivation for joining law



school.” The Presenter remarked that in a bid to spot the root cause of the problem the US State Department Access to Justice Initiative organized an event, in 2011, involving many US law schools where students were asked what their respective schools is doing “to support a public service ethic in every student” and what new public service opportunities they are offering in the future” which spotted many of the activities of the law schools including those highlighted above by the speaker.

3.3 Some specifics on access to Justice Curricula

Having explained the meaning of Access to Justice and the role of law schools, Dr. Getachew moved on to the next topic: “Access to Justice Curricula”. In his view it would be a wise approach to emulate the approaches of law schools in US while recognizing the peculiarities of the challenges we face, particularly with respect to finance and skills as they are certainly different from theirs. The speaker underlined that Ethiopian law schools need to be prepared to deal with challenges peculiar to the country and suggested that the “key matters are to make the curriculum, the overall teaching/learning environment well suited to experiential learning by students; and that students must have regular contacts with real lawyers; real cases and real clients” and this exercise should start from the first year all the way to final year. The Presenter went on saying that the best approach is integrating “public interest/access to justice and pro bono services in as many courses as practicable”. Legal Research, Legal Writing and Professional Ethics which seem peripheral to such tasks could be important vehicles for this purpose. Dr. Getachew said legal research and writing are the two instances, among others, where collaborative work can be done between law schools and pro bono and public interest centres as these create opportunity for students “to carry out research and prepare memoranda on issues currently faced by lawyers/clients which will give an opportunity to clinic students and professors to deal with real problems and thereby break the longstanding practice of dealing with hypothetical cases that are often out of touch with reality.



Dr. Getachew also spoke on the need to integrate Legal ethics instructions into the core curriculum as central component of all legal practice since professional ethics course play a vital role in inculcating in the minds of law students that legal professionals are out there to realize access to justice for all, especially by serving those who cannot pay. Invoking educators Getachew also suggested the need for the introduction of “a practicum component...into the course on professional responsibility so students see and reflect on actual ethical issues of legal practice”. The Presenter also added, “Access to justice and pro bono issues should be sufficiently integrated into the courses on professional responsibilities as part of lawyers’ professional responsibilities.”

3.4 The way forward

In summing up his presentation and suggesting the way forward, Dr. Getachew pointed out that very little is being done in the Ethiopian law schools in terms of infusing law students with passion about legal services to the poor and the needy. In his view the key factor for achieving the desired results hinges on the collaboration “between the academia and the practice (...) and among the law schools and their communities” and suggested the need for creating a real and strong countrywide association of law schools. The Presenter also recommended that the law curricula should be revitalized both in content and delivery as most courses with right delivery approach and design can serve the end of promoting access to justice



4. Presentation Two

Elements and Enablers of Effective Legal Aid Clinics: Attempts of Legal Education Reform 2006, and Challenges

4.1 Background and Legal Aid Clinics under the 2006 Legal Education Reform Document

Dr. Elias stated that “it has been over a decade since the discourse on legal aid clinics in Ethiopian Legal Education gained due attention”. At the outset of his presentation, he gave background information on the 2005/2006 Legal Education Reform which was conducted as part of the Comprehensive Justice System Reform Program (JSRP), 2002 which included “legal education as one of its pillars of reform”.

Dr Elias highlighted the Legal Education Reform Document (2006); Revised Curriculum for minimum standards, (September 2006), and he further noted the minimum standards for law schools in their curricula (Standards 5 – 17), course delivery and assessment (Standards 18 -28), law school management (Standards 29-48), research, publications and consultancy services (Standards 49 to 58). He stated that Standard 24, *inter alia*, deals with clinical legal education and he cited Standard 24(3) which reads “Law schools shall engage students in practice oriented skills enhancement programs including clinical programs, internship, and externship”.

Dr. Elias stated that these standards were formulated after series of workshops, research and exposure visits to foreign countries. He noted that the First Draft of the Reform Document on Legal Education and Training in Ethiopia was approved “as a policy document for minimum standards [on] 29th and 30th of May 2006 by the Joint meeting of the Legal Education and Training Reform Program Steering Committee, Technical Committee, Presidents and Vice



Presidents of law degree program offering Higher Education Institutions and Stakeholders”. He recalled that the (June 2006) revised draft was approved with some improvements on curricular issues on 17th of July 2006 by representatives of law instructors drawn from all Ethiopian law schools that were offering law degree programs. He further noted that a revised curriculum for minimum standards is in place since September 2006 in all law schools which, *inter alia*, includes change in the number of years in legal education, exit exam, newly introduced skills courses including legal aid clinics and externship in the LL.B curriculum.

After having highlighted the documents used, the actors involved, and the process adopted to generate the 2006 Legal Education Reform document, Dr. Elias went on explaining the place and the essence of the Legal Aid Clinics under the 2006 Legal Education Reform document. According to Dr. Elias the Legal Education Reform Document revealed that law schools curricula were plagued by inadequacies of skill related courses and the pre-reform curricula of Ethiopian law schools lacked in skill oriented courses and gave too much emphasis to theory based courses.

He pointed out that with the view to addressing these shortcomings of law schools, Standard 24 of the Reform Document envisioned, among other things, engaging students in co-curricular activities that enhance their skills in writing, oral communications, litigation, moot court competitions, clinical programs, internship, externship, student bar associations, honour courts, and student societies.

Dr. Elias explained the relationship between the effective implementation of these practice-oriented elements of legal education and the need for the autonomy of law schools in allocating managing resources in accordance with Standards 29 to 48 of the Legal Education Reform Document. According to Dr. Elias, over centralization as the defining feature of the management of law schools was among the problems identified during the formulation of the reform program. In his presentation, he revealed that law schools are still forced to follow extremely slow, inefficient, and ineffective procurement and finance procedures.



4.2 Manuals, Sample Syllabi, and Pursuits to Address the Challenges in Legal Aid Clinics at Law Schools

Dr. Elias recalled series of efforts that were made to develop legal aid clinic manuals and syllabi, which included a workshop organized at Mekelle by the Justice and Legal Systems Research Institute (JLSRI) on 24 February 2008 which, *inter alia*, discussed good practices and challenges in the implementation of the curriculum in relation with legal aid clinics. The workshop which, *inter alia*, included deans of law schools, directors of legal aid centers and other stakeholders formulated guidelines for the preparation of Manuals for clinical courses. Dr. Elias stated the model manuals were accordingly prepared and approved on the following themes:

- a) Child Rights, 2010 (Yiheyis Mitiku)
- b) Domestic Violence, 2008 (Dejene Girma)
- c) Family Law, 2010 (Molla Ababu)
- d) HIV/AIDS, 2009 (Mizanie Abate)
- e) Prisoners' Rights, 2009 (Alem Abraha)
- f) Restorative Justice in Juvenile Offences, 2010 (Abdulmalik Abubaker).

Moreover, Dr. Elias recalled the preparation of sample syllabi (44 pages) under the close coordination of the Curriculum Implementation Committee which was formed as a standing committee among staff members of law schools to follow up various aspects of curriculum implementation. Dr. Elias further noted a workshop conducted on July 10, 2010, (Hamle 3rd 2002 EC) which, *inter alia*, discussed clinical legal education during which the following presentations were made:

- Launching clinical legal education in Ethiopian law schools, by Desta Gebremikael
- Experience of Mekelle University Legal Aid Center as a clinical education center, by Mebrahtom Fitwi
- Experience of the Jimma University Faculty Legal Aid Center, by Tesfahun Alemayehu



Dr. Elias stated sixteen points and issues of concern that were identified at the end of the July 10, 2010 workshop:

1. [Law schools] should not take simulation and live client clinics as alternatives;
2. Since clinical legal courses do have budgetary implications, laws schools need to have autonomy. ...;
3. Clinical legal courses, Exit exam and externship should not be administered at the same time as it will overstrain students;
4. Instructors that may work on legal clinics need to be given ... advocacy license. ...
5. Clinical course assessors should be well experienced. Accordingly, judges and prosecutors must be able to work on part time basis;
6. The experience of established legal aid centers and Human right centers should be adopted in the [new] law schools. If there are financial constraints, JLSRI should fund them;
7. [Clarification is needed whether] clinical legal education is it a course or program package;
8. In order to ensure continuous assessment, the student-teacher ratio must be reduced;
9. It is better to administer clinical courses at third year;
10. There is a need to clarify clinical course identification criteria;
11. License should be given to institutions ...;
12. Language barrier as a challenge to clinical courses requires solution;
13. Stakeholders need to be informed about clinical courses;
14. [Clarification is needed whether] newly established universities [are] capable of running clinical courses:
15. License [as private attorney] should not be a requirement for the supervision of students in clinical courses. ...;



16. The difference between legal aid centers and clinical programmes in terms of their purposes should be noted. The former primarily aims at serving the community while the latter has predominantly educational purpose”.

Dr. Elias stated that these issues of concern are still valid today, and can serve as courses of action.

4.3 Brief Observations on Current Legal Aid Activities of Three Universities

Dr. Elias shared his brief observations on the performance of Ababa University, Mekelle University and Ambo University in relation with their performance in clinical aid programs. He stated that “legal aid clinical programs in law schools give focus to the educational aspect of the program (learning by doing) while at the same time providing community services by positively contributing toward the enhancement of access to justice”. Dr. Elias also stated that the principal focus of the legal aid centers that do not “engage students as part of course enrolment” is access to justice.

a) Addis Ababa University, Center for Human Rights, College of Law and Governance

Dr. Elias stated that the Center for Human Rights, College of Law and Governance at Addis Ababa University “is in the course of undertaking the Access to Justice Project since 2012” and it “is actively engaged in providing legal aid at various centers” in collaboration with law schools. Citing the June 2014- December 2014 Progress Report of the Center for Human Rights, Dr. Elias stated the objective of the Center “to make a difference, in the long term, to the lives of poor people by raising awareness of their legal rights and by providing them the means by which they can secure redress to rights and social justice” with particular attention “to vulnerable and disadvantaged groups such as women, children, the elderly, people living with HIV/AIDS and those with disabilities.” He also stated the specific objectives of the project which include “[e]nsuring that poor people have access to advice and information about their legal rights and



the opportunity to seek redress.” Based on the report, the presenter disclosed that the total number of beneficiaries from the legal aid services provided in Addis Ababa, Adama, Ambo and Hawassa (during the period June 2014-December 2014) are 6333 indigent persons of which 3227 or 51.8 % were women.

b) Addis Ababa University School of Law, College of Law and Governance

The presenter stated that Addis Ababa University School of Law School has planned to launch its legal aid center on May 28th, 2015 in order to provide an on-campus and off-campus legal aid service, at AAU Main Campus, Federal First Instance Court, Lideta; and in the compound of the Oromia Supreme Court. Dr. Elias also indicated that the Law School has requested the Federal Prison Administration office space for its prisoners’ rights legal aid clinic, and it plans to enroll students in groups of 5 to 8 students under the supervision of a clinical professor, and depending on the number of students registered in a clinical legal aid course, the law school plans to assign clinical professors. According to Dr. Elias, the major challenge he has observed relates to the delay on the part of Ministry of Justice regarding the law school’s request so that students can represent clients with the supervision of supervising attorney who is a staff member to be assigned by the law school”.

c) Legal Aid Center, Mekelle University School of Law

Dr. Elias pointed out that the Legal Aid Center and the Human Rights Center are centers run by the Mekelle University School of Law. The Legal Aid Center, according to the presenter mainly administers Prisoners’ Rights Clinic and Externship while the law school’s Human Rights Center is in charge of administering the Child Rights Clinic. The objectives of the Legal Aid Center include “Providing free legal aid service to the indigent members of the community particularly women, children, persons with disabilities and persons living with HIV/AIDS” and “Enhancing the capacity of students by involving them in legal practice through clinical programs”. The



presenter stated that prior to assigning students to render clinical aid services, orientation sessions are offered to students.

Dr. Elias stated that students are registered for orientation sessions on relevant clinical courses offered to students including professional ethics with regard to issues such as confidentiality, and hands-on orientation on crucial skills such as interviewing, identifying material facts, counseling, preparation of pleadings and other services before they are engaged in rendering clinical legal aid services. The presenter added that, after the orientation, students are assigned to the University's Legal Aid Centers and other centers coordinated under the Center, such as, Mekelle Prison Legal Aid Center, Legal Aid Centers at police stations and other centers. The presenter informed participants that a total of 1,200 students have been involved in the clinical aid programs thus far.

d) Human Rights Center, Mekelle University School of Law

Dr. Elias indicated that the Human Rights Center combines legal aid clinical programs with community servicing. According to Dr. Elias, the legal aid clinic function of the Center gives particular attention to child rights, notably issues of maintenance, custody upon divorce, access to visit one's child after divorce, reconciling spouses, and other related issues. The general legal aid services of Center include awareness creation on child rights and assistance given by students for social courts. Dr. Elias further discussed the actors involved in the legal aid program and the manner in which the service is delivered. He explained that students register for a three-hour credit clinical legal aid program based on their own choice and are given two weeks of orientation on interviewing clients and witnesses, counseling, reconciling parties, and preparation of pleadings. He noted that students are coached by a supervisory attorney while writing pleadings. Dr. Elias disclosed that 327 students have been involved in the Child Rights Clinical Legal Program during the years 2011 to 2014 and have handled 981 cases.



e) Legal Aid Center, Ambo University School of Law

The presenter explained that Ambo University School of Law provides legal aid service in collaboration with the Ethiopian Human Rights Commission, and AAU's Center for Human Rights Center, Access to Justice Project. The speaker pointed out that since 2013, the university management is supporting the pursuits of the law school in offering legal aid services. Dr. Elias indicated that the School of Law, in addition to the on-campus center, has established Centers in Ambo Woreda and West Shoa zonal (high) court compound, in the compound of zonal prison administration and Tokke Kutaye Woreda court compound. As far as the beneficiaries of the service are concerned, Dr. Elias remarked that the services are given to indigent persons including women, children, prison inmates, HIV/AIDS victims and others. Dr. Elias also mentioned the plan of the law school to establish other centers in the nearby woreda towns of Ginchi and Gedo. The Presenter wound up his presentation by indicating that third year and students and above are engaged in the legal aid centers, and that the law school has not yet attached credit hours to student involvement in the legal its legal aid activities.

4.4 Elements and Enablers of Effective Legal Aid Clinics

By using a model from a study titled “ Transforming the Legal Aid System, New Zealand, 2009” Dr. Elias underlined the need to give due attention to *components* of effective legal aid, namely the need to ensure that:

- a) the services are accessed by the right people;
- b) the services include the right mix;
- c) the services bear high quality legal aid;
- d) the services support and are undertaken in the context of an efficient and effective court system;, and
- e) the fund allocated for the legal aid services is managed effectively



Dr. Elias underlined that in the context of legal aid clinics of law schools, the elements and enablers listed above are indeed crucial. He noted that the first four factors (*factors 'a', 'b', 'c' and 'd'*) are *core elements* of any legal aid including legal aid clinics, while the issue of the availability and effective management (*factor 'e'*) is an *enabler*. Dr. Elias noted that the *first two elements* relate to the issues of *'who'* deserve the legal aid services, and *'what* are the services offered"? He underlined that *third element* which refers to the quality of legal aid clinics should be given due attention and it relates to the competence (in the forms of knowledge and skills) of students who are assigned to particular legal aid clinics, the number of students assigned to a clinical professor, the experience of the clinical professor, and the level of interest in public service on the part of students and clinical professors. He underscored that although learning by doing is one of the pillars of legal aid clinics, the learning process cannot compromise the quality of service deserved by clients, and he underlined the need for thresholds of quality in the assignment of students (such as the level of proficiency of the student in the particular areas of the law that are relevant to the legal aid clinic), day to day discipline of the student commensurate with the level of integrity and commitment required by the assignment (such as confidential information obtained in the course of legal aid), the level of mentoring and supervision and the level of quality assurance mechanisms. He also stated the need for quality assurance processes which require the systematic documentation and management of client files, pleadings and content of advising and review. According to Dr. Elias, the quality assurance processes can clarify entry criteria to serve in the legal aid clinics and schemes of sustained improvement in the context of transparency in services and complaint handling.

With regard to the relevance of the *fourth factor* as a *core element*, Dr. Elias stated that “justice can be accessed only if it is available in the first place”. He noted that this element requires the level of quality of court decisions without delay. He added that “level of corruption, for example, in a certain bench can be a factor which can adversely affect the level of access to justice availed to the indigent in spite of substantial efforts on the part of legal aid clinics.”



According to Dr. Elias, the *fifth factor* is clearly *an enabler*. In the context of legal aid clinics, Dr. Elias stated that this relates to the *availability* of material, financial and other resources. In addition to *availability* of resources, he underlined that an equally important variable in the effective performance of legal aid clinics relates to the autonomy of the law school in the management of its resources. This, according to Dr. Elias, is one of the challenges that are encountered by various law schools in Ethiopia. He stated that “this problem is encountered not only in the avenue of managing the law school’s finance but also, unlike elsewhere in the world, there is lack of autonomy in admitting students, which in effect, adversely affects a law school’s scrutiny over the academic base of students at entry point.”

4.5. The Way Forward

Dr. Elias recalled various challenges that have been identified in the course of the legal education reform program, at various workshops and research papers, and he stated that the way forward envisages the need to transform these problems that have already been identified into solutions.

At the end of the second presentation, the moderator, Associate Professor Zekarias Kenea informed participants in the interest of time he will not recoup what has been discussed by Dr. Elias and notified them to break for lunch and the afternoon session will be dedicated for questions, clarifications, and comments on both presentations.



Afternoon session

5. Question and answering

After lunch the Moderator informed participants to give comment, raise questions indicating to whom the questions are directed and opened the floor.

a) The following questions were raised regarding standards that could be used to determine persons who deserve legal aid:

- What is the measure in determining needy persons that are legible for legal aid? What safeguards should legal aid centres put in place to prevent abuse of the service by persons who can afford to pay for representation or other legal services?
- If a bread winner of a household having eight children and earning Birr 2,000 (Two thousand) comes seeking the service, should he be barred from accessing legal aid service on the ground that he has got income? And what criteria should be adopted for rendering the service?

Participants of the panel discussion and the presenters forwarded various views and experiences on how to identify needy persons in addition to the letters they bring from their respective places of residence. In legal aid clinics the limited list of themes in which the services are given can be one of the factors that delimit the scope of the services and the beneficiaries thereof.

b) With regard to the questions that relate to students who can participate in the legal aid clinics, the presenters share similar views on the involvement of students in rendering legal aid but differ on the timeframe. While Dr. Elias argues that students should get involved in legal aid service after having registered and completed procedural laws in order to keep the service quality up to standard, Dr. Getachew on the other hand suggested students' involvement in legal aid service should be beginning year one.



- c) The experience of the legal aid program at Haramaya University was appreciated in relation with its achievements such as the number of centers and the manner in which the law school addressed language barriers encountered by law students who do not speak the language in which the services are delivered.
- d) Various participants and the presenters forwarded their views on the difference between legal aid centers which focus on the provision of legal aid to the indigent including other tasks such as awareness creation vis-à-vis- legal aid clinics which combine the learning process with legal aid to the needy and give course credits for the services. Questions were raised regarding the reason why legal aid clinical courses are not mandatory in law school curricula. Responses were given by citing international good practices. It is believed that even if the courses are optional to students, it should be compulsory for the law schools to conduct legal aid clinical programmes and establish Legal Aid Clinics.
- e) The concern for quality service is believed to deserve focus and this involves due attention by the law schools while enrolling students to the legal aid clinics, and law schools should also assign clinical professors who had experience as an attorney, judge or public prosecutor.
- f) The question as to how new law schools can address the financial and other constraints at the initial stage of their service, was reflected upon. Dr Elias stated that resources are concerns of law schools, and with regard to new law schools, the services can start with services that can be carried out with modest budget.
- g) Dr. Getachew recalled the several elements of Access to Justice, one of which refers to fairness of the law schools. He noted that universities are forums where students' share as many virtuous values as bad ones, and that due focus should be given to nurturing integrity through courses such as professional ethics. Dr. Elias also stated that competence and skills are shallow and weak without integrity and motivation on the part of students and the academic staff.
- h) Issues related with moot court competitions and the challenges that are being encountered in sending students to international moot courts were also raised.



i) The need for law schools to improve the quality of education rather than waiting for students to sit for an exit exam where considerable number of them fail after having invested on them the scarce resource were also discussed. Views were exchanged regarding the exit exam. It was noted that it is one of the key achievements of the legal education reform program as a gate-keeper to the standards required in the legal profession. Yet it was underlined that students should be given transcripts and testimonials short of LL.B degree which shows completion of their program other than the exit exam so that employers can decide on the issue of employment.

6. Action points

In the day-long panel discussions organized by ELA and EYLA the following findings emerged that necessitate future actions:

- ***Determination of the beneficiaries of legal aid service:*** One of the issue emerged during the panel discussion discussed was how to determine the beneficiaries of both legal aid centers and legal clinics in order to foil any attempt of abuses of the service and ensure that those who deserve garner the service. These calls for the development and putting in place a system that helps screen beneficiaries who deserve from those who attempt to unduly benefit the legal aid service.

When should law students be involved in legal aid service? Two competing views have been emerged during the panel discussions concerning the question when should law students get involved in legal aid service. While one of these perspectives contend that students' involvement in legal aid service should be beginning year one, the other perspective suggests that students should involve in legal aid service provision after having registered and completed procedural laws to keep the service quality up to



standard. As both point of views have their respective merits, further investigations is required to make an informed decision.

- ***Establishing legal aid clinics and allocating adequate budget:*** One of the findings of the panel discussion is that establishing and conducting legal aid clinic is an obligation to law schools. Advocating for and lobbying law school officials to formally establish, and allocate adequate budget for running legal clinics is one more area of future intervention.
- **Working for quality education:** Another issue that drew the attention of the participants of the panel discussion and calls for future intervention is the need for law schools to improve the quality of education. Rather than waiting for the exit exam to filtering competent students from the incompetent ones after having invested the scarce resource, it would be prudent to take all the appropriate measures to ensure that the quality of education in all law schools is up to the standard.
- **Focus more on skills and relief situation:** Relevant skills such as legal research, legal writing, and professional ethics are still peripheral in law schools. Moreover, law schools still practice simulation rather than live client clinics. In view of this there is a clear need for making the overall teaching/learning environment well suited to experiential learning for students so as to enable them regularly contacts with real lawyers; real cases ,and real clients.

