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THE ROLE OF LEGAL CLINICS IN LEADING LEGAL EDUCATION: A MODEL FROM THE MIDDLE EAST

MUTAZ M. QAFISHEH*

I INTRODUCTION

In 1987 James Hathaway, then Director of Clinical Education of the Osgoode Hall Law School of York University, Toronto, Canada, confidently stated that '[c]linical instruction has yet to be accepted as part of mainstream legal education.'¹ In 2011 Frank Bloch, in his introduction to a book on the 'global clinical movement',² observed that 'clinical legal education has gone global.'³ Yet outside the common law jurisdictions⁴ legal clinics are still in the emerging phase of legal education pedagogy.⁵ In the Middle East and North

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¹ James C Hathaway, 'Clinical Legal Education' (1987) 25 *Osgoode Hall Law Journal* 239, 240.

² Frank S Bloch, ed, *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford University Press, 2011).

³ *Ibid* xxv.

⁴ Jeff Giddings, Roger Burrige, Shelley A M Gavigan, and Catherine F Klein, 'The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada and Australia', in Bloch, *Global Clinical Movement*, above n 2, 3–22. Cf Neville Carter, 'Inner Man and His Outer Constituency 1200–1990: An Historical Perspective of the Role of Clinical Education' (1991) 9 *Journal of Professional Legal Education* 169.

⁵ Bruce A Lasky and Nazeri, Mohamed Norbani, 'Development and Expansion of University-Based Community/Clinical Legal Education Programs in Malaysia: Means, Methods, Strategies' (2011) 15 *International Journal of Clinical Legal Education* 59; Ajay Pandey, 'Experimenting with Clinical Legal Education to Address the Disconnect between the Larger Promise of Law and its Grassroots Reality in India' (2011) 26 *Maryland Journal of International Law* 135; Erika Castro-Buitrago, Nicolas Espejo-Yaksic, Mariela Puga, and Marta Villarreal, 'Clinical Legal Education in Latin America: Toward Public Interest' in Bloch, *Global Clinical Movement*, above n 2, 69–86; Shigeo Miyagawa, Takao Suami, Peter A Joy, and Charles D Weisberg, 'Japan's New Clinical Programs: Study of Light and Shadow', in Bloch, *Global Clinical Movement*, above n 2, 105–20; Elliott S Milstein, 'Experimental Education and the Role of Law: Teaching Values through Clinical Education in China' (2010) 22 *Pacific McGeorge Global Business*

Africa, in particular, clinical legal education remains at the infancy stage.⁶ Palestine is no exception.

Due to the Israeli military occupation, Palestinian universities were for some time prevented by Israel from initiating law programs. In 1986, Hebron University was the first Palestinian university to formulate a law program.⁷ However, implementation was delayed when Israel threatened to close down the University if the teaching of law were to commence, due to concerns that the Palestinians would use the vehicle of law to resist the military occupation.⁸ The situation eased with the establishment of the Palestinian Authority in 1994 after signing the Oslo interim agreement with Israel on 13 September 1993. In 1995 Al-Quds University became the first Palestinian university to start teaching law, and ten years later it also became the first to set up a legal clinic.⁹ Inspired by globalised educational trends and influenced by the US tradition of career-oriented legal education,¹⁰ there are now 11 universities in the West Bank and Gaza Strip that teach law, all of which either host legal clinics or are on their way to setting up clinical programs.¹¹

and Development Law Journal 55; Marta Skrodzka, Joy Chia, and Eddie Jones, 'The Next Step Forward — The Development of Clinical Legal Education in Poland Through a Clinical Pilot Program in Bialystok' (2008) 2 *Columbia Journal of East European Law* 56; Andreas Buckner and William A Woodruff, 'The Bologna Process and German Legal Education: Developing Professional Competence through Clinical Experiences' (2008) 9 *German Law Journal* 575; Olugbenga Oke-Samuel, 'Clinical Legal Education in Nigeria — Developments and Challenges' (2008) 17 *Griffith Law Review* 139; Peggy Maisel, 'Romulus Gidro and Veronica Rebreanu, 'Clinical Legal Education: The Romanian Experience of Cluj-Napoca University' (2005) 39 *Zbornik Radova* 89; Emilija Karajovic, 'ABA/CEELI's Clinical Legal Education Programme in Serbia' (2004) 6 *International Journal of Clinical Legal Education* 81; James C May, 'Creating Russia First Legal Clinic' (1997) 23 *Vermont Bar Journal and Law Digest* 43.

⁶ Ahmed A Dalgawy, 'The Legal Clinic and the Mission of the University [in Egypt]' (Paper presented at the Tenth Conference of the International Journal of Clinical Legal Education, Durham, UK, 11–13 July 2012) which the author of this paper attended; Lina Shabeeb, 'Clinical Legal Education in Jordan' (Paper presented at the Middle East Regional Colloquium on Clinical Legal Education, Dead Sea, Jordan, 28 May 2012); Haider Ala Hamoudi, 'Toward a Rule of Law Society in Iraq: Introducing Clinical Legal Education into Iraqi Law Schools' (2005) 23 *Berkeley Journal of International Law* 112.

⁷ A copy of the Faculty of Law profile exists in Hebron University archives, Hebron, Palestine.

⁸ Meeting with Dr. Othman Takroui, Former President of Hebron University, currently Judge at the Palestine Supreme Court (Ramallah, 29 March 2012).

⁹ Munir Nuseibah, 'Clinical Legal Education in an Occupied Territory: Attempting to Bridge the Human Rights Standards Gap' (Paper presented at Durham Conference, above n 6).

¹⁰ Cf Richard J Wilson, 'Beyond Legal Imperialism: US Clinical Legal Education and the Law and Development', in Bloch, *Global Clinical Movement*, above n 2, 135–50.

¹¹ The West Bank universities that teach law are Arab American in Jenin, Al-Najah in Nablus, Birzeit in Ramallah, Al-Asriya in Ramallah, Al-Istiqlal in Jericho, Al-Quds in Jerusalem, Al-Ahliya in Bethlehem, and Hebron. The Gaza universities that teach law are Al-Azhar, Falastin, and Islamiya.

In 2009, with the objective of strengthening access to justice by low-income groups in Palestine, the United Nations Development Programme (UNDP) supported the establishment of legal aid clinics in six Palestinian universities.¹² Hebron University was one of these universities, and the Legal Clinic at Hebron University ('the Clinic') commenced in September 2011.¹³ Since then, Hebron University has realised the significance of having a clinic on campus and now regards the Clinic as one of its departments. It has allocated office space for the Clinic's premises and included the clinical course within the law curriculum. The Clinic now enjoys a strong reputation not only in the Hebron district, but also at the national level, and there are now established relations in place at the regional and global levels.¹⁴

The Clinic, like most legal clinics around the world, seeks to build the capacity of its students to practise law by applying their knowledge of legal theory in the provision of legal aid to community members.¹⁵ Through the Clinic, students provide pro bono legal assistance to certain marginalised groups in the local community.¹⁶ The Clinic has also become the hub for legal information, training and rights activism at Hebron University,¹⁷ and has given law students

¹² UNDP, 'Supporting the Rule of Law and Access to Justice for the Palestinian People', Agreement signed by the Palestinian Minister of Justice and Minister of Planning and Administrative Development with UNDP Special Representative in Palestine (Ramallah, September 2009), 13.

¹³ *Al-Hayat* 5717, 3 October 2011, 15. UNDP's approach in funding Palestinian clinics is comparable to the Ford Foundation's decision in the 1970s to fund legal clinics in the United States. Although American clinics at the time received only temporary funding, 'the resulting clinical programs were able to take root. Of the schools that received funding, few, if any, ceased operating the clinical programs after the funding ran out': Giddings et al, above n 4, 5.

¹⁴ On 28 May 2012, the Hebron Clinic and fourteen other clinics established the Middle East and North Africa Legal Clinics Alliance at the Middle East Regional Colloquium on Clinical Legal Education, organised by the Johns Hopkins University School of Advanced International Studies, United States, in cooperation with the Global Alliance for Justice Education. On 6 November 2012 six legal clinics in Palestinian universities from the West Bank and Gaza (Al-Najah, Al-Quds, Hebron, Al-Azhar, Islamic, and Palestine) met via videoconference and agreed in principle to form the 'Palestinian Union Legal Clinics Union (PULC)'. Hebron University Clinic was tasked to draft the constitution of the PULC which was discussed in detail at the meeting. Cf Margaret Martin Barry, Filip Czernicki, Izabela Krasnicka, and Mao Ling, 'The Role of National and Regional Clinical Organizations in the Global Clinical Movement', in Bloch, *Global Clinical Movement*, above n 2, 279–96; Edward Santow and George Mukundi Wachira, 'The Global Alliance for Justice Education', in Bloch, above n 2, 371–82.

¹⁵ Frank Dignan, 'Bridging the Academic/Vocational Divide: The Creation of a Law Clinic in an Academic Law School' (2011) 16 *International Journal of Clinical Legal Education* 75.

¹⁶ According to Noone and Bloch, 'the provision of legal aid services has been — and continues to be — integral to many clinical legal education programs around the world': Frank S Bloch and Mary Anne Noone, 'Legal Aid Origins of Clinical Legal Education' in Bloch, *Global Clinical Movement*, above n 2, 153, 164.

¹⁷ See the website of the Hebron Clinic at www.hebron.edu/LegalClinic.

the opportunity to extend the application of their legal skills into law reform, research and advocacy, and to develop their public speaking skills through community legal education. The heavy local reliance on tribal and customary processes in settling disputes¹⁸ also provides law students with an opportunity to examine ‘the interface between law and custom in a practical and applied sense.’¹⁹

This article contends, using the Clinic and other Palestinian legal clinics as examples, that the capacity of legal clinics to advance legal education is unbounded. Part II describes the Clinic itself: its location, governance and management, partnerships and external relationships. Part III describes the work of the Clinic, including legal aid, curricula development, practical training, law profession and public awareness workshops, and academic activities. Part IV highlights the main obstacles to strengthening clinical legal education in Palestine and proposes some ways to address them.

II THE CLINIC

A Location

Hebron is the largest district in Palestine, with over half a million people — approximately 15 per cent of the country’s total population.²⁰ The old city of Hebron (called ‘H-2’) incorporates about 40,000 Palestinians and about 500 isolated foreign Israeli settlers protected by a similar number of soldiers, and is still governed by Israel. The modern part of the city (called ‘H-1’) is governed by the Palestinian Authority under the *Protocol Concerning the Redeployment in Hebron* signed by the Palestine Liberation Organization and Israel in 1997.²¹ Despite serious issues arising from embedded conservative social customs and relating to the exiting Israeli settlers in the city’s downtown,²² Hebron has very few legal aid programs compared with the central parts of the country.

Hebron University commenced with a single college in 1971. It now incorporates nine colleges, 40 bachelor programs and seven masters’ programs, and has approximately 7,500 students, about 70

¹⁸ Lisa Traki, *Informal Justice System: The Rule of Law and Dispute Settlement in Palestine: The National Report on the Results of the Field Research* (Birzeit Institute of Law, 2006).

¹⁹ Richard Grimes, ‘Culture, Custom and Clinic — A Model for Legal Education in the South Pacific’ (1998) 24 *Monash University Law Review* 39, 47.

²⁰ The population of Hebron is 538,260 while the occupied Palestinian territory’s population is 3,669,244: Palestinian Central Bureau of Statistics, *Population Statistics of Palestinian Territory* (Ramallah, 2012), 61–2.

²¹ Justus R Weiner, ‘The Hebron Protocol: The End of the Beginning or the Beginning for the End of the Israeli-Palestinian Peace Process’ (1997) 15 *Boston University International Law Journal* 373.

²² Feras Milhem, *The Origins and Evolution of the Palestinian Sources of Law* (Vrije Universiteit Brussel, Faculty of Law, 2004, unpublished) 26.

²³ Hebron University, Brochure, September 2012.

per cent of whom are females.²³ Hebron University established the Department of Law in September 2008, offering a Bachelor of Laws. The Department caters to the growing need for the study of law in Palestine in general and the Hebron district in particular. There are currently about 250 students enrolled in the Department.

The Clinic operates from the single campus of Hebron University. The decision to locate the Clinic on-campus was based on a number of factors, as is the case with other law schools around the world. As explained by Margaret Barry regarding the decision whether a legal clinic should 'be located on campus or in the target community' and should 'be mobile or static':²⁴

These [questions] will depend on a number of factors, including the type of clinic, the location of the law school, space needs and availability. Accessibility to the population served should be a primary consideration, but may well be trumped by budgetary and other considerations.²⁵

Given the location of Hebron University in the central area in the Hebron district, the clinic is readily accessible to the target local community. Hebron University students themselves come from all over the city of Hebron and the surrounding countryside. Being on-campus, the Clinic allows law students to work or volunteer between classes, conduct competitions in the moot court hall and use the various meeting rooms, conference venues, libraries, and computer labs available.²⁶ It also allows the Clinic to have easy access to the University's logistical and administrative support, including IT and HR support.²⁷

The Clinic is located in the heart of the University, readily visible and accessible by students, faculty, staff and visitors. It is in a location passed regularly by almost all students in the Student Activities Building, above the students' cafeteria and under the main computer lab, surrounded by classrooms in which students from across the University attend classes. The premises include a management office, offices for coordinator and researcher, space for law students where interviews with clients are conducted, a large computer lab, a specialised law library, and a digitally equipped meeting room.

²⁴ Margaret Barry, 'Clinical Legal Education in the Law University: Goals and Challenges' (2007) 12 *International Journal of Clinical Legal Education* 27, 46.

²⁵ Ibid.

²⁶ According to Munn, 'The clinic office should be in a place that is accessible and convenient to clients. Usually this is not the university campus': M Kathryn Munn, 'Clinical Legal Education through the Looking-Glass' (1989) 12 *Dalhousie Law Journal* 505, 521. For this reason, probably, Al-Najah University Legal Clinic opted for operating from an office in the downtown of the city of Nablus, Palestine: Meeting with Mr. Raed Badawiyeh, Director of Al-Najah Clinic, 27 May 2012, Dead Sea, Jordan.

²⁷ Relations of the Clinic with other departments of Hebron University are discussed below.

B Governance

As with other colleges and research centres within the University with mandates beyond any single department or college, the Clinic falls within the administrative responsibility of the Hebron University Vice-President for Academic Affairs. The rationale is that while the content of the Clinic's work is legal, the Clinic's services are provided to all university divisions, students, faculty members, and staff. The governance of the Hebron University Clinic is thus a departure from the standard approach in most universities around the world whereby legal clinics are placed within the law school.

The Clinic is governed, within Hebron University, by a standing order that defines its mandate, objectives, vision, and mission; its relations with the University's administration and various departments, with the Department of Law, with donors and with other international organisations; the criteria of case admission (excluding cases against Hebron University's administration); and the structure of its management and board.

The Clinic is supervised by an in-house board of managers composed of between three and five full-time law faculty members and headed by the Clinic's director.²⁸ The board is in charge of supervising the ongoing work of the Clinic. It assists in developing policies and plans, and monitors the overall activities of the Clinic. It meets monthly to examine the plans of the Clinic, identify gaps and recommend ways to resolve difficulties.²⁹

C Management and Staffing

The day-to-day work of the Clinic is conducted by its core administrative staff: the director, one coordinator and one researcher.³⁰ The director is a professor of law at the University who dedicates half of his time to clinical work. He determines the strategic goals

²⁸ Cf Margaret Martin Barry, 'Clinical Supervision: Walking That Fine Line' (1995) 2 *Clinical Law Review* 137.

²⁹ As in settings elsewhere, there is a need for 'demarcation between the governance of the clinic and daily operational management': Adrian Evans and Ross Hyams, 'Independent Evaluations of Clinical Legal Education Programs — Appropriate Objectives and Processes in an Australian Setting' (2008) 17 *Griffith Law Review* 52, 76. Indeed, 'a board of directors ... needs to come to grips with its policy deliberation role alone and entirely opt out of management, which is the exclusive province of the clinical director(s)', at 76. Further, legal clinics in Palestine are not completely free to set their own programs due to bureaucracy and politics of universities administrations and boards of trustees that are often motivated by personality conflicts and funding constraints: Peter A Joy, 'Political Interference in Clinical Programs: Lessons from the US Experience' (2005) 8 *International Journal of Clinical Legal Education* 83.

³⁰ Frederick H Zemans, 'The Community Legal Clinic Quality Assurance Program: An Innovative Experience in Quality Assurance in Legal Aid' (2000) 33 *University of British Columbia Law Review* 243, 246.

of the Clinic, designs its plans, represents it within the University and beyond, conducts fundraising activities, and ensures proper implementation of the work plan. The coordinator and the researcher work on a full-time basis and are responsible for executing the work plan. Some 20 students volunteer in the Clinic on a part-time basis. These volunteers, mostly law students in their final year of study, provide technical support to the Clinic's staff, including assistance with the organisation of workshops, publications and legal advice. The Clinic also has two paid internships, which enable new law graduates to work in the Clinic on a project funded by Terre des hommes (TdH) Foundation, Lausanne (a Swiss nongovernment organisation that focuses on juvenile justice).

The Clinic has relationships with various departments and divisions of the University, including human resources, finance, procurement, public relations, computing, radio, and admission and registration. The Hebron University President provides guidance to the Clinic, participates in the opening ceremonies of key activities, meets with senior partners, and officially signs Clinic communications with heads of international organisations, ministers, governors, and the like. The Clinic uses the University's Public Relations Division as its media office. That division publicises its activities via the internet and local newspapers, and invites the media to cover clinical events. The Clinic uses the University Radio to run a weekly program, and uses the University Student Affairs Division to involve the wider student body in activities. The Clinic has also developed relationships with other academic departments of the University, organising joint workshops, conferences and public lectures.³¹

D Partnership with the Department of Law

The Department of Law is the key partner of the Clinic. Law students learn, work and volunteer at the Clinic, and the head of the Department of Law is a member of the Clinic's board of directors.

The relationship between the Clinic and the Department of Law is characterised by a certain amount of tension and inter-faculty conflict. The positioning of the Clinic within the office of the Vice-President for Academic Affairs can be seen as giving it a position superior to that of the Department of Law. As a result of the range of programs and activities undertaken by the Clinic with students from the Department, some see the Clinic as having overshadowed the Department of Law. The Department has been left with the limited functions of in-class instruction, development of curricula and teaching materials, and evaluation of teaching staff. While at

³¹ Cf Jane Aiken and Stephen Wizner, 'Promoting Justice Through Interdisciplinary Teaching, Practice, and Scholarship Law As Social Work' (2003) 11 *Washington University Journal of Law and Policy* 63.

other universities the traditional ‘academic–professional divide in legal education’³² has resulted in ‘the marginalisation of clinical academics’,³³ at Hebron University the clinical academics are placed in a superior position to the general academic faculty. The clinical faculty work theoretically (through classroom instruction in the same way as their academic peers) as well as practically in the Clinic. Going forward, the success of the Clinic in ‘transforming community institutions and law school routines’³⁴ will be largely determined by the nature of the relationship between the Clinic and the Department of Law.

E External Relationships

The Hebron University Clinic has established professional relationships, joint projects and joint activities with a number of local and global government and nongovernment institutions as well as other universities and international organisations.

At the official level, the Clinic has worked with the Hebron Governor (including participation in workshops relating to security and crime revenge in the district), the Hebron Municipality (conducting field research on the municipality’s services), the Palestinian Negotiations Office (developing policy papers³⁵ and participating in events),³⁶ the Ministry of Justice,³⁷ the High Judicial Council,³⁸ the Ministry of Information,³⁹ the Civil Police,⁴⁰ the Ministry of Social Affairs,⁴¹ the Office of Islamic (Family Law)

³² Giddings et al, above n 4, 13.

³³ Ibid 16.

³⁴ Lucie E White, ‘The Transformative Potential of Clinical Legal Education’ (1997) 35 *Osgoode Hall Law Journal* 603, 608.

³⁵ The Clinic developed the Palestinian Nationality Draft Law that determines the legal status of the Palestinian citizens in the future State of Palestine (Ramallah, January 2012).

³⁶ The Head of the Negotiations Office, Dr. Saeb Erikat, participated, on behalf of the Palestinian President Mahmoud Abbas, in the opening session of the International Conference on the topic of the membership of Palestine in the United Nations which the Legal Clinic organised on 18 April 2012.

³⁷ The Minister of Justice headed one session in the conference, n 36 above.

³⁸ The High Judicial Council is the official partner through which the Clinic invites judges to participate in the Clinic’s public lectures, training courses and seminars.

³⁹ The Clinic organised a seminar on media freedoms on 23 February 2012 in partnership with the Ministry of Information. The Deputy Minister spoke at the event.

⁴⁰ Police officers often accept the Clinic’s invitations to events on human rights, forensic medicine, and juvenile justice.

⁴¹ For example, the Clinic trained probation officers from the Ministry of Social Affairs on international standards and Palestinian law relating to juvenile justice in Hebron on 12 June 2012.

Chief Justice,⁴² the Ministry of Economy,⁴³ and the Human Rights Commission (referring cases and joint events). Such partnerships give the Clinic staff and students opportunity to network with official bodies, advocate policy reform ideas, and handle individual cases needing government intervention.

In addition to the United Nations Development Programme (the Clinic's main donor), international government and inter-government partners of the Hebron University Clinic include the United Nations Office of the High Commissioner for Human Rights (organising joint training courses and providing human rights publications), the United States Agency for International Development (supporting the establishment of the Clinic's computer lab and renovation of the moot court hall), and the Temporary International Presence in Hebron (offering joint workshops and training).

The Clinic has established ongoing linkages with a number of international NGOs operating in Palestine, including the International Committee of the Red Cross, the TdH, the International Centre for Transitional Justice, New York, Tiri-London, the International Law Foundation, and Defence for Children International. Activities with these NGOs range from participation in workshops, conferences, and training courses to development of joint projects.

Local NGO partners include the Palestinian Centre for Development and Media Freedoms, the Human Rights and Democracy Media Centre, the Hebron Rehabilitation Committee, the Hebron Defense Committee, the Palestinian Institute for Human Rights, Women's Legal Aid and Counseling, and the Palestinian Centre for the Independence of Judges and Lawyers.

The Clinic cooperates in the organising of conferences, workshops and joint training sessions with seven Palestinian universities: Al-Quds, Al-Najah, Al-Istiqlal, American Arab, Al-Azhar, Al-Ahliya, and Birzeit. It has initiated contact with 12 new legal clinics in Egypt, Iraq, Lebanon, Jordan, and the United Arab Emirates. The Clinic has also established institutional ties with the Washington College of Law at the American University in the United States and has contacts with Florida, Geneva, George Town, London, Ohio, Oxford, and Northumbria universities.

The Clinic has also developed relationships with various media outlets, including radio stations, TV stations, newspapers, electronic media, and self-printed publications. The Clinic's activities are advertised and reported by a number of daily newspapers, including

⁴² The Clinic organised its conference on family law in Palestine in March 2012 jointly with the Office of Islamic Chief Justice; two officials of this office presented papers at the conference.

⁴³ The Clinic attended a workshop to discuss the intellectual property draft law (trademarks, commercial names, patents) organised by the Ministry on 20 June 2012 at the Hebron Chamber of Commerce.

Al-Quds, *Al-Ayam*, *Al-Hayat*, and the *Hebron Times*. Its activities are covered by a number of satellite TV stations, including Palestine official TV, *Al-Quds TV*, *Mix-Maan TV*, and *Palestine Today TV*. Well known electronic media sites report the Clinic's activities, including *Maan News Network*, *Al-Jazeera*, *Palestine News Network*, *Qantara*, *Shasha*, in addition to the social media networks and the Hebron University website. Radio stations that broadcast the Clinic news include the *Voice of Palestine Radio*, *Al-Huriya Radio*, and *Radio Alam*.

The Clinic has an agreement of cooperation with *Radio Alam*, a Hebron University-based radio station. The agreement includes participation by the Clinic in a juridical program called 'Law in This County' by recommending law experts to be interviewed; using the Clinic's staff as experts; providing public awareness daily spots about the Clinic; and advertising the activities of the Clinic.

In a place as isolated and relatively distant from the country's centre as Hebron, external partnerships are particularly useful for law students. The Clinic students, who mostly come from villages and countryside towns, have the opportunity to initiate contracts with important institutions and learn from their expertise.⁴⁴ In the words of one student of the Clinic:

As we cannot travel abroad, the Clinic has brought the world home. With the Clinic we now know how official institutions, courts, NGOs, and international organisations interact. By learning about programs of other universities from Clinic's visiting professors and partners, we realise who we are. We know that we are also as good as them.⁴⁵

III CLINIC PROGRAMS

The Clinic was initially set up to provide free legal assistance to marginalised groups within the community and to equip law students with practical skills that enable them to transition smoothly into the legal profession. The role of the Clinic has, however, expanded considerably. The Clinic now contributes to curriculum development within the University. Through its symposia, the Clinic brings together lawyers, judges, prosecutors, professors and students. Academic conferences organised by the Clinic demonstrate that clinics can contribute to the research and theoretical life of the University while at the same time focusing on legal practice and student careers. Such conferences, along with the Clinic's many external relationships, have added national, regional and global dimensions to the Clinic, transformed its outlook, and reinforced its ambition.

⁴⁴ Arturo J Carrillo, 'Bringing International Law Home: The Innovative Role of Human Rights Clinics in the Transnational Legal Process' (2004) 35 *Columbia Human Rights Law Review* 527.

⁴⁵ Fadi Halayka, 26 July 2012. Cf Michael Cozens, 'Clinical Legal Education: A Student Perspective' (1993) 2 *Dalhousie Journal of Legal Studies* 201.

A Overall Approach: A Generalist Clinic

Unlike other legal clinics that have a specialised focus on, for example, labour law,⁴⁶ women's rights,⁴⁷ refugees,⁴⁸ or people with disabilities,⁴⁹ Hebron University's Clinic adopts a general multidisciplinary mandate.⁵⁰ The Clinic deals with a wide range of matters including human rights, criminal law, family law, and landlord and tenant law. One reason for adopting a general mandate was the perceived lack of specialised students or lawyers who could work exclusively on a particular area of focus.⁵¹ It was also felt that, given the absence of any other legal aid clinic at the University or within the local area, the Clinic should not turn clients away on the basis that their matter did not come within a specialist mandate.

This general approach does not mean that the Clinic has a vague mandate. The Clinic has adopted specific criteria for case admission. These include requirements that (i) clients come from marginalised groups; (ii) the case is within the capacity of the Clinic's staff and volunteers; and (iii) there is sufficient workload capacity to take on the case.

On the other hand, the Clinic does already appear to be moving towards a form of specialisation. Most of the cases received by the clinic to date have concerned landlord and tenant law, labour law, family law and criminal law. Given the specific context of the Israeli military occupation, the Clinic has also dealt with a number of human rights and humanitarian law cases through the United Nations Human Rights Special Procedures.⁵²

⁴⁶ Rachel Micah-Jones, 'From Pedagogy to Partnership: Leveraging the Law Clinic to Institutionalize Cutting Edge Strategies in Transnational Labor Advocacy: The Centro de los Derechos del Migrante, Inc—University of Maryland School of Law Clinical Partnership, (2011) 26 *Maryland Journal of International Law* 113.

⁴⁷ Kevwe Omorogon, 'Interface of Law and Medicine in Clinical Legal Education: Success Story of the Women's Law Clinic Is Improving the Health of Women and Ensuring Women's Access to Justice in Nigeria' (2002) 17 *International Journal of Clinical Legal Education* 49.

⁴⁸ Stephan Anagnost, 'Promoting Refugee Law as a Means of Challenging the Status Quo at University Level Education in Europe: The Role of the Refugee Law Clinic' (2002) 2 *International Journal of Clinical Legal Education* 38.

⁴⁹ Frances Gibson, 'The Convention on the Rights of Persons with Disabilities: The Response of the Clinic' (2011) 16 *International Journal of Clinical Legal Education* 11.

⁵⁰ Cf Ross Hyams and Faye Gertner, 'Multidisciplinary Clinics — Broadening the Outlook of Clinical Learning' (2012) 17 *International Journal of Clinical Legal Education* 23.

⁵¹ Susan Campbell and Alan Ray, 'Specialist Clinical Legal Education: An Australian Model' (2003) 3 *International Journal of Clinical Legal Education* 67.

⁵² Jocelyn Getgen Kestenbaum, Esteban Hoyos-Ceballos and Melissa C del Aguila Talvadkar, 'Catalysts for Change: A Proposed Framework for Human Rights Clinical Teaching and Advocacy' (2012) 18 *Clinical Law Review* 459; Arturo J Carrillo and Nicolas Espejo Yaksic, 'Re-Imaging the Human Rights Law Clinic' (2011) 26 *Maryland Journal of International Law* 80.

This movement towards specialisation is often the result of the Clinic taking advantage of opportunities that cannot be turned down. The Clinic is frequently approached by other organisations for collaboration. For example the Clinic has entered into a partnership agreement with TdH to implement a project on the juvenile justice system in Palestine jointly with the Ministry of Social Affairs, and with the involvement of judges, prosecutors, police, probation officers, the Ministry of Education and NGOs.⁵³ As part of the project, two law students affiliated with the Hebron University Clinic were hired for a paid externship funded by TdH. This is leading the Clinic towards a specialisation in juvenile justice,⁵⁴ and the Clinic is now seeking to learn from the experiences of other clinics that specialise in this area.⁵⁵

B *Pro Bono Legal Aid*

The provision of pro bono legal assistance is the traditional task of legal clinics around the world,⁵⁶ and is a core function of the Clinic. Clients are offered legal advice directly by the law students who enroll in the clinical course or by volunteers under the Clinic staff's supervision. Clients are sometimes referred by the Clinic to relevant government institutions, civil society bodies, international organisations or private lawyers.⁵⁷

As a step towards financial sustainability, the Clinic has reached agreements with private lawyers to refer cases from the Clinic to them. Such cases normally relate to civil matters such as labour law, landlord and tenant law, and medical maltreatment. The lawyers to whom the matters are referred usually deduct a percentage (normally 10–15 per cent) from the compensation that the client receives from the other side. The Clinic receives 50 percent of the lawyer's revenue.⁵⁸ Lawyers sometimes refer cases to the Clinic, normally

⁵³ *Al-Hayat* 5974, 19 June 2012, 14.

⁵⁴ Mutaz M Qafisheh, 'Juvenile Justice System in Palestine: Current Situation and Reform Prospects' (2011) 25 *International Journal of Law, Policy and the Family* 365.

⁵⁵ Clara Weiner Dworsky, 'New York Juvenile Delinquency Clinic' (1948) 34 *Women Lawyers Journal* 3 (1948); J D Atcheson and D C Williams, 'A Study of the Intake Procedure in a Juvenile Court Clinic' (1956) 6 *British Journal of Delinquency* 182.

⁵⁶ John S Bradway, 'Some Distinctive Features of a Legal Aid Clinic Course', 1 *University of Chicago Law Review* 469 (1934).

⁵⁷ Cath Sylvester, 'Bridging the Gap — The Effect of Pro Bono Initiatives on Clinical Legal Education in the UK' (2003) 3 *International Journal of Clinical Legal Education* 29; Frank S Bloch and Iqbal S Ishar, 'Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States' (1990) 12 *Michigan Journal of International Law* 92.

⁵⁸ Cf Patricia Pierce and Kathleen Ridolfi, 'The Santa Clara Experiment: A New Fee-Generating Model for Clinical Legal Education' (1997) 3 *Clinical Law Review* 439.

small-scale disputes, matters from low-income clients, or issues relating to conflicts with the government.⁵⁹

To ensure that students who work in the Clinic are equipped with the skills that enable them to provide meaningful advice, it is a requirement that those enrolled in the Clinic be in their final year of legal study. Each student is requested by the Clinic to focus on one legal area, such as criminal law, human rights, labour law, criminal law, family law, torture, or the right to education. Each student enrolled in the Clinic as part of the Clinical Course is asked to provide advice on at least two cases.

On each case, students undertake to conduct research using legislation, executive orders, court judgments and academic materials. Normally clients are required to come to the clinic by themselves or by their legal representative. The Clinic does not provide general or theoretical advice. It requires detailed facts on the case and requires relevant evidence, usually in writing, before rendering the advice. Students draft 'legal opinions' about the case that consists of the facts, the relevant law, and a conclusion along with brief legal advice. No advice is provided to the clients without the approval of a clinical supervisor/staff.

In terms of assessment of the students, 40 per cent of the total mark allocated to the Clinical Course is based on the merits of the advice: its background research, the citation of relevant sources, the legal reasoning, the writing style, consistency and clarity.⁶⁰ Most students consider this activity as an exciting means to acquire practical skills in legal research, legal procedures, legal writing, professional responsibility, and court jurisdiction. Students gain the self-confidence to successfully move into the legal services market after graduation.⁶¹ Like their counterparts at the University of Newcastle, Australia, the Hebron University Clinic students 'seemed to appreciate the clinical legal education experience, including real cases, real files and interaction with clients in a professional legal service environment.'⁶² Working at the clinic

introduces the student to the case at the beginning rather than at the end. It forces him [or her] to think constructively and to plan a campaign. The process is quite different from asking him [or her] to analyze a completed case embalmed on a printed page.⁶³

⁵⁹ Cf Kimberly E O'Leary, 'Clinical Law Offices and Local Social Justice Strategies: Case Selection and Quality Assessment as an Integral Part of the Social Justice Agenda of Clinics' (2005) 11 *Clinical Law Review* 335.

⁶⁰ Cf Victoria Murray and Tamsin Nelson, 'Assessment — Are Grade Descriptors the Way Forward' (2009) 14 *International Journal of Clinical Legal Education* 48.

⁶¹ Beryl Blaustone, Paula Galowitz, and Catherine Klein, 'Teaching Students to Minimize Vicarious Trauma and Manage Stress Effectively: An International Perspective' (Paper presented at Durham conference, above n 6).

⁶² Colin James, 'Lawyer Dissatisfaction, Emotional Intelligence and Clinical Education', (2008) 18 *Legal Education Review* 123.

⁶³ Bradway, above n 56, 471.

In its first year, the Hebron University Clinic handled some 60 cases on various legal matters. These cases included matters relating to the right of blind people to education, landlords and tenants, medical maltreatment, inheritance, divorce disputes, car accidents, health insurance, arbitrary arrest, extradition, and theft. In effect, the Clinic now acts as on-campus law firm.⁶⁴

The Clinic is still considering the possibility of taking certain cases by itself and representing clients in court, but no decision has yet been made. This is due to the limited number of clinical staff and the prohibition imposed by the 1999 Legal Profession Law upon law students appearing before courts on behalf of clients, as will be explained below.

C Curricular Development

The Department of Law in Hebron University commenced operation in 2008. When the Clinic opened in September 2011, there was no Clinical Course delivered by the Department. There was, however, a course named ‘Applied Training Course’.⁶⁵ The Clinic assumed responsibility for this course, which was converted, in practice, into a Clinical Course. All graduating students were required to enroll in it.

The approach taken to the teaching of law at the Hebron University Department of Law is the same as that of other Middle Eastern universities: a theoretical approach following the Continental model.⁶⁶ The Clinic, however, takes a more practical approach by focusing on case analysis, field research, presentations by students, group work, role play, court visits, and bringing external experts to lecture on selected topics.⁶⁷ These methods were used in the delivery of public Administration Law, Public International Law, Constitutional Law, and Criminal Law. The practical approach involves interaction with ministries, municipalities, the state compeller, the judiciary, the ombudsman and NGOs. Students are exposed to policy makers and

⁶⁴ Cf Kelly Alison Behre, ‘Motivations for Law Student for Pro Bono: Lesions Learned from the Tuscaloosa Tornado’ (Paper presented at Durham Conference, above n 6).

⁶⁵ Barry Metzger, ‘Clinical Legal Education and Curriculum Reform: Humanizing the Law School of the Future’ (1972) 3 *Singapore Law Review* 118.

⁶⁶ Hector Olasolo, ‘Legal Clinics in Continental Western Europe: The Approach of the Utrecht Legal Clinic on Conflict, Human Rights, and International Justice’ (2010) 194 *American Society of International Law Proceedings* 98; Richard J Wilson, ‘Western Europe: Last Holdout in the Worldwide Acceptance of Clinical Legal Education’ (2009) 10 *German Law Journal* 823.

⁶⁷ Deborah Maranville, ‘Passion, Context, and Lawyering Skills: Choosing Among Simulated and Real Clinical Experiences’ (2000) 7 *Clinical Law Review* 123; Jose Fuentes, ‘Reflections on Lawyering and Clinical Methodology’ (1991) 60 *Revista Juridica Universidad de Puerto Rico* 40.

become sensitised to issues of public interest.⁶⁸ They are organised into working groups, and each group conducts field work. The groups study a given government department at the district level, such as the Governor's office, the Department of Health, the Department of Economy, or the Department of Transport. Each group studies the legal basis of the department under consideration in order to conduct brainstorming discussions, prepare questions, distribute tasks among its members, interview government officers and make assessments of the department's mandate, functions, staffing, policies, relation with the central government and with other departments, financial resources, transparency, corruption, and reform plans.⁶⁹ Each group presents its findings to the class, and plenary discussion takes place.

Through this process, students develop relations with government offices and learn about the interaction between law and the bureaucracy.⁷⁰ This, in turn, has the potential to contribute to administrative, policy, financial and legal reform.⁷¹ As Clapman observes:

clinics have the potential to dramatically effect evolving legal systems in transitional democracies; by improving general access to justice; by directly exposing law students ... to the legal needs and problems of the poor; and by calling attention to shortcomings in these legal systems.⁷²

D *Compulsory Practical Training*

Practical legal training courses are an integral part of the Hebron Clinic. The objective of these courses is to prepare law students for post-graduation careers. Such courses address issues that are not incorporated into the regular law curriculum.

The practical legal training given to students enrolled in the clinical course in their final year of legal study focuses on legal writing, lawyering skills, procedural law, and site visits to legal institutions and courts.⁷³ Through such courses, students deal

⁶⁸ Stephen Wizner, 'The Law School Clinic: Legal Education in the Public Interest' (2001) 25 *Tel Aviv University Law Review* 369.

⁶⁹ Paranto Wignjowidolo, 'Purpose of Setting up a Legal and Clinic — Social Service or Legal-Reform?' (1972) 3 *Singapore Law Review* 114.

⁷⁰ Cf William Wesley Patton, 'Getting back to the Sandbox: Designing a Legal Policy Clinic' (2001) 16 *International Journal of Clinical Legal Education* 96.

⁷¹ Les McCrimmon and Edward Santow, 'Justice Education, Law Reform, and the Clinical Method', in Bloch, *Global Clinical Movement*, above n 2, 211–24.

⁷² Alice Clapman, 'The Clinical Revolution: How Asylum Law Clinics Can Influence National Policy and Practices in Transitional Democracies' (2001) 3 *European Journal of Law Reform* 67.

⁷³ Cf Richard J Wilson, 'Practical Training in Law in the Netherlands: Big Law Model or Clinical Model, and the Call of Public Interest Law' (2012) 8 *Utrecht Law Review* 170; Frank Dignan, 'Bridging the Academic/Vocational Divide: The Creation of a Law Clinic in an Academic Law School' (2011) 16 *International Journal of Clinical Legal Education* 75.

with fields of law in which they have ‘had no previous classroom instruction. In such work the seamless web quality of the law is brought forcibly to mind. Resourcefulness is at a premium.’⁷⁴ In these courses, half of the marks are for attendance and the other half for a short report in which each student explains what they have learned, the skills they have gained and recommendations for improvement.

1 *Legal Drafting*

The Clinic regularly organises training programs on the skill of legal drafting. These normally last for five intensive days, eight hours per day. The course is given one week before the beginning of the semester in which the students take the clinical course. The course aims to enhance students’ skills in various types of legal writing, including legislative drafting, writing contracts, drafting pleadings and legal opinions, writing complaints and the documentation of human rights violations. The topics include legislative policy and its translation into law, legislative drafting techniques, petitions, legal letters, writing oral pleadings and court decisions. The trainers are practitioners rather than academics: judges, lawyers, advisors and experts from local and international organisations.⁷⁵

2 *Lawyering Skills*

With the objective of enhancing the capacity of law students to provide legal advice at the Clinic and to gain the practical skills necessary for any practising lawyer, the Clinic organises an intensive training course on ‘Lawyering Skills’. The course includes topics on client–lawyer theory, client interviewing techniques, and alternative dispute resolution, with a focus on mediation and negotiation.⁷⁶

In the spring semester of 2012, the training was led by Professor David Chavkin of the Washington Legal Clinic at the American University’s College of Law.⁷⁷ This training was offered to not only Hebron University law students but also students and staff from other Palestinian clinics.

3 *Procedural Law*

No curriculum of any law school can cover all legal matters, even for a given jurisdiction. The Clinic complements the curricula of the Department of Law by delivering skill-oriented training, focusing on procedural law as it is applied by courts and law enforcement

⁷⁴ Bradway, above n 56, 470.

⁷⁵ *Al-Hayat* 5833, 30 January 2012, 13.

⁷⁶ Ross Hyams, ‘On Teaching Students to Act Like a Lawyer: What Sort of Lawyer?’ (2008) 13 *International Journal of Clinical Legal Education* 21; and John Boersig, James Marshall, and Georgia Seaton, ‘Teaching Law and Legal Practice in a Live Client Clinic’ (2002) 6 *Newcastle Law Review* 51.

⁷⁷ *Maan News*, 23 April 2012.

officials. For example, a course about ‘Executing Court Judgments’ is not included in the Department of Law curriculum, and the Clinic fills this gap by offering a training course on the implementation of court judgments. The trainers include judges and court staff working exclusively in executing court judgments. The Clinic also provides sessions on ‘Criminal Investigation Techniques,’ ‘Skills on Traffic Insurance Law,’ and ‘Skills on Family Procedures Law.’ These sessions are based on actual cases rather than material from textbooks.

4 *Study Visits*

To ensure that law students are exposed to actual cases, the Clinic organises visits for students to the magistrates’ courts, family courts, and courts of first instance. Attendance at a minimum number of court sessions is a requirement for students to pass the course.

The Clinic also organises study visits to the Forensic Medicine Institute to observe the anatomy of the body of a crime victim, and study tours to the Police Academy to observe a moot investigation process at the criminal theatre. Students also meet with police investigators and prosecutors.⁷⁸

E *Extra-curricular Training*

The Clinic offers extra-curricular training that targets younger students, with the purpose of widening their knowledge and preparing them for future clinical programs. Clinical students may join such activities. In order to encourage them and enable them to make use of that experience in their resumes in the future, participating students are normally given attendance certificates signed by the Clinic and the organising partners.

1 *Moot Court*

The Clinic conducts a series of sessions on moot court competitions. Law students learn about moot pleadings and hearings: preparing memorials and counter memorials, and playing the roles of judges, lawyers, prosecutors, plaintiffs, and defendants. In April 2012 the Clinic organised an international law competition; the five students who won the competition⁷⁹ then participated in a national competition among four Palestinian universities in July 2012 in Nablus, Palestine.⁸⁰ The best students emerging from this process

⁷⁸ *Palestine News Network*, 19 March 2012.

⁷⁹ ‘Moot Court Competition in Hebron University’, *Monthly Newsletter*, Public Relations Department, Hebron University, 11 April 2012.

⁸⁰ *Al-Hayat* 5998, 5.

are normally nominated to take part in international competitions abroad.⁸¹

2 *Humanitarian Law and International Human Rights Mechanisms*

With the objective of improving the international legal skills of law students, and taking into account the particular context of the occupied Palestinian territory, the Clinic organises training courses on selected international law issues. For example in May 2012, the Clinic organised a training course on ‘Humanitarian Law and the United Nations Human Rights Mechanisms’ in cooperation with the United Nations Office of the High Commissioner for Human Rights and the Temporary International Presence in Hebron. The courses were in two parts. The first part was open to the general public as well as to all law students. The second part was only open to law students and focused on reporting techniques and the documentation of human rights violations.⁸²

3 *Practical Workshops*

As Giddings points out, legal clinics have become ‘an obvious link between the academy and the practising profession, and can consolidate their place within law schools through the development of effective professional alliances.’⁸³

The Clinic engages with the legal profession by offering seminars of interest to lawyers, judges, prosecutors, legal advisors, and rights activists.⁸⁴ The Clinic endeavours to tackle difficult legal issues in which few jurists have expertise. On 6 December 2011, for example, the Clinic organised a seminar on the *Majalle*, the 1876 Ottoman Civil Code that forms the basis of Islamic Jurisprudence and is still applicable in both the Gaza Strip and the West Bank, and the Draft Civil Code of Palestine.⁸⁵ On 21 March 2012, the Clinic held a workshop on forensic medicine and criminal investigations in Palestine with a panel consisting of a senior judge, prosecutor, and the head of the Forensic Institute with the participation of doctors, police, lawyers and students.⁸⁶

⁸¹ Abdul Haseeb Ansari, ‘Clinical Legal Education: Benefitting From the Banaras Experience’ (2011) 7 *Journal of Applied Sciences Research* 2162, 2164–7.

⁸² *Al-Hayat* 5949, 10 May 2012.

⁸³ Jeff Giddings, ‘Contemplating the Future of Clinical Legal Education’ (2008) 17 *Griffith Law Review* 1, 14.

⁸⁴ Philip F Iya, ‘Fostering a Better Interaction between Academics and Practitioners to Promote Quality Clinical Legal Education with High Ethical Values’ (2003) 3 *International Journal of Clinical Legal Education* 41.

⁸⁵ *Al-Hayat* 5779, 7 December 2011, 27.

⁸⁶ *Al-Hayat* 5885, 22 March 2012, 13.

Events that target the general public are also part of the Clinic's agenda. Such events address issues that are of interest to the community or relate to the general interest of law students, such as a seminar on the death penalty between law and Islam,⁸⁷ and a seminar on the applicability of humanitarian law and human rights in Palestine.⁸⁸

4 *Academic Conferences*

In the academic year 2011–12 the Clinic organised two conferences. The first was on personal status law and aimed to support the legislature to draft a modern family law. (The 1976 Jordanian Personal Status Law of 1976 in the West Bank differs from the Egypt-enacted law of 1954 in the Gaza Strip, and both contradict international standards).⁸⁹ The second was an international conference on the membership of Palestine in the United Nations in April 2012.⁹⁰

IV OBSTACLES AND SOLUTIONS

The long-term future of legal clinics in Palestine will depend on a number of factors. These factors simultaneously offer opportunities and pose challenges.

Financing is expected to remain the main obstacle, casting doubt on the very existence of the clinics.⁹¹ At present, all Palestinian legal clinics are funded by external donors. Universities still view clinics as new and untested, and it may take some time for universities to realise the relevance of clinics to academic programs. In the short term, it is not expected that universities will allocate funds for clinics. Clinics are still perceived, as in other countries, as 'a relatively expensive form of legal education',⁹² and legal clinics do not generate direct revenues to universities.⁹³ Western donors are increasingly interested in promoting legal clinics, but most clinics are funded on annual basis with no assurances regarding the continuation of funding (or even the existence of some clinics) in the following year.

If well funded, clinics offer a treasure to universities.⁹⁴ Clinics can conduct practical research, facilitate policy forums and form training centres on the rule of law, human rights, judicial reform, and

⁸⁷ *Maan News*, 14 February 2012.

⁸⁸ *Al-Quds*, 15353, 10 May 2012, 7.

⁸⁹ *Maan News*, 28 March 2012.

⁹⁰ *Al-Quds*, 15332, 19 April 2012, 10.

⁹¹ Peter A Joy, 'The Cost of Clinical Legal Education' (2012) 32 *Boston College Journal of Law and Social Justice* 309.

⁹² Giddings et al, above n 4, 15.

⁹³ Lee Stuesser, 'Skills for the Masses: Brining Clinical Skills to More Students at Less Cost' (1992) 10 *Journal of Professional Legal Education* 119.

⁹⁴ Phyllis Goldfarb, 'Back to the Future of Clinical Legal Education' (2012) 32 *Boston College Journal of Law and Social Justice* 279.

access to justice, and by becoming recognised specialists in these areas they might attract project funding. A clinic can generate funds by representing certain clients and deducting a percentage from their successful claims. Or clinics can refer cases to practising lawyers in return for a share of any successful outcome. The courses delivered by the clinics may attract tuition fees.

In order to maintain clinics without external donors, universities need to link the clinics' management with existing administrative structures. For example, a clinic's director could be the director of another department and be assisted by other colleagues assigned with clinical tasks either as part of their academic instruction or as part of their administrative responsibilities. One secretary in the department or college could simultaneously serve as secretary of the clinic. The staff of the clinic could be assisted or supplemented by law students who enroll in the clinical course for the sake of credits and grades, or who volunteer for the purpose of acquiring practical legal experience needed for their curriculum vitae.

Clinics in Palestine need to more clearly define their relations with colleges of law. Clinics are still viewed as 'projects', temporary programs seen by most universities as a means to generate money. In certain universities, clinics are established for cosmetics reasons or as a public relations exercise to show that the university has embraced modern trends in legal education. Universities must be encouraged to integrate clinics within the administrative structures of the colleges of law, giving clinics a status similar to research centres, laboratories or other academic programs (e.g. masters or doctorate programs) or departments.

In Palestine, as elsewhere in the Middle East, the typical approach to teaching law is the traditional one: 'lecture and leave'. Professors of law tend to have their own law practices, provide consultancy work or spend most of their time on their own academic research. Such attitudes need to be changed. Universities must assign to clinics lawyers willing to teach on a full-time basis. Professors should also be trained to use clinical methods in various doctrinal classes. A number of them do use such methods already, but many others still prefer a purely theoretical approach. Such changes would gradually create a generation of law professors specialised in clinical education.⁹⁵

Another way to ensure the sustainability of clinics is the formal incorporation of clinical courses into the curricula of law schools. Clinical courses might be incorporated into the law curriculum as compulsory or elective courses. The danger of that is that elective courses are normally made available based on the presence of

⁹⁵ Cf Justine A Dunlap and Peter A Joy, 'Reflection-in-Action: Designing New Clinical Teacher Training by Using Lessons Learned From New Clinicians' (2004) 11 *Clinical Law Review* 49; Kimberly E O'Leary, 'Evaluating Clinical Law Teaching — Suggestions for Law Professors Who Have Never Used the Clinical Teaching Method' (2002) 29 *Northern Kentucky Law Review* 491.

professors who are able or willing to teach them, leaving clinics to the mercy of such availability.⁹⁶ For this reason, at least one clinical course should be included in the curriculum as a course that each student must complete during her or his law study.

According to Law Profession No. 3 of 1999,⁹⁷ only lawyers who register in the Palestine Bar Association after passing the two-year apprenticeship may appear before courts (Article 3). Neither law students nor legal clinics, as legal entities, are permitted to represent clients in courts. Clinics, however, may represent clients by hiring lawyers to work on full or part-time basis. The students can in reality do much of the work associated with a legal matter, including preparing memorials and counter memorials, conducting legal research, drafting letters, notifications, oral pleadings, and the like, while the formal appearance is made by the clinic's lawyer.

This issue could also be resolved by amending the aforementioned law. Law students working in clinics, subject to certain conditions such as passing a certain number of law courses that place them in a position to handle cases, could be permitted to take certain types of cases to courts. Alternatively, the law could be amended to permit legal clinics, like NGOs or law companies, to represent clients. (The Clinic has discussed such options with the Bar, but recognition of clinics is expected to take some time, as such an issue needs changes in the Bar's mentality.)

Concern might be raised about the ability of law students to provide meaningful legal opinions, let alone be capable of representing clients before courts. This concern is legitimate because law is still taught theoretically.⁹⁸ Students are sometimes out of touch with procedures and would usually only become familiar with the reality of legal practice after completing the post-graduation apprenticeship.⁹⁹ Students in Palestine, as in Middle Eastern and European countries, go directly from high schools to study law, typically at 18 years of age, unlike those in North America, where students come to law school equipped with an undergraduate degree in another field. While the question of age and experience would be overcome by allowing students to work in clinics only during the final year of their study, such concerns will continue to be an obstacle facing clinics if the current teaching methods persist.¹⁰⁰

⁹⁶ Cf David McQuoid-Mason, Ernest Ojukwu, and George Mukundi Wachra, 'Clinical Legal Education in Africa: Legal Education and Community Service', in Bloch, *Global Clinical Movement*, above n 2, 28.

⁹⁷ *Palestine Gazette*, No. 30, 10 October 1999, 5.

⁹⁸ Cf Beverly Balos, 'The Bounds of Professionalism: Challenging Our Students; Challenging Ourselves' (1997) 4 *Clinical Law Review* 129.

⁹⁹ Cf Graeme Coss, 'Field Placement (Externship) — A Valuable Application of Clinical Education' (1993) 4 *Legal Education Review* 29.

¹⁰⁰ Cf Claire Sparrow, 'Reflective Student Practitioner — An Example Integrating Clinical Experience into the Curriculum' (2009) 14 *International Journal of Clinical Legal Education* 70.

The final factor influencing the future of legal clinics is the attitude of practising lawyers towards clinics. Many lawyers perceive clinics as a threat and a source of competition, since clinics provide a free service which might turn clients away from law offices and towards universities. This has also occurred in other countries at the initial stages of clinical education. In Canada, for example, ‘Canadian clinics faced early opposition from the practicing profession.’¹⁰¹ In England, ‘self-interested local solicitors were concerned that “some of their potential clients were obtaining free legal services at the clinics.”’¹⁰² Such an attitude is expected to diminish when a number of points are clarified: that clinics normally handle small-scale cases that lawyers would not benefit from; that clinics assist low-income people who could not get legal services elsewhere; and that clinics may even benefit lawyers by referring cases to them. Clinics need to raise the awareness of lawyers on such points.

V CONCLUSION

Palestine’s clinical legal education system is clearly in transition. Despite the achievements over the past few years, the future of clinical legal pedagogy in the country remains uncertain. It may take many years for legal clinics to take a firm root in the framework of legal education and professional training. Much needs to be done to reform legal education in Palestine, and in the entire Middle East. With the recent clinical movement in the region, the winds of change are blowing.

¹⁰¹ Giddings et al, above n 4, 10.

¹⁰² Ibid 11, referring to Peter Smith, *Developments in Clinical Legal Education in England* (Council on Legal Education for Professional Responsibility, 1979) vol 11(3), 10.