

# Foreword

Welcome to issue 13 of the International Journal of Clinical Legal Education. This is the first issue of the journal under the current editorship and I would like to pay tribute to Professor Philip Plowden, my predecessor and driving force behind the IJCLE, its associated conferences and the development of a vibrant international clinical community. Philip has become Dean of the School of Law at Northumbria University but remains heavily involved in clinic including not only continuing his clinical teaching but contributing to conferences, symposia and other scholarly activities.

## **In this edition**

When reading through the proofs of the articles for this edition the theme that struck me was *diverse notions of lawyering*. The three main articles reveal the rich diversity of approaches to the role of the lawyer and the lawyering process. We see the lawyer as agent of social change, as moral activist and as zealous advocate of individual client interests. Together these articles serve to reinforce the need when educating students to be aware of the plethora of potential professional roles and to understand one's own professional and ethical compass and the influence this is likely to have on student lawyers.

In the first article **Professor Nekima Levy-Pounds and Artika Tyner** explain how they seek to integrate the principles of Ubuntu into their clinical curriculum so as to train law students to become agents of social change. They describe Ubuntu as a sense of interrelatedness; of society's need for love, peace and justice. Their conception of lawyering is all encompassing and they urge clinics to focus students' minds on uncomfortable realities of prejudice, oppression and inequality and to begin to address the potential role of the lawyer in alleviating these wrongs. The paper challenges the traditional view of the lawyer as an amoral mouthpiece for advancing individual rights. They propose a more communitarian approach to the lawyering process. They outline how their clinic encourages students to think outside the box – to problem solve, collaborate with stakeholders and participate in meetings of grassroots and civil rights organisations to use their legal skills to benefit those from disadvantaged backgrounds. They introduce the idea of the student as participant observer – going out into the communities served by the clinic and engaging with the needs of the underserved. Their view of the clinic as a start point for development of students as agents of social change will not be attractive to everyone but it is a broad, expansive and ambitious view of the potential role of the lawyer and that clinicians have the ability to influence students in a positive way to work for social emancipation.

In the second article **Ross Hyams** asks a basic but fundamental and ultimately intractable question, “what sort of lawyer do we want students to be”? He posits that mainstream legal education has proved to be poor at inculcating elements of professionalism such as autonomy, judgment and commitment to lifelong learning. He argues that clinics are well placed to nurture professionalism in students but acknowledges the elusive nature of the concept. He outlines a range of different approaches to lawyering and believes that clinicians should be aware of this range and in particular their own approach so that students will understand the context of the messages they are being

given. He concludes that teaching professionalism remains very challenging for supervisors and often confronting for students but that clinic provides the best opportunity to achieve this. Finally, he offers Atticus Finch of “To Kill a Mockingbird” as a role model for inculcating a sense of professional responsibility in their students, praising his compassion, tolerance, perspective, courage, wisdom and belief in the role of the courts as the great levellers of society. Clinicians: get down to the library and borrow a copy.

In the third article **Professor Geneva Brown** recognises the symbolic and cultural power of the paradigm of innocence on a micro and macro level. On the micro level she observed in her students a natural inclination towards the client who unequivocally claimed her innocence and away from an equivalent client with more ambiguous instructions. As a public defender, Professor Brown advanced the principle of zealous representation for all clients regardless of innocence or guilt and attempted to inculcate this within her own students. On a macro level, the article tracks the attractiveness of the innocence paradigm to policy makers and legislators and summarises criminal appeal reforms that have focused on factual innocence and away from constitutional violations. While acknowledging the social, legal and educational contribution of Innocence Projects she is uneasy that the notion of innocence has a tendency to dominate the legal and educational landscape and argues that quality representation should never be reduced to essentialist standards of guilt or innocence.

In the Clinical Practice section I am delighted to present **Dr Izabella Kraznicka’s** detailed and highly interesting examination of the Polish legal framework and the success story of clinic in recent years together with ongoing challenges to integrate clinic into the curriculum to ensure a sustainable future. Laurence Donnelly provides an analysis of the slow development of clinical legal education in Ireland, recognising that the clinical method has not caught the imagination of the academy in the way it has elsewhere. However, using the National University of Galway as a case study, he shows how clinic may continue to develop and become more accepted as a mainstream method of educating law students. Finally, **Angela Macfarlane** and **Paul McKeown** offer 10 “lessons” from the no doubt scores that they learned in their first year as new clinicians, having joined a university law clinic directly from legal practice and with no prior teaching experience. Their insights should be helpful to other new (and perhaps some not so new) clinical supervisors. In particular, I would like to emphasise the last lesson: enjoy!

*Kevin Kerrigan*

Editor