Enhancing Access to Justice: Empowerment Through Education
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Poor people and the law

“Poor people are not just like rich people without money. Poor people do not have legal problems like those of private plaintiffs.”

“Poor people do not lead settled lives into which the law seldom intrudes; they are constantly involved with the law in its most intrusive forms.”

“Poverty creates an abrasive interface with society; poor people are always bumping into sharp legal things.”


Legal services and justice

“It would require a tenfold increase in the size of the entire bar to begin to provide the whole population with the same legal services that the affluent presently enjoy.”

“More lawyers, representing more people on such controversial issues as social welfare, race relations, or environmental concerns that reduce employment opportunities could produce an unacceptable level of social conflict and division.”

Bellow and Kettleson, From Ethics to Politics…. 58 B.U. L. Rev. 337 (1978)

Poor people and potential

“All people, including the poor, have enormous capacity to help themselves. Despite appearances, deep inside of every human being lies a precious treasure of initiative and creativity waiting to be discovered, to be unleashed, to change life for the better.”

Muhammad Yunus, Founder Grameen Bank, Lawyers Can Help Us to Win the War Against Poverty, to be published IBA 2013

Poor people and potential

“Lawyers have to learn … to journey with community…/[T]he wisdom or knowledge of the lawyer does not outweigh the wisdom and the knowledge of the community about itself.”

Legal or social problems?

- when basic needs cannot be met....
- the poor need food, shelter and clothing
- unskilled, lacking knowledge about complex system
- dependent on social welfare system
- strife in relationships an upshot of daily life's friction
- legal problems are symptoms of underlying causes

Goals of education for the public

- empower individuals, groups and the community
- provide legal knowledge and know-how
- enable advocacy for self and community interests
- facilitate ability to define needs and make informed choices
- develop ability to define issues and solve problems
- mobilize resources to support needs and change


Street Law

- alternative clinical legal education program aimed at enabling and empowering individuals, groups and community to deal with their social and legal problems
- originated at Georgetown University Law Center in 1972
- spread to about forty countries
- most highly developed in South Africa where it is national in scope and engages most of the country’s law schools
- is for credit and also sometimes voluntary

David McQuoid-Mason, ‘Street Law as a Clinical Program’, 17 Griffith L. Rev. 27 (2008)

The role of law students

- law students teach in schools, community centres, public facilities
- trained to teach interactively – role plays, simulations, games, mock trials, debates
- engage the whole person intellectually, emotionally and physically
- draw on real-life experiences of pupils, community members etc.
- all learners acquire, knowledge, skills and appreciation for law and social justice

David McQuoid-Mason, ‘Street Law as a Clinical Program’, 17 Griffith L. Rev. 27 (2008)

Outcomes for law students...learn

- better understanding of theory and practice of law
- enhanced writing skills
- ability to communicate about law in simple language
- ability to think on their feet (responding to questions)
- improved analytical skills

David McQuoid-Mason, ‘Street Law as a Clinical Program’, 17 Griffith L. Rev. 27 (2008)

Outcomes for law students...learn

- trial advocacy skills
- appreciation of community’s understandings of the law/system
- to collaborate
- to engender trust
- a commitment to social justice and access to justice
- skills to continue to promote access to justice

David McQuoid-Mason, ‘Street Law as a Clinical Program’, 17 Griffith L. Rev. 27 (2008)
Outcomes for the community...learn

- tools for self help – knowledge and know-how
- identify common problems requiring systemic responses
- community cohesion and common ground
- continuity of the program and its spread
- addressing legal and regulatory problems of the poor
- individuals, groups and communities take charge of their own lives

Influence and ability of law students

Law students:

- were central to the establishment of legal clinics and social justice initiatives
- see possibilities and opportunities
- are intelligent, energetic and committed to fairness
- are innovative, resourceful and caring
- are not stymied by convention and the status quo

Bibliography

- Bellow, Gary and Kettleston, Jeanne. From Ethics to Politics: Confronting Scarcity and Fairness in Public Interest Practice, 58 B. U.L. Rev. 333 (1978)

More justice...more law or...?

Bibliography


Public Legal Education Programs in Canada

For a listing of public legal education organizations see:

Department of Justice Canada

Public Legal Education and Information In Canada:

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