Faculty from around the world convened at the School of Law to discuss how to teach, practice, and deliver justice through clinical education programs.

By Jeanne Erdmann

How can law professors teach justice, help students understand what justice is, and help them become lawyers who practice justice?

The Washington University School of Law tackled these questions through “Teaching, Practicing, and Delivering Justice: The Role of Law School Clinical Programs,” a conference held October 6–8, 2000. The conference was hosted in conjunction with the 15th Annual Midwest Clinical Conference.

More than 85 participants attended. Although most came from law schools in the nation’s Midwest, some speakers and participants traveled from as far away as Canada, South Africa, East Africa, and New South Wales, Australia. The conference attracted not only clinical law teachers, but also professionals from other disciplines, such as social work, architecture, and public policy. Conference organizers were Karen Tokarz, professor of law and director of clinical education; Jane Aiken, professor of law; Peter Joy, professor of law; and Maxine Lipeles, professor of law.

“The conference was a huge success because of the unique international and interdisciplinary aspects of the program and the strength of our speakers and participants,” says Joy. “The conference featured top clinical faculty from different corners of the world.”

Early arrivals were treated to a pre-conference address by Charles Ogletree, the Jesse Climenko Professor of Law and director of the Criminal Justice Institute at Harvard Law School. In his talk on “Racial Justice in the New Millennium: Following in the Footsteps of Judge Leon Higginbotham,” this leading criminal clinical professor exhorted clinical law faculty and public interest lawyers to foster the “Higginbotham legacy of confronting racism in the legal system.” He urged law schools to introduce justice issues and experiences into the first-year law curriculum “to better prepare justice workers for the next generation.”

Professor Asha Ramgobin of the University of Natal in Durban, South Africa, spoke on “The Challenges Facing Public Interest Lawyers in Post-Apartheid South Africa” for the conference’s keynote address. In her talk, she revealed the struggles of developing clinical law programs at South Africa’s 21 law schools, which also form the nascent beginning...
of a legal aid/public defender system in post-apartheid South Africa. She went on to speak of how these struggles sometimes clashed with the horrors of living under apartheid.

Ramgobin, a great-granddaughter of Mahatma Gandhi, grew up with parents, now members of parliament, who remained under house arrest during most of apartheid. Many close friends and family members were killed during the struggle for equality. Yet, in one of the first cases assigned to her university law clinic, she and her colleagues were asked to represent three accused murderers who had worked for the government to enforce apartheid.

“She mesmerized the audience,” Aiken says. “Her honest and poignant reflections on the conflicts that she and her students face as they struggle to define and achieve justice in the intense environment of apartheid inspired all of us. Her talk illuminated the themes of the conference and created a wonderful spirit of camaraderie.”

The purpose of the conference, explains Lipeles, was to link teaching justice with practicing justice and to help law teachers develop new approaches to ensure that justice is a basic focus of legal education. Conference topics ranged from methods of teaching justice in the classroom, to designing clinics for under-served members of the community, to international clinical exchanges.

“Justice is contextual, and teaching justice is contextual. It requires students to be in situations in which they experience the contingencies, complexities, and irregularities of the real world with faculty who help them decipher the difference between ‘practicing law’ and ‘practicing justice,’ ” Tokarz says. “We’re trying to heighten the justice focus in our clinical teaching and scholarship.” She notes that Aiken and Joy have published leading articles on teaching justice and on providing access to justice through clinical programs.

Neil Gold, provost and vice president of academic affairs at the University of Windsor in Ontario, Canada, believes that justice education must begin in law school. “Pursuing the ideals of a just society begins in the classroom,” says Gold, who gave the opening and closing remarks at the conference. “How students and teachers interact in a classroom can model the ideals of a just society. If we don’t practice what we teach, then students can’t be expected to go out and serve their clients in a positive, constructive, and justice-oriented way.”

According to Gold, the way law professors interact with students should be based on a just system: “The classroom is a potentially charged environment because the instructor is a kind of adjudicator who judges students’ performance. Faculty critique students’ reasoning and work with them as they try to solve problems. How faculty interact with students conveys a great deal about issues of hierarchy, power, and equality. All of those issues arise in everyday human interactions. This is not about an abstract idea about what it would mean to be fair and just to someone; this is about being fair and just to someone.”

Tokarz met both Ramgobin and Gold when the three attended the inaugural Global Alliance for Justice Education conference in India in 1999; they, along with many others from the Washington University conference, will reconvene in December 2001 for the next Global Alliance for Justice Education conference in Durban, South Africa. At the earlier conference, Tokarz particularly appreciated Ramgobin’s focus on “teaching and living justice” and Gold’s take on the parallels between “student-centered teaching and client-centered lawyering.”

She thought it would be a good idea to continue the discussion of these same ideals with clinical law educators in the United States, particularly with the clinical faculty from the Midwest who meet annually to share new ideas in clinical education. “As emerging democracies begin to initiate new law school clinics, develop new legal aid systems, and look for better ways to teach the rule of law to a population of people that have never experienced it, it provides us an opportunity to re-examine the ways in which we teach and practice law and justice here,” Tokarz says.

Gold and Tokarz began working together before the Washington University conference and hope to publish an article in the future. “We are trying to develop a vocabulary and a way of thinking about what it means to be a teacher of justice and a justice educator—what it means not only to teach justice, but to practice justice as a teacher in the classroom,” Gold says.

The conference planners hope that participants left the conference with a renewed commitment to the theory and practice of justice education and with a fresh way of thinking about justice education.

"JUSTICE IS CONTEXTUAL, AND TEACHING JUSTICE IS CONTEXTUAL. IT REQUIRES STUDENTS TO BE IN SITUATIONS IN WHICH THEY EXPERIENCE THE CONTINGENCIES, COMPLEXITIES, AND IRREGULARITIES OF THE REAL WORLD WITH FACULTY WHO HELP THEM DECIPHER THE DIFFERENCE BETWEEN ‘PRACTICING LAW’ AND ‘PRACTICING JUSTICE.’ “ Karen Tokarz

"IF WE DON’T PRACTICE WHAT WE TEACH, THEN STUDENTS CAN’T BE EXPECTED TO GO OUT AND SERVE THEIR CLIENTS IN A POSITIVE, CONSTRUCTIVE, AND JUSTICE-ORIENTED WAY.” Neil Gold