Teaching International Law: Lessons from Clinical Education: Introductory Remarks

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TEACHING INTERNATIONAL LAW: LESSONS FROM
CLINICAL EDUCATION

This panel was convened at 10:45 a.m., Thursday, March 25, 2010, by its moderator,
Richard J. Wilson, of American University, who introduced the panelists: Bernard Duhaime,
of the University of Québec at Montreal; Lusine Hovhannisian, of the Public Interest Law
Institute; Deena Hurwitz, of the University of Virginia School of Law; and Héctor Olásolo,
of the University of Utrecht.

INTRODUCTORY REMARKS BY RICHARD J. WILSON

Good morning and welcome to our panel discussion on teaching international law through
clinical legal education. I was told that this is the first panel on clinical legal education in
the Society’s history, which makes this a momentous occasion. My own research and writing
at ASIL this spring focuses on a book I am writing on the global growth of clinical legal
education. This morning, I will first introduce the panelists in the order in which they will
speak, providing some information on each speaker, and then I will briefly provide some
remarks on the issues the panel will discuss.

Our first speaker will be Bernard Duhaime, who is Professor of Law at the University of
Québec at Montreal (UQAM) and Director of UQAM’s International Clinic for the Defence
of Human Rights. The second speaker will be Lusine Hovhannisian, the Program Director
for Legal Education Reform, NGO Advocacy Training, and Public Interest Law Fellowships
at the Public Interest Law Institute (PILI), with offices in New York and Budapest. She has
provided technical assistance and advice for the creation and development of clinical legal
education programs in a variety of countries in Central and Eastern Europe, including former
Soviet Republics. Our third speaker will be Deena Hurwitz, Associate Professor of Law and
General Faculty Director of the International Human Rights Law Clinic and Human Rights
Program at the University of Virginia School of Law. Our fourth and final speaker will be
Héctor Olásolo, Professor of International Criminal Law and Procedure at the Willem Pompe
Institute of the University of Utrecht, and one of the founders and directors of that law
county’s newly established Clinic on Conflict, Human Rights and International Justice.

Our panel’s title is “Teaching International Law: Lessons from Clinical Legal Education.”
Consistent with this year’s broad conference theme of international law in a time of change,
it deals with two relatively recent changes in that field. First, it deals with a method or
philosophy of law teaching within legal education: clinical legal education. Second, it deals
with an even more recent development within the clinical teaching movement, both here in
the United States and abroad: the teaching of international law, and particularly, given today’s
panelists, international human rights law. Let me set the stage for the discussion by providing
some definitions and context.

First, what is a clinic in the context of the academic curriculum of legal education? The
term “clinic” comes from the field of medicine, and in that context refers to that later
stage of formal training in which the medical student, with some theoretical and scientific
preparation, works with real patients, both in the lab and at the patient’s bedside, accompanied
by a trained physician-teacher. No one could imagine a doctor practicing medicine without
this dimension of practical training, and law teaching has, at long last, begun to see the
merits of similar training of lawyers for practice within the law school curriculum—not only

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through the traditional apprenticeships that are often required, particularly in the civil law tradition, but through a pedagogy of practice. Change is happening within legal education, no small accomplishment among institutional structures and actors deeply bound to tradition!

Clinics, which are most associated with the common law tradition, have a long history that starts outside the United States and the common law. The first mention of clinical education in law came from Germany in the mid-nineteenth century, and a clinic was operating in Copenhagen, Denmark, in the late nineteenth century—well before the first so-called legal dispensary opened at the University of Pennsylvania in 1893. Since then, particularly with foundation and government money and accompanied by changes in law school accreditation criteria, clinics have grown exponentially, not only in the United States but throughout the world.

A paradigmatic clinic in the United States has five characteristics:

1. It is within the law school curriculum and is offered for credit.
2. Students provide legal services to individual or institutional clients with real legal problems, and in court, to the extent that local practice rules permit.
3. Clients served by the program are indigent or otherwise unable to gain access to justice due to poverty or other marginal status.
4. Students are closely supervised by an experienced lawyer, often a teacher within the clinic.
5. Practical case work is accompanied by a classroom component that focuses on either skills or substance, or both.

Not all clinics have these characteristics, but all clinical education shares a core principle: learning through experience by doing what lawyers do when in practice. This context allows students, under guidance, to gain training in the skills, ethics, and values of the legal profession within the academy. Wherever this has occurred, this has been a dramatic change in law school teaching. In clinics, theory is extracted from practice. Nowhere is this more true, in general, than through clinics with a focus on international human rights.

With that, let me give the floor to Professor Duhaime to tell us about his work.

**CLINICAL EDUCATION AND INTERNATIONAL HUMAN RIGHTS LAW: RETROSPECTIVE ON UQAM’S PEDAGOGICAL METHODOLOGY**

*By Bernard Duhaime*

In order to illustrate the lessons learned from clinical legal education for the teaching of international law in the Canadian context, we suggest discussing the methodology used at the UQAM’s International Clinic for the Defense of Human Rights (or the CIDDHU using its French acronym) since its creation. The CIDDHU is the only international human rights law clinic in Québec and, to our knowledge, in the francophone world.

The CIDDHU was created in 2005. Courses are offered to both JDs and LLMs, as well as to undergraduate students of international relations and international law. All must have a background in public international law or human rights law to enroll. Teams of students, working under the supervision of attorneys and professors, offer legal assistance to human rights defenders across the globe, on projects to be accomplished in a few semesters. The course can be taken twice in a student’s regular curriculum.

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