

2012

# The Legal Clinic Is More than a Sign on the Door: Transforming Law School Education in Revolutionary Egypt

Stephen A. Rosenbaum

*Golden Gate University School of Law*, [srosenbaum@ggu.edu](mailto:srosenbaum@ggu.edu)

Follow this and additional works at: <http://digitalcommons.law.ggu.edu/pubs>

 Part of the [Legal Education Commons](#)

---

## Recommended Citation

5 Berkeley J. Middle Eastern & Islamic L. 39 (2012).

This Article is brought to you for free and open access by the Faculty Scholarship at GGU Law Digital Commons. It has been accepted for inclusion in Publications by an authorized administrator of GGU Law Digital Commons. For more information, please contact [jfischer@ggu.edu](mailto:jfischer@ggu.edu).

# The Legal Clinic is More Than a Sign on the Door: Transforming Law School Education in Revolutionary Egypt

Stephen A. Rosenbaum\*

## I. REVOLUTION AND SOCIAL JUSTICE

Everyone agrees that the 25<sup>th</sup> of January Revolution in Egypt occurred on January 25, 2011. Beyond that, there is little consensus on what it stands for, or even whether Egyptians are now living through the Revolution or are in a “post-Revolutionary” Egypt.<sup>1</sup> The skeptics tell us that what has occurred to date is the overthrow of an autocratic President, the retention of an Old Guard military and civil service establishment, and ostensibly free and fair national elections. They contend, however, that this seminal event in the “Arab Spring” produced no revolutionary leadership and no clear revolutionary platform or message. As to the

---

\* John and Elizabeth Boalt Lecturer, University of California, Berkeley, School of Law; Lecturer, Stanford Law School; Visiting Senior Lecturer, University of Washington School of Law (2012-14). The author, who teaches professional skills, clinical and doctrinal law school classes, served as a Legal Education Advisor with the American Bar Association Rule of Law Initiative (ABA ROLI) in Cairo, Egypt, 2011-12. He thanks Saba Ahmed, Berkeley Law '14, of the *Journal* for her editorial suggestions. An earlier version of this article was presented at the Alexandria University Faculty of Law Annual Conference on December 21, 2011 and is published in the Faculty's *Alexandria University Law Review / Revue de Droit* (Special Volume) 1485 (2011). The views expressed here are not necessarily those of ABA ROLI, its board of directors or staff. This article is dedicated to Dr. Borham Attalah of the Alexandria law faculty, who in 1965 attempted to establish a University-based legal aid clinic.

1. Veteran Middle East Journalist Robert Fisk called it the “quote-unquote ‘Revolution’,” when speaking to a Cairo audience several weeks before the one year anniversary of the uprising. Diwan Bookstore, Zamalek, Cairo (Dec. 1, 2011). Almost one-half year later, Cairo-based news correspondent and author Ashraf Khalil stated that “The Revolution has not failed . . . it’s about 40% done, maybe 30 . . . There are so many points of no return.” The American University in Cairo Press Bookstore (May 7, 2012).

latter, that is not entirely true. The chant *Aysh, w' Horeya, w' Adala Egtema'ya*<sup>2</sup> accompanied iconic images of youth: a woman waving a flag; a man whose face was painted red, white and black.<sup>3</sup> These were the sounds and images that flashed across screens on laptops and smartphones around the globe two years ago, in the social transformation spearheaded by social media.<sup>4</sup> The *Wall Street Journal* reported “an

2. “Bread, Freedom and Social Justice.” Some translations substitute “Human Dignity” for “Social Justice.” See, e.g., INT’L CENTER FOR TRANSITIONAL JUSTICE, EGYPT, <http://ictj.org/our-work/regions-and-countries/egypt> (last visited Nov. 29, 2011); see also Mona Anis, *Of Bullets, Ballots and Counter-Revolution*, AL-AHRAM WEEKLY (Dec. 29, 2011 – Jan. 4, 2012), available at <http://weekly.ahram.org.eg/2011/1078/eg4.htm>. *Aysh* means “bread” as well as “life” in colloquial Egyptian Arabic.

3. International studies professor and analyst Paul Amar offered a more optimistic interpretation of the Revolution’s accomplishments, even in its early months. Paul Amar, *Egypt After Mubarak*, NATION, May 23, 2011, at 11 (labor unions, students, women’s organizations and liberal Islamist youth have been very effective in actions ranging from pursuing criminal indictments and asset seizures to forcing out the Old Guard in syndicates, ministries, media outlets and political parties). On the eve of the Revolution’s one-year anniversary, Egyptian diplomat, novelist and academic Ezzedine Choukri also wrote optimistically:

Politics and freedoms became a fixture of public life. Authoritarianism is receding . . . The military sector is increasingly getting scrutinized. A new culture, more free, rational, egalitarian and modern, is making itself felt.

*Unrevolutionary Pace*, AL-AHRAM WEEKLY (Dec. 29, 2011 - Jan. 4, 2012), available at <http://weekly.ahram.org.eg/2011/1078/eg10.htm>. See also Sahar F. Aziz, *Egypt’s Protracted Revolution*, 19 HUM. RTS. BRIEF 2 (2012). Professor Aziz, who serves as President of the Egyptian American Rule of Law Association, is both skeptical and optimistic about the progress made since the fall of Mubarak. She maintained that “Egypt is still in the midst of a revolution and has yet to enter the post-revolutionary phase of nation-building.” *Id.* at 2.

4. Posting, chatting, messaging, texting and tweeting were standard operating procedure among the Revolution’s youthful supporters during the days leading up to President Mubarak’s ouster. During that period, graffiti scrawled on the walls included phrases like: “In Facebook we are all equal” and “The revolution will not be tweeted.” Maria Roeder, *Mediated Activism? Social Media and Political Protest in Egypt*, Lecture at the Netherlands-Flemish Institute in Cairo (Dec. 15, 2011).

Also in keeping with the Egyptian sense of humor –what Egyptian etymologist Ahmed Seddik calls the “lambent wit” –was the following tongue-in-cheek message that appeared in a Craigslist posting on Jan. 29, 2011:

New Government

We are looking to replace the government of Egypt. Please submit your resume for this exciting opportunity to serve under our great leader Mubarak!

Required Skills:

- ◆ Restoring order
- ◆ Talent for hollow platitudes and self deception

excitement in the air to turn the conversation about exploitation, repression, and religious struggle into one about democratic society—jobs, growth, housing, and education.”<sup>5</sup> In comparing themes of the Free Officers Movement Revolution of 1952, with the present, an *Al-Ahram* columnist observed: “Social justice was one of the cardinal slogans of the January 25<sup>th</sup> Revolution in as much as the masses have once again been denied their rights. . .”<sup>6</sup>

More blood has been shed since January 2011 in and around Tahrir Square. Numerous political parties and interest groups want to ensure that the Revolution’s original demands are remembered and asserted

- 
- ◆ Willing to wear blinders at all times
  - ◆ Ability to swiftly say the word “yes” to any and all requests
  - ◆ Experience handling tear gas launchers and shotguns

Salary and compensation contingent on experience and brown nosing.

All new hires are given free government issue blinders!

Interviewees are recommended to come prepared for the interview by wearing running shoes and fire resistant clothing just in case.

*New Government*, CRAIGSLIST (Jan. 29, 2011, 1:35 AM), <http://www.craigslislist.org/about/best/cai/2185674242.html>.

The provisional government, headed by the Supreme Council of the Armed Forces (SCAF), had its own Facebook page, where it posted communiqués. <http://www.facebook.com/Egyptian.Armed.Forces> (last visited April 12, 2012). See also, Madhavi Sunder, *Fighting Fundamentalism with Pluralism: The Hochelaga Lectures 2012* (University of Hong Kong) (manuscript on file with author) 8-15 (arguing that Internet “technologies of Enlightenment” have the potential to not only provoke regime change,—as in the case of the galvanizing Facebook posting (“We Are All Khaled Said”) by Google executive Wael Ghonim— but also fundamental changes in social relations).

5. Gerard Baker, *An Arab Spring in Their Step*, WALL ST. J. (May 4, 2011), *available at* <http://online.wsj.com/article/SB10001424052748703864204576319721428689078.html>. According to the head of the United States-Egypt Business Council,

[T]o secure what they really went into Tahrir Square for, there needs to be economic growth, a modern set of thinking, and a more diversified economy.

Hannah Seligson, *Arab Spring, Start-Up Summer?*, N.Y. TIMES (July 17, 2011), *available at* [http://www.nytimes.com/2011/07/17/business/global/egypts-entrepreneurs-look-beyond-the-revolution.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/07/17/business/global/egypts-entrepreneurs-look-beyond-the-revolution.html?pagewanted=all&_r=0). “Egyptians are not only after food, they want the full rights that they have struggled for,” said Ziad Abdel Tawab, deputy director of the Cairo Institute for Human Rights, at a conference in Cairo. INT’L CENTER FOR TRANSITIONAL JUSTICE, *Transitional Justice in Egypt and the Arab World: Challenges and Possibilities*, (Nov. 14, 2011), *available at* <http://ictj.org/news/justice-and-development-nexus-heart-arab-spring>.

6. Ahmed El-Tonsi, *Nasser and Egypt’s Two Revolutions*, AL-AHRAM WEEKLY (Sep. 29 - Oct. 5, 2011), *available at* <http://weekly.ahram.org.eg/2011/1066/focus.htm>. “[S]ocial justice is the most pressing objective that we should urgently pursue.” *Id.* at 7.

throughout the electoral proceedings as voting for a new legislative assembly<sup>7</sup> and a President is not an end in itself. Some believe that taking to the streets is the most effective strategy for change.<sup>8</sup> Others are frustrated with the slow pace of the revolutionary process.<sup>9</sup> An activist who helped lead a “Vote or Boycott?” discussion in Cairo and was later arrested for taking part in protests against the interim military government, declared:

We simply cannot build a new regime when we’re nowhere near done overhauling the old one. . .I didn’t take the streets to make some amendments here and there. . .We took the streets seeking bread, freedom

---

7. Parliamentary elections were conducted for the most part with transparency and widespread public support. However, SCAF dissolved the lower house, following an order of the Supreme Constitutional Court on the eve of the Presidential election. Lawyers and constitutional experts disagreed whether President-Elect Morsi had the authority to call it temporarily back into session. See Kareem Fahim & Mayy El Sheikh, *Egypt President Orders Return of Parliament*, N.Y. TIMES (July 9, 2012), available at <http://www.nytimes.com/2012/07/09/world/middleeast/egypts-president-orders-return-of-dissolved-parliament.html?pagewanted=all>; Salma Shukrallah & Bel Trew, *Return of Egypt’s People’s Assembly Dogged by Legal, Constitutional Ambiguity*, AHRAM ONLINE, (July 8, 2012), <http://english.ahram.org.eg/NewsContent/1/0/47196/Egypt/0/Return-of-Egypt-Peoples-Assembly-dogged-by-legal,-.aspx>.

8. *Al-Demoqratelya* Editor Azmi Ashour harshly criticized SCAF for its treatment of protesters in November 2011, as it sought to crush a “second wave” of the Revolution. Azmi Ashour, *Revolution, wave two*, AL-AHRAM WEEKLY (Dec. 1-7, 2011), available at <http://weekly.ahram.org.eg/2011/1074/op2.htm>. Once again the youth showed a unity of purpose in protesting “the revolution’s original demands and aspirations being sapped of substance and trod upon” under military rule in ways reminiscent of the old regime. *Id.* Months later, street protests are still a potent form of expressing opposition to the ruling regime. After a large Friday Tahrir turnout on the eve of the presidential campaign, one newspaper publisher and political analyst quipped: “The important thing is . . . that street pressure can happen again.” Matt Bradley & Charles Levinson, *Splits, But No Violence, in Egypt Rally*, WALL ST. J. (Apr. 21, 2012), available at <http://online.wsj.com/article/SB10001424052702304331204577355910798770738.html>.

9. The French refer to the early phase of their involvement in World War II as the *drôle de guerre* for its military inactivity. One might well ask whether we are witnessing a *drôle de révolution* in Egypt whereby the old regime was ousted by a broad populist revolt, yet much of the politico-military and economic establishment remains in place. “There is a revolution being hijacked — should we go for parliamentary seats or save the revolution?” asks the founder of the Democratic Labor Party, *Al Omal Democrati*. Heba Afify, *What Remains of Street Politics?*, EGYPT INDEPENDENT (Nov. 20, 2011), available at <http://www.egyptindependent.com/news/what-remains-street-politics>; see also Aziz, *supra* note 3, at 1 (positing that former regime remains entrenched in Egypt’s economic and political system and “Mubarak’s men still call the shots.”). On the other hand, Egyptian youth activist Ahmed Maher wrote: “A revolution is not a single moment in time. It is a series of phases or waves that rise and fall, surge forward and recede.” Choukri, *supra* note 3.

and social justice – is this too much to ask for? Why settle for any less?<sup>10</sup>

Is there a role for law schools in the Revolutionary transformation?<sup>11</sup> This is not a new question. Universities in post-independence developing countries, and law schools in particular, have a longstanding concern about what exactly their role should be in “meeting the needs of the ordinary citizens in their search for a better life.”<sup>12</sup>

In this article, I first describe the changes taking place in Egyptian law schools, and how these changes can enhance the objectives of the Revolution. Next, I define the critical elements of a clinical legal education and the importance of social justice in the clinical model, recognizing that the presence of legal clinics in law school curricula attracts students and professors alike. I then identify obstacles to making changes in the educational system. Finally, I make recommendations for building a foundation of innovation, expertise, and institutional support *before* embarking on the ambitious establishment of a clinical component within the law faculty.<sup>13</sup> After all, the Legal Clinic is more than a room with a sign on the door.<sup>14</sup>

10. Jack Shenker, *Egypt's Young Radicals Battle to Reclaim the Revolution*, GUARDIAN (Nov. 18, 2011), available at <http://www.guardian.co.uk/world/2011/nov/18/egypt-young-battle-reclaim-revolution>. In the subsequent parliamentary elections, Egyptians voted for those “who promised to deliver them from decades of poverty, illness and hunger under the Mubarak autocracy.” Ayman El-Amir, *Revolution on the Brink*, AL-AHRAM WEEKLY (Feb. 9-15, 2012), available at <http://weekly.ahram.org.eg/2012/1084/op4.htm>. One commentator cautioned that the leaderless, grassroots “Tahrir nostalgia” felt by youths “protesting and striking in different squares around Egypt” since January 2011 must yield to other venues for debate and policymaking, such as Parliament. Seif Abou Zaid, *The Revolution Must Evolve*, AL-AHRAM WEEKLY (Dec. 15-21, 2011), available at <http://weekly.ahram.org.eg/2011/1076/op1.htm>.

11. “Law and Revolution” was a fitting theme for the Alexandria University Law Faculty’s 2011 Annual Conference. A national newspaper had observed at the beginning of the academic term:

This year, the universities are expected to embrace the post-January 25 Egypt in myriad ways such as incorporating the revolution into classroom discussions, hosting public symposiums on the uprising and Egypt’s future, and chronicling how students experienced the revolt.

*New Academic Year Starts Today*, EGYPTIAN GAZETTE (Cairo), Oct. 1, 2011. I am unaware of any data on the quantity or quality of such discussions or symposia.

12. Philip F. Iya, *Fighting Africa’s Poverty and Ignorance Through Clinical Legal Education: Shared Experiences with New Initiatives for the 21st Century*, 1 INT’L J. CLIN. LEGAL EDUC. 13, 14 (2000).

13. The term *faculty* is used interchangeably to refer to the law school itself or to the teaching and research staff.

14. It is true that infrastructure must be considered, even if rudimentary when

The Egyptian general public is not focused on what the Revolution means explicitly for the Law or for Lawyers. They are, however, anxious about ending corruption, exercising civil and political rights,<sup>15</sup> drafting a new Constitution,<sup>16</sup> and the degree to which Islamic jurisprudence will apply to daily life. Will Egypt be cast as a secular state or one more firmly grounded in *Shari'a*?<sup>17</sup> Will civilians continue to be tried by

---

compared to well-equipped clinics that are commonplace in the Global North; however, the focus on a physical space is really secondary and detracts from the notion of what a clinic is all about. See Stephen A. Rosenbaum, *Clinique ToGo: Changing Legal Practice in One African Nation in Six Days*, 17 INT'L J. CLINICAL LEGAL EDUC. 59, 78 nn. 104-06 (2012) (describing resource-poor universities and government offices in Africa). One rule of law consultant refers to the rush to outfit clinics by donor agencies or contractors as the "pop-up" approach, an allusion to the trendy start-up restaurants that operate from private homes or former factory sites. Author's conversation with J.E. (Jan. 2, 2013).

15. Amnesty International condemned the interim military government for its arbitrary restriction of the very human rights and fundamental liberties it had pledged to preserve: freedom of expression, association and assembly, fair trials, non-discrimination, and an end to interrogations, indefinite detention, and excessive use of force at demonstrations. AMNESTY INT'L, BROKEN PROMISES: EGYPT'S MILITARY RULERS ERODE HUMAN RIGHTS 5, 9, 29 (Nov. 22, 2011), available at <http://www.amnesty.org/en/library/info/MDE12/053/2011/en>. Shortly after the Second Anniversary of Mubarak's demise, *Al-Ahram* reported that "civil" and "revolutionary" forces were calling on the army to once again assume the reigns of power. Ibrahim El-Houdaiby, *Egypt: On demands for the army's return*, AHARAM ONLINE (Mar. 9, 2013), available at <http://english.ahram.org.eg/NewsContent/4/0/66440/Opinion/Egypt-On-demands-for-the-army%E2%80%99s-return.aspx>.

16. Drafting a new Constitution has been a contentious and protracted process, with public debate focused mainly on the formation and composition of the Constituent Assembly. See, e.g., Marina Ottaway, *Egypt: Death of the Constituent Assembly?*, CARNEGIE ENDOWMENT FOR INT'L PEACE (June 13, 2012), <http://carnegieendowment.org/2012/06/13/egypt-death-of-constituent-assembly/brzn>. See also, David D. Kirkpatrick and Mayy El Sheikh, *Egypt Opposition Gears Up After Constitution Passes*, N.Y. TIMES (Dec. 23, 2012), available at <http://www.nytimes.com/2012/12/24/world/middleeast/as-egypt-constitution-passes-new-fights-lie-ahead.html> (noting that the charter drawn up by Islamist-dominated assembly approved by 64% of voters in low turnout continues to face opposition from secularists, liberals, and Christians). Human Rights Watch's Executive Director has blamed the Muslim Brotherhood for "pushi[ng] through" a Constitution that threatens individual and collective rights, "while enshrining a dangerous autonomy for the military." Kenneth Roth, *How to Keep the Arab Spring Blossoming*, HUMAN RIGHTS WATCH (Feb. 4, 2013), available at <http://www.hrw.org/news/2013/02/04/how-keep-arab-spring-blossoming>.

17. Article 2 of the existing Egyptian Constitution already declares that *Shari'a* (Islamic law) "is the principal source of Egyptian legislation," having been amended from the previous version stating that *shari'a* is "a principal source. . ." (emphases added). Clark Benner Lombardi, *Islamic Law as a Source of Constitutional Law in Egypt: The Constitutionalization of the Sharia in a Modern Arab State*, 37 COLUM. J. TRANSNAT'L L. 81, 86 (1998). For an explanation of how the Supreme Constitutional

military tribunals?<sup>18</sup> What role will the armed forces play now that the provisional government has been dissolved?

Public discussion about judicial reform and jurists' affairs in the revolutionary aftermath has been expressed largely in terms of transparency in the justice system,<sup>19</sup> restoring judicial independence<sup>20</sup>

Court of Egypt has interpreted and applied Article 2, *see id.* at 88-113; Clark B. Lombardi & Nathan J. Brown, *Do Constitutions Requiring Adherence to Shari'a Threaten Human Rights? How Egypt's Constitutional Court Reconciles Islamic Law with the Liberal Rule of Law*, 21 AM. U. INT'L L. REV. 379, 415-24 (2006).

18. Two days after Mubarak stepped down, the SCAF declared its

belief[f] that human freedom, the rule of law, support for the value of equality, pluralistic democracy, social justice, and the uprooting of corruption are the bases for the legitimacy of any system of governance that will lead the country in the upcoming period.

Egypt Supreme Council of the Armed Forces, *Constitutional Proclamation*, EGYPT STATE INFO. SERVICE (Feb. 13, 2011), *available at* <http://www.sis.gov.eg/En/Story.aspx?sid=53709>. Human Rights Watch criticized the Supreme Council for continued military trials, repression of protests, torture of detainees, and reinstatement of key portions of the Emergency Law just before official Presidential election returns were announced. Daniel Williams, *Worse Than Mubarak: SCAF's Assault on Egyptian Rights*, HUM. RTS. WATCH (July 19, 2012), <http://www.hrw.org/news/2012/07/19/worse-mubarak-scaf-s-assault-egyptian-rights>. Almost two months after assuming power, President Morsi dismissed SCAF's top general and chief of staff, and rescinded the June 2012 declaration, which had curbed many Presidential powers in favor of the military council. Abdel-Rahman Hussein, *Egypt Defence Chief Tantawi Ousted in Surprise Shakeup*, THE GUARDIAN (Aug. 12, 2012), *available at* <http://www.guardian.co.uk/world/2012/aug/12/egyptian-defence-chief-ousted-shakeup>. Yet, the power struggle between military and civilian authorities continues. See Yezid Sayigh, *Above the State: The Officers' Republic in Egypt*, CARNEGIE ENDOWMENT FOR INT'L PEACE (Aug. 2012), *available at* <http://carnegieendowment.org/2012/08/01/above-state-officers-republic-in-egypt/d412#>.

19. *Egypt State TV Broadcasts Officials' Trials*, BBC NEWS MIDDLE EAST (July 18, 2011), *available at* <http://www.bbc.co.uk/news/world-middle-east-14190604>.

20. Egypt's legacy of judicial independence endured even after the 1952 officers' revolt. It functioned throughout the Mubarak era, although the President controlled budgets and appointments and ignored certain decisions when he disagreed. Dina Zayed, *Egypt's Judges Shoulder Hopes for Democracy*, REUTERS (Nov. 2, 2011), *available at* <http://www.reuters.com/article/2011/11/02/us-egypt-judiciary-idUSTRE7A13XR20111102>. *See also*, Reem Leila, *The controversial constitutional declaration of president Mohamed Morsi left judges divided into camps*, AL-AHRAM WEEKLY (Nov. 28, 2012), *available at* <http://weekly.ahram.org.eg/News/426/17/Ongoing-crisis.aspx> (judges protest Morsi's declaration suspending judicial authority and as temporary measure during revolutionary transition); *but see* David D. Kirkpatrick, *Amid Egypt's Duel on Democracy, Vote is Called*, N.Y. TIMES (Dec. 2, 2012), *available at* <http://www.nytimes.com/2012/12/02/world/middleeast/in-egypt-a-clash-over-whos-a-threat-to-democracy.html?pagewanted=all> (Mubarak-appointed judges viewed as

and legitimacy,<sup>21</sup> bar association sovereignty,<sup>22</sup> and a vague, ritualistic homage to Rule of Law.<sup>23</sup>

Less than a week after Mubarak's ouster, a group of university professors held a conference at Cairo University to discuss how they might support the ongoing Revolution, but they articulated very few specific reforms.<sup>24</sup> No matter how the Egyptian Revolutionary slogan is

"counterrevolutionary" threat to policy objectives of President Morsi).

21. Ahmed Zaki Osman, *Appointment of New Top Judge Brings Hope of Judicial Reform*, EGYPT INDEPENDENT (July 5, 2011), available at <http://www.egyptindependent.com/news/appointment-new-top-judge-brings-hope-judicial-reform>.

22. One well-publicized dispute involved draft amendments to the judicial authority law that would have allowed judges to arrest attorneys who created a disturbance in court, and the authority of the judiciary to supervise bar association elections. *Lawyers, Judges at Odds over Judicial Authority Law Amendments*, DAILY NEWS EGYPT (Oct. 219, 2011), available at <http://dailynewsegypt.com/2011/10/19/lawyers-judges-at-odds-over-judicial-authority-law-amendments/>; *Lawyers Elect New Syndicate Chief, Board Amid Judicial, Security Absence*, DAILY NEWS EGYPT (Nov. 20, 2011), available at <http://dailynewsegypt.com/2011/11/20/lawyers-elect-new-syndicate-chief-board-amid-judicial-security-absence/>.

23. David Tolbert & Andrew Solomon, *United Nations Reform and Supporting the Rule of Law in Post-Conflict Societies*, 19 HARV. HUM. RTS. J. 29, 31 (2006).

Despite the ubiquity of its usage and the importance of the idea, the rule of law, much like the concepts of 'justice' or 'transitional justice,' is endowed with 'a multiplicity of definitions and understandings' . . .

It "is not a recipe for detailed institutional design [but] an interconnected cluster of values." *Id.* (citing Professor Gerhard Casper). Professor David Mednicoff writes:

" . . . [T]he rule of law generally refers to the pre-eminence of legal norms over personal political authority, or, as often formulated, a government of laws, not men. Although the concept is used in diverse and imprecise ways, it typically is grounded in an assumption of some separation between a society's politics and law. Specifically, the rule of law is meant to protect people from anarchy, unpredictability, and arbitrariness. In broad terms, the rule of law suggests a promise that legal supremacy, stability, and accountability will prevail over leaders' caprices.

David M. Mednicoff, *Can Legalism Be Exported? U.S. Rule of Law Work in Arab Societies and Authoritarian Politics*, 11 ILSA J. INT'L & COMP. L. 343, 345-46 (2005). Scholar Erik Jensen cites several works "[f]or those who are interested in the great historical debates about the definition of rule of law." Erik G. Jensen, *Justice and the Rule of Law*, in BUILDING STATES TO BUILD PEACE 138 n. 16 (CHARLES T. CALL, ed.) (2008).

24. The conference was organized by the March 9 Movement and Islamist Academics for Reform (*gamaa' un men agl el islah*). "Participants 'felt reform will be easy when the revolution is victorious.'" Ursula Lindsey, *Freedom and Reform at Egypt's Universities*, CARNEGIE ENDOWMENT FOR INT'L PEACE 2 (Sept. 2012), [www.carnegieendowment.org/2012/09/04/freedom-and-reform-at-egypt-s-](http://www.carnegieendowment.org/2012/09/04/freedom-and-reform-at-egypt-s-)

deconstructed, if it is to be anything more than a slogan, it will require the education of young lawyers and other zealous advocates who think critically and analytically, and act competently and effectively in their quest to obtain liberty, social justice, and a better life for their clients.<sup>25</sup>

## II. LEGAL CLINIC AS METAPHOR

Realizing the Revolution—whether it is complete or ongoing—requires attorneys who are able to negotiate and arbitrate in the global markets as much as lawyers who toil on behalf of laborers, youth, the poor, women, religious minorities, people with disabilities, elders and those who suffer from the blows of police batons or from the emissions of a petrochemical plant.<sup>26</sup> The law school is the obvious incubator or training ground:

[I]f the goal is for [students] to leave law school with a personal and professional responsibility to act as problem-solvers for social justice issues, there is no substitute for actively engaging them in trying to solve some of those problems as law students.<sup>27</sup>

The Legal Clinic is perhaps the best vehicle for this engagement. In concrete terms:

[C]linics must provide law students with opportunities to work on actual court cases or otherwise assist real clients with their legal problems . . . [and] give students as much responsibility and client contact as possible while providing close supervision and guidance. . .<sup>28</sup>

---

universities/drak# (citing March 9 Movement founder and math professor Hany El Hussein).

25. A focus on the youth is particularly appropriate, given their prominent role in the Revolution. This point was underscored by ABA ROLI in its design for legal education programs in neighboring Tunisia, the birthplace of the Arab Spring: “The leadership of youth in the revolution indicates the importance of involving youth in the democratic transition. . . . These young lawyers will lead rights education programs to prepare Tunisia’s youth for long-term participation in promoting the rule of law.” ABA RULE OF LAW INITIATIVE, TUNISIA, [http://www.americanbar.org/advocacy/rule\\_of\\_law/where\\_we\\_work/middle\\_east/tunisia.html](http://www.americanbar.org/advocacy/rule_of_law/where_we_work/middle_east/tunisia.html) (last visited May 12, 2012).

26. Egyptian law firms have complained about the inability to find skilled young lawyers—no matter what clients they may ultimately represent. *A Slow Learning Curve: A Rotten Education System Lets the Country Down*, *ECONOMIST* (July 17, 2010), available at <http://www.economist.com/node/16564142>.

27. Katherine R. Kruse, *Biting Off What They Can Chew: Strategies for Involving Students in Problem-Solving Beyond Individual Client Representation*, 8 *CLIN. L. REV.* 405, 433 (2002).

28. OPEN SOCIETY JUSTICE INITIATIVE, *STANDARDS FOR LAW SCHOOL CLINICS* (2011) (on file with author).

Clinical legal education can be described simply and elegantly as “learning law by doing law. . . a method of instruction in which students engage in varying degrees in the actual practice of the law.”<sup>29</sup> The clinical concept has gained a foothold in a multitude of legal contexts, in common law and civil law societies, in the Global North and Global South,<sup>30</sup> and encompasses many formats, ranging from “in-house, live-client” settings in law schools to field placements, externships,<sup>31</sup> or simulation classes.<sup>32</sup>

The three key elements of clinical education may be defined as “professional skills training, experiential learning, and instilling professional values of public responsibility and social justice, with social justice being the central component.”<sup>33</sup> The primacy of social justice in a clinical education program has been passionately defended by some and tacitly sidestepped by others.<sup>34</sup> One clinician and legal services

29. T.O. Ojienda & M. Oduor, *Reflections on the Implementation of Clinical Legal Education in Moi University, Kenya*, 2 INT’L J. CLIN. LEGAL EDUC. 49 (2002) (quoting R. Grimes, *Learning Law by Doing Law in the UK*, INT’L J. CLIN. LEGAL EDUC. 54 (2000)).

30. On the term “Global South” in lieu of what may be deemed the more pejorative or imprecise “developing” country or “Third World,” see, Richard J. Wilson, *Three Law School Clinics in Chile, 1970-2000: Innovation, Resistance and Conformity in the Global South*, 8 CLIN. L. REV. 515, 517 n. 5 (2002).

31. The terms *field placement* and *externship* are used interchangeably, but I have yet to discover a meaningful distinction between *externship* and *internship*.

32. SECTION ON CLIN. LEGAL EDUC., ASS’N. AM. LAW SCH., CLINICIANS’ DESK REFERENCE n. 2 (2009). See also Suzanne M. Rabé & Stephen A. Rosenbaum, *A “Sending Down” Sabbatical: The Benefits of Lawyering in the Legal Services Trenches*, 60 J. LEG. ED. 296, 297 n. 2 (2010) (broad definition of “clinical” format).

33. See Frank S. Bloch, *Access to Justice and the Global Clinical Movement*, 28 WASH. U. J. L. & POL’Y 111, 111 n. 1 (2008) (citing sources that document role law school clinical programs play in assuring equal access to law and the legal system).

34. See, e.g., Jon C. Dubin, *Clinical Design for Social Justice Imperatives*, 51 S.M.U. L. REV. 1461, 1462 (1998) (footnotes omitted):

Although law schools’ large scale experimentation with clinical education had its genesis in the strong social justice and community service influences of the 1960s and 1970s, clinics’ professional competency goals have been emphasized with greater frequency in the present era. Against this historical backdrop, several commentators have decried the ‘gentrification’ or agnostication of clinical education, as evidenced by the shifting of clinics’ normative emphasis ‘to congeries of relatively safe, narrow goals’ and the primacy of skills acquisition.

See also Antoinette Sedillo López, *Learning Through Service in a Clinical Setting: The Effect of Specialization on Social Justice and Skills Training*, 7 CLIN. L. REV. 307, 310 n. 18 (2001) (citing articles describing social justice history and mission of clinical legal education).

practitioner has written that the entire law school enterprise and clinics in particular, should embrace the teaching of social justice. Only in this way can students become effective *pro bono* advocates and shapers of public policy and develop empathy with their clients.<sup>35</sup> As an *undergraduate* institution<sup>36</sup> which is not simply training future attorneys, the Egyptian law faculty has a duty to impart knowledge, skills, and values to professionals who will serve society in other ways, as well as the duty to generally prepare a citizenry for an inquisitive, informed, and active life. While the acquisition of professional skills is a worthwhile objective for law students, it is only part of what it takes to develop a lawyer to the point where she can address the needs of clients who are disenfranchised or underrepresented in a society undergoing social transformation.<sup>37</sup> Moreover, teaching students to think boldly and critically should be a priority in a revolutionary society seeking to undo decades of acquiescence, cynicism and lack of self-confidence.<sup>38</sup>

The Legal Clinic has found a home in liberal, industrialized, and post-industrialized nations as well as Communist, post-Communist, authoritarian, and post-authoritarian countries, whether developed or developing.<sup>39</sup> Indeed, clinical education has been established elsewhere in the Middle East and Africa: from Palestine,<sup>40</sup> Lebanon,<sup>41</sup> and other

---

35. Fran Quigley, *Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics*, 2 CLIN. L. REV. 37, 38-42 (1995).

36. See James Marson, Adam Wilson & Mark Van Hoorebeek, *The Necessity of Clinical Legal Education in University Law Schools: A UK Perspective*, 7 INT'L J. CLIN. LEGAL EDUC. 29 (2005) (urging that clinical legal education in United Kingdom be "propelled. . . to the forefront of *undergraduate* legal studies" with eye on corporate workforce) (emphasis added); *id.* at 30 (clinical education is means to instill professional values and "sensitivity to the concept of justice").

37. See, e.g., Iya, *supra* note 12, at 14, 16-18 (discussing centrality of social needs and demands in university's clinical legal program); Ojienda & Oduor, *supra* note 29, at 51, 53 (discussing the role of law and lawyers in contributing to ideal of social justice and duty of universities to promote social transformation).

38. The promotion of critical thinking and free inquiry, particularly in the university setting, is a fundamental part of revolutionary ideology. See, e.g., Raymond Lotta, *Critical Thinking and the Search for the Truth: Today and in Socialist Society*, REVOLUTION (Mar. 11, 2007), <http://revcom.us/a/081/search-en.html>.

39. See, e.g., Lawrence M. Grosberg, *Clinical Education in Russia: "Da and Nyet"*, 7 CLIN. L. REV. 469 (2001) (focusing on former Soviet Union); Elliott S. Milstein, *Experiential Education and the Rule of Law: Teaching Values Through Clinical Education in China*, 22 PAC. MCGEORGE GLOBAL BUS. & DEV. L.J. 55 (2009); Marson et al., *supra* note 36, at 30 (citing articles on clinical legal education in Western and developing nations). See also articles cited *infra*, notes 48, 51, 52, 55 & 56.

40. David F. Chavkin, *Thinking/Practicing Clinical Legal Education from Within*

countries in the Levant<sup>42</sup> down to the Gulf,<sup>43</sup> west to the Maghreb.<sup>44</sup> and

---

*the Palestinian-Israeli Conflict: Lessons from the Al-Quds Human Rights Clinic*, 18 HUM. RTS. BRIEF 14, 15 (2010).

The Al-Quds Human Rights Clinic in the West Bank was the first accredited clinic in the Arab world, situated at a university that “bring[s] experiential learning and a higher level of political consciousness to its law students.”

The Clinic has maintained a relationship with other Arabic-speaking law schools, including the Alexandria University Faculty of Law, in an effort to spread its model. *Id.* at 18. An-Najah National University’s law faculty in Nablus also has a legal clinic. E-mail from Dr. Akram Daoud, Coordinator, Nov. 30, 2011 (on file with author). Hebron University’s Department of Law was also to receive USAID support, channeled through the Palestinian Justice Enhancement Program, to inaugurate a legal clinic serving marginalized groups in the local community. *Delegation from USAID Justice Program Visits Hebron University*, HEBRON UNIV. (Dec. 7, 2011), <http://www.hebron.edu/index.php/en/-news/1317-delegation-from-usaid-justice-program-visits-hebron-university.html>.

41. A human rights clinic has been operating since 2007 at a private law school in Beirut. See ABA HUMAN RIGHTS CLINICAL EDUCATION IN LEBANON, FINAL REPORT (2009) (on file with author); ABA RULE OF LAW INITIATIVE, LEBANON PROGRAMS, *available at* [http://www.americanbar.org/advocacy/rule\\_of\\_law/where\\_we\\_work/middle\\_east/lebanon/programs.html#legal\\_education](http://www.americanbar.org/advocacy/rule_of_law/where_we_work/middle_east/lebanon/programs.html#legal_education) (last visited Oct. 19, 2012) (Institut Supérieur de la Sagesse pour l’Enseignement du Droit launched the clinic with U.S. State Department funds and ABA ROLI support). After facing initial skepticism, the Lebanese clinical program has grown and expanded into the area of commercial practice. See, Nisreen Mahasneh & Kimberly Thomas, *Learning from the Unique and Common Challenges: Clinical Legal Education in Jordan*, 5 BERKELEY J. MIDDLE. E. & ISLAMIC L. 1, 3-4 (2012).

42. A new clinic opened in 2012 at Jordan’s Yarmouk University, with a focus on workers’ rights through public education outreach in the city of Irbid. *Jordanian Labor Rights Clinic Engages Students, Professors and the Community*, ABA, *available at* [http://www.americanbar.org/advocacy/rule\\_of\\_law/where\\_we\\_work/middle\\_east/jordan/news/news\\_jordan\\_labor\\_rights\\_clinic\\_engages\\_community\\_0512.html](http://www.americanbar.org/advocacy/rule_of_law/where_we_work/middle_east/jordan/news/news_jordan_labor_rights_clinic_engages_community_0512.html) (last visited May 31, 2012). At the University of Jordan, clinical students team up with U.S.-based law students who are affiliated with the student-initiated Iraqi Refugee Assistance Project. See <http://refugeerights.org/irap-works-with-the-university-of-jordan-law-school/> (last visited Dec. 9, 2011); see also Haider Ala Hamoudi, *Toward a Rule of Law Society in Iraq: Introducing Clinical Legal Education into Iraqi Law Schools*, 23 BERKELEY J. INT’L L. 23, 112 (2005) (describing attempted transition in Iraq from discredited and co-opted institutions of higher learning to law schools with interactive curriculum as foundation for eventual establishment of clinics). Clinics have also been established in Israel, Iran and Turkey. See Mahasneh & Thomas, *supra* note 41, at 3 nn. 5 & 7 (virtually every public and private Israeli law school has set up clinics, externships or programs for community involvement and applied research; Iran’s Mofid University established clinic in 2007); *id.* at 5 n. 14 (Istanbul’s Bilgi University clinic is a clearinghouse for *pro bono* cases). See also Barçın Yinanç, *İdil Elveriş, Coordinator of Legal Clinics*, HÜRRIYET DAILY NEWS (Nov. 13, 2009), <http://www.hurriyetdailynews.com/h.php?news=idil-elveris-coordinator-of-legal-clinics-2009-11-13> (last visited Nov. 22, 2011) (Bilgi

south throughout Africa.<sup>45</sup> This includes countries like Egypt, which have no longstanding clinical or practice-oriented tradition.<sup>46</sup> The

---

University students give advice and conduct community education).

43. A clinic with its initial focus on drafting national domestic violence legislation opened at Qatar University College of Law in Doha in 2012. Tarn Carstens, *Empowerment Through Education*, ABODE (Doha), Feb. 2012, at 30, available at <http://issuu.com/abodemagazine/docs/abodefeb2012>. Established after a showing of strong interest from women students, the clinic was set against a backdrop of an all-male faculty and sex-segregated classrooms. Among the newer QU faculty are graduates who have obtained their doctorates abroad and are amenable to new teaching and assessment methodologies. E-mail exchanges with Qatar University Visiting Professor and ABA ROLI Program Director Marlana Valdez, Sept.-Nov. 2011 (on file with author). The United Arab Emirates University faculty of law offers externships. Mahasneh & Thomas, *supra* note 41, at 4.

44. In 2005, a human rights legal aid clinic was established at the University of Hassan II in Mohammedia, Morocco, with support from ABA ROLI and the U.S. State Department. As in Egypt, Morocco's legal system is based on French civil law. The first of its kind in North Africa, the clinic is now under law faculty management. ABA, MOROCCO PROGRAMS, [http://www.americanbar.org/advocacy/rule\\_of\\_law/where\\_we\\_work/middle\\_east/morocco/programs.html#legal\\_education](http://www.americanbar.org/advocacy/rule_of_law/where_we_work/middle_east/morocco/programs.html#legal_education) (last visited Aug. 8, 2012). See PRACTICAL MANUAL FOR ACTIVITIES OF THE CENTRE DE CONSEIL ET D'ASSISTANCE JURIDIQUE POUR LES DROITS HUMAINS (Mar. 2006) (on file with author). ABA ROLI has been having discussions with senior Tunisian law faculty members about establishing human rights clinics with public education or live-client components at the Faculté des Sciences Juridiques, Politiques et Sociales de Tunis and the Faculté de Droit et des Sciences Politiques at the Université de Sousse. Interview with Legal Education Advisor Jeff Gold (May 4, 2012).

45. In sub-Saharan Africa, clinics have existed in Sierra Leone, Ghana, Nigeria, Kenya, Uganda, Tanzania, Zimbabwe, Botswana, Malawi, South Africa and Lesotho, although not all are affiliated with law schools. Thomas F. Geraghty & Emmanuel K. Quansah, *African Legal Education: A Missed Opportunity and Suggestions for Change: A Call for Renewed Attention to Neglected Means of Securing Human Rights and Legal Predictability*, 5 LOY. U. CHI. INT'L L. REV. 87, 100 (2007). Rwanda's Université Nationale Rwandaise and Université Libre de Kigali have each established a *clinique juridique*. See *Partners*, NUR, <http://www.law.nur.ac.rw/spiatphp?article17> (last visited Nov. 22, 2011); see also *National University of Rwanda*, TUFTS UNIVERSITY, <http://www.tufts.edu/talloiresnetwork/?pid=180> (last visited Nov. 22, 2011); see also *Kigali Independent University*, <http://www.ulk-kigali.net/index.php?page=programme—department-of-law> (last visited Nov. 22, 2011).

46. The Law Clinic at Alexandria University was inaugurated in Spring 2010, with the cooperation of The Protection Project at Johns Hopkins University, USAID and the Egyptian Ministry of Justice "to give both practical training to law students and free legal services [to] poor people." (prospectus on file with author). Mahasneh & Thomas, *supra* note 41, at 4. Professors at Assiut University Faculty of Law administer a generalist clinic and outreach "caravans," with funding from the Open Society Institute. Conversation with Dr. Mohamed El Hady, Executive Director and Dr. Ahmed Abdel-Sabour Abdel-Kariem Ahmed (Jan. 16, 2012). An environmental law and justice clinic opened its doors at Helwan University in February 2012, with technical and fiscal support from USAID

clinical campaign has been fostered in large part through technical assistance by visiting clinicians and legal specialists working for non-governmental and inter-governmental organizations.<sup>47</sup>

While the model is not intrinsic to common law,<sup>48</sup> the development of law school clinics is historically a creature of the Anglo-American system.<sup>49</sup> Yet, “the very idea that people in Arab societies would be receptive to being taught by Americans how to reform their legal systems in a climate of popular mistrust of the United States reflects some combination of elitism, hubris, and ignorance.”<sup>50</sup> It is important in

and ABA ROLI. ABA LEGAL AND CIVIC EDUCATION, LAW SCHOOL CURRICULUM DEVELOPMENT AND TEACHING ENHANCEMENT, [http://www.americanbar.org/advocacy/rule\\_of\\_law/where\\_we\\_work/middle\\_east/egypt/programs.html#legal\\_education](http://www.americanbar.org/advocacy/rule_of_law/where_we_work/middle_east/egypt/programs.html#legal_education) (last visited May 12, 2012). (Related materials on file with author). Having been exposed to the tenets of interactive teaching methodologies and the establishment of clinics at sister schools, faculty at other Egyptian law schools—e.g., Cairo University, Mansoura, Benha, Zagazit, Tanta and Monoufia—have also expressed interest in establishing their own clinics.

47. ABA ROLI has technical support programs focused on legal education reform, including development of law school clinics, in the Middle East, North Africa and throughout the world. See ABA LEGAL EDUCATION REFORM AND CIVIC EDUCATION, <http://apps.americanbar.org/rol/programs/legal-education.html> (last visited Dec. 2, 2011). The Open Society Justice Initiative has also been promoting clinical legal education and training. See OPEN SOCIETY JUSTICE INITIATIVE, CLINICAL LEGAL EDUCATION TRAINING MATERIALS, [http://www.soros.org/initiatives/justice/articles\\_publications/publications/clinic\\_20070206](http://www.soros.org/initiatives/justice/articles_publications/publications/clinic_20070206) (last visited Dec. 2, 2011).

48. For an overview of models for clinical education outside the United States, with an emphasis on rationale and the importance of diverse, organic and country-specific programs, see generally, Leah Wortham, *Aiding Clinical Legal Education Abroad: What Can Be Gained and the Learning Curve on How to Do So Effectively*, 12 CLIN. L. REV. 615, 617 (2006); Bloch, *supra* note 33, at 111.

49. While civil law countries have historically failed to embrace clinical education or professional skills training or *formation pratique*, the trend is moving toward required clinical education and practical training. See, e.g., Rosenbaum, *supra* note 14, at 80-81.

50. Mednicoff, *supra* note 23, at 344. Anglo-American jurists cannot “transport and transplant their technocratic techniques to such different legal soil.” *Id.* Even culturally competent ROL specialists cannot always account for suspicions that surround the use of foreign funds, whether governmental or non-governmental. In fact, in December 2011, Egyptian security forces searched the offices of several NGOs engaged in pro-democracy and human rights initiatives and seized computers and files and sequestered staff. Many of these organizations were accused of receiving foreign—especially American—funds and using the money to promote a “foreign agenda.” David D. Kirkpatrick & Steven Lee Myers, *Egyptian Forces Raid and Shut Civic Groups, Drawing Sharp U.S. Response*, N.Y. TIMES, Dec. 30, 2011, at 4. Prosecutors then filed criminal charges against 43 NGO staff members for illegally distributing foreign funds and operating unregistered organizations. Matt Bradley, *Egyptian Judges Step Aside in*

countries like Egypt and elsewhere to not simply sell “Made in America.” Beyond feelings of national pride, Egyptian academic players may discount U.S. models as financially unfeasible or not adaptable to the local culture, legal system, bureaucracy, or economic conditions.

One must adopt a model that is compatible not only with national legal institutions and practices, but also with the educational system. As the “clinical imperialism” approach is doomed to fail,<sup>51</sup> consultants should not be wedded to their “home country model” of what constitutes a law school clinic.<sup>52</sup> One veteran clinician, with experience in the Global South, has devised a ten-step program in clinic construction, complete with five foundational principles.<sup>53</sup> Under this definition of a clinic, it must be part of the law school curriculum, offered for credit,<sup>54</sup> and accompanied by a course using experiential methodology. Its students should be engaged in actual cases or projects and supervised by experienced attorneys on behalf of clients who may otherwise go

---

*Trial of Foreign Workers*, WALL ST. J., Feb. 29, 2012, at A17.

51. Bloch, *supra* note 33; this advice could also be heeded on home turf, *see* Rabé & Rosenbaum, *supra* note 32, at 297 n. 2 (commenting on divisions amongst law faculty engaged in the experiential education enterprise on what constitutes “clinical” education); *See also* Richard J. Wilson, *Ten Practical Steps to Organization and Operation of a Law School Clinic* (also available in Arabic *sub nom. A'shr Khatawat Amally Le-tanzeem w' tashgheel Al-eiyada Al-kanoneya bekoleyet Al-hokook* (straightforward guidelines for creating a clinic) (on file with author); *see also* Ojienda & Oduor, *supra* note 29, at 53-59 (suggestions on implementing clinical program at an African university).

52. Wortham, *supra* note 48, at 670-74. *See* Geraghty & Quensah, *supra* note 45, at 100 (qualifying “carefully supervised student externships” in government agencies, NGOs, and human rights organizations as a “clinical” model). On the other hand, Professor Dauphinais has observed that “experienced lawyers may be “too busy to assist in the development and training of the young lawyers” and “may merely perpetuate the relatively low standards of old.” Kirsten A. Dauphinais, *Training a Countervailing Elite: The Necessity of an Effective Lawyering Skills Pedagogy for a Sustainable Rule of Law Revival in East Africa*, 85 N.D. L. REV. 53, 91-92 (2009). This critique is familiar to externship detractors. *But see*, Ojienda & Oduor, *supra* note 29, at 56-57 (externships, together with classroom simulations, give students clinical experience that is otherwise absent in law school curriculum).

53. Wilson, *supra* note 51. Professor Philip Iya writes that clinical education in Africa may be called “skills training” or “professional training.” Iya, *supra* note 12, at 18. These are concepts that tend to be devalued by American purist clinicians, as well as doctrinal law faculty. “The former view them as a diluted form of the live-client, intensive supervision and reflective lawyering experience, and the latter dislike the trade school connotation.” Rosenbaum, *supra* note 14, at 82 n. 121; *see also* Ojienda & Oduor, *supra* note 29, at 53-56 (discussing how curricular objectives in support of social transformation are met through simulation and live-client representation).

54. This is not necessarily a deterrent to student enrollment. Geraghty & Quansah, *supra* note 45, at 101.

unrepresented. “. . . [A] law school can call its clinical legal education program by any name— live-client clinic, legal aid, field placement (externship or internship), street law, simulation or role-play, apprenticeship or any other local name— so long as the focus is on student experiential learning — learning by doing — for academic credit.”<sup>55</sup> Pedagogically, financially, and/or logistically, the leap to an in-house clinic may be just too great for some institutions— at least in the initial stages of experimenting with experiential education.<sup>56</sup> Although some clinicians remain lukewarm on externships or field placements, these live-client options have actually evolved into a robust and credible vehicle for learning and practice.<sup>57</sup> In addition to the national and international support networks mentioned below, there are guidelines<sup>58</sup> and blueprints<sup>59</sup> for the would-be clinician to consult.<sup>60</sup>

---

55. Richard J. Wilson, *Western Europe: Last Holdout in the World-wide Acceptance of Clinical Legal Education*, 10 GERMAN L.J. 823, 829 (2009). Apologies to Professor Maisel who does not view solely “street law” or community legal education as clinical legal education. Peggy Maisel, *Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Can Learn from South Africa*, 30 FORDHAM INT’L L.J. 374, 379 (2007). *But see*, Bloch, *supra* note 45, at 123 (value of a clinical program centered on street law). Sometimes, limited staffing, faculty resources and student capabilities, only permit correspondingly limited forms of clinical advocacy, such as *ragel el shera* (street law). *See also, infra* note 108 (clinic applicants enthusiastic for consciousness-raising that is the foundation of community legal education).

56. For an explanation of the “live-client” clinical concept and detailed pedagogical guidance, *see generally* DAVID F. CHAVKIN, *CLINICAL LEGAL EDUCATION: A TEXTBOOK FOR LAW SCHOOL CLINICAL PROGRAMS* (2002).

57. *See, e.g.*, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, STANDARD 305 (STUDY OUTSIDE THE CLASSROOM), *available at* [http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html); *see also* LEARNING FROM PRACTICE (J.P. Ogilvy, Leah Wortham & Lisa G. Lerman eds., 2d ed., 2007).

58. The Open Society Justice Initiative uses a clinic proposal form for legal capacity development that serves as a useful checklist. OPEN SOCIETY JUSTICE INITIATIVE, CLINICAL LEGAL EDUCATION TRAINING MATERIALS, [http://www.soros.org/initiatives/justice/articles\\_publications/publications/clinic\\_20070206](http://www.soros.org/initiatives/justice/articles_publications/publications/clinic_20070206) (last visited Nov. 30, 2011).

59. *See e.g.*, Rosenbaum, *supra* note 14, Appendix II (“blueprint” for year-by-year establishment of a clinic in a developing country with no clinical history and limited resources). *See also* Carrie Hempel, *Writing on a Blank Slate: Creating a Blueprint for Experiential Learning at the University of California, Irvine School of Law*, 1 UC IRVINE L. REV. 149 (2011) (setting out rationale and sequencing of a “well-coordinated and complimentary experiential learning program that begins in the first year and continues through all three years” of newly founded American law school).

60. After working in a rule of law partnership with a Haitian law school for over a decade, utilizing what he terms a “slow law” approach (akin to the “slow food”

It is beyond the scope of this article to address adequately the myriad of models and pedagogical and practical questions that surround the clinical concept. Much ink has been devoted to this topic.<sup>61</sup> Yet, when the newly-initiated speak of wanting to establish a Legal Clinic, it may really be a metaphor for creating a culture of skills-based and interactive teaching. “Applied legal education” may be a more useful term for what they desire, insofar as it describes “a reflective and experiential learning<sup>62</sup> process without the economic and efficiency pressures of the workplace, to help students understand how the law works in action. . .”<sup>63</sup> In any event, clinical education cannot be divorced from the rest of the curriculum.

The groundwork must be laid through skills-based, interactive education—*before* attempting to launch a full-fledged clinic. It cannot be materialized merely because a law school dean or ministry official is infatuated with the trend or because an international donor agency has decided to make clinical education a priority. Moreover, clinical teaching ability is not something one develops by attending a single workshop or Training-of-Trainers (TOT).<sup>64</sup> I do not mean to temper enthusiasm or advise a lengthy incubation period. However, without adequate institutional support, student preparation, and faculty know-how and passion, the Legal Clinic will likely flounder or founder. Once it has failed, it may be hard to resurrect.

---

movement), Professor Richard Boswell takes an extreme position, in cautioning against setting a certain set of outcomes or deliverables. Have “no expectations” about results. Rosenbaum, *supra* note 14, at 90 n. 157.

61. For a bibliography of articles on clinical education, see J.P. Ogilvy & Karen Czapanskiy, *Clinical Legal Education: An Annotated Bibliography*, 11 CLIN. L. REV. 1 (2005).

62. Shortly after joining the faculty at California’s newest public law school, the Associate Dean for Clinical Education and Service Learning observed that the definition of a “clinical” course or “experiential learning” is a subject of debate. The latter term, in her view, refers to “any activity, whether for academic credit or not, in which a law student performs legal tasks on behalf of a real client,” including supervised *pro bono* work, externship courses supervised by an attorney not formally affiliated with the law school, and clinical courses in which the supervising attorney is also a professor. Hempel, *supra* note 59 at 147 n. 1. See also, Rabé & Rosenbaum, *supra* note 32 (noting divisions amongst faculty concerning definition of “clinical”).

63. See CENTER FOR THE STUDY OF APPLIED LEGAL EDUCATION, at <http://www.csale.org/need.html> (“providing sorely needed pro bono representation to the poor” as an element of the definition).

64. This acronym has been a part of the jargon of U.S. workshop organizers and other educators for decades and has entered the lexicon of Egyptian legal professionals who receive funding from donor agencies.

## III. CLINICAL CHALLENGES

Creating and nurturing a Legal Clinic should not be undertaken lightly. The obstacles to developing law school clinics in Egypt are common to conventional undergraduate institutions in civil law countries.<sup>65</sup> The challenges have more to do with traditional legal *educational* models than with the country's particular legal scheme or appreciation for the Rule of Law.<sup>66</sup>

Law school classes in Egypt are almost exclusively devoted to theory, delivered lecture style, often unamplified in a large and overflowing hall, with minimal to no student interaction or opportunities for practical training.<sup>67</sup> The focus is on rote learning<sup>68</sup> of a large number of subjects and students are taught "in an educational culture that is not student-centered, that is lecture-based, and that favors passivity and deference."<sup>69</sup> One commentator has concluded: "With this tiresome average course load, students sacrifice deep assimilation for superficial memorization, though all parties seem content with this performance due

---

65. Wilson, *supra* note 51, at 830-38 (addressing alleged barriers to clinical education in civil law systems and, more generally, in the European educational context).

66. See Lindsey, *supra* note 24. These obstacles are not particular to law faculties, but part of a university system that is grappling with change, and resistance to change, since the fall of Mubarak.

67. Mohamed Serag, *Legal Education in Egypt*, 43 S. TEX. L. REV. 615, 616 (2002). Islamic Studies Professor Mohamed Serag of the American University in Cairo writes: "There is no interaction between professors and their students. As a result, memorization is expected to replace discussion. Admittedly, quantity of this sort obliterates quality." *Id.* at 616. This is also the experience in Jordan, and elsewhere in the Mideast and Africa: see Mahasneh & Thomas, *supra* note 41, at 7-8; Hamoudi, *supra* note 42, at 118; Geraghty & Quansah, *supra* note 45, at 90, 97, 100; Dauphinais, *supra* note 52, at 67-69, 91.

68. Al Quds University Law President Sari Nusseibeh calls rote learning a "disease," the source of which he traces to "a tradition of learning that embodied everything wrong with Palestinian education. Rote learning was the norm at Al-Quds, a parrotlike repetition of facts closely aligned with social conformity. Students for the most part reproduced existing social norms, thus merely adding more conformists to a social system already resistant to change and criticism." Chavkin, *supra* note 40, at 15.

69. Dauphinais, *supra* note 52, at 95. At an ABA ROLI-sponsored event (what one colleague dubbed a "quasi-public conversation" for junior attorneys and law faculty members) in Cairo on November 19, 2011, under the banner "Advocacy in a New Egypt: The Lawyers, The Profession, and the Society," some invitees complained of outdated and erroneous texts and a curriculum heavy on theory and devoid of instruction on professional ethics. One participant suggested that "professors feel bored while delivering their own lectures." Participants formed small working groups to catalogue problems and solutions.

to the absence of any system of revision or evaluation.”<sup>70</sup>

Being accustomed to overly formalistic, theoretically-based teaching is just one barrier to change. There is only a small cadre of professors who are attempting innovative teaching methodologies. Their efforts have come about largely through international exchanges at home and abroad—conferences, training workshops, study tours, and expert consultations. These faculty members, who are usually junior in rank and tenure, must develop the necessary skills and curriculum to launch any kind of applied legal educational initiative. There is little genuine institutional support for their trailblazing efforts.<sup>71</sup> Moreover, whereas most Egyptian law schools are divided into departments—*e.g.*, public law, private law, international law—there is no real tradition of departmental meetings, much less professional collaboration on research, curriculum development, or in-house scholarly exchanges.

Collegial resistance, whether from deans or peers, can dampen the efforts of faculty who want to pilot innovative techniques and eventually launch clinics.<sup>72</sup> “Legal Clinic” or “interactive teaching” may be bandied

---

70. Serag, *supra* note 67, at 616. Professor David Barnhizer makes the astute observation that

most professors outside the US really do not want close, intensive or frequent contact with students, as opposed to standing at a distance and ‘professing’. They may . . . fake it while you are watching and turn it off as soon as you (or I) are out of the room.

Author’s correspondence with David Barnhizer, Emeritus Prof., Cleveland-Marshall School of Law (Sept. 7, 2012) (on file with author).

71. It is easy to underestimate the various disincentives for faculty participation. Helping to develop a clinic will often not be compensated by promotion in rank, release time from other teaching obligations or financial remuneration. Lack of monetary compensation, in particular, can be a real obstacle in a country where the professoriate is not well-paid and volunteerism is not its own reward. Cliché or not, the professor who undertakes clinical teaching must do so because she is individually inspired or motivated, often after being exposed to the concept through study abroad or a series of workshops. In the words of two seasoned legal educators: “The reality . . . is that wherever clinical education has been introduced . . . it got there with a struggle.” Frank S. Bloch & N.R. Madhava Menon, *The Global Clinical Movement*, in *THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE* 275 (FRANK S. BLOCH, ed.) (2011).

72. The resistance to change is, in part, the legacy of highly politicized and entrenched university faculty and administrators who fear losing their “meager privileges and prerogatives. . .” Lindsey, *supra* note 24, at 4. See also Hamoudi, *supra* note 42, at 123 (describing resistance from senior faculty at Baghdad University). After more than three decades of clinical innovation and reports chastising law schools in the birthplace of clinical education, old ways remain in the United States as well. David Segal, *What They Don’t Teach Law Students: Lawyering*, N.Y. TIMES (Nov. 20, 2011), available at <http://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be->

about like buzzwords, understood in name only. There is no university-level or national agreement on the use of interactive teaching techniques, as some doubt the effectiveness of these teaching tools and how appropriate they are in the law school setting.

Furthermore, a donor agency or non-governmental organization (NGO) that provides funds or technical assistance to the law faculty may actually contribute to the resistance. An emphasis on deliverables, timelines, and outcomes that are unrealistic can taint the necessarily organic developmental process. An agency or NGO may also bring a certain amount of political baggage to a clinic or a campaign for curricular reform.<sup>73</sup> Given the fiscal and bureaucratic realities, grant-makers cannot be ignored, but it is also important not to let a grant drive the whole clinical enterprise.

In addition, almost none of the new generation of faculty innovators has any experience as a practitioner. For the most part, professors are recruited directly from the law faculty after earning a Ph.D., with no law practice experience or training.<sup>74</sup> In fact, there is a legal prohibition on practice that inhibits the acquisition of both teaching and lawyering skills, at least as the law is understood by some of the affected members of the Academy.<sup>75</sup>

lawyers.html?pagewanted=all&\_r=0.

73. Recipients of funds from the United States Agency for International Development (USAID) have been particularly vulnerable. *See supra* note 50. The regulations governing USAID actually anticipate a situation where the agency's logo or other identifying information could "compromise the intrinsic independence or neutrality" or "diminish the credibility" of a grantee's activities and message. 22 C.F.R. §226.91(h)(1)(i)-(ii) (2012).

74. Referring to the experience in South Africa, which unquestionably represents the clinical vanguard on the African continent, Professor Peggy Maisel observed that the lack of capacity stems initially from the fact that virtually none of [the] . . . law professors had the opportunity to participate in clinics themselves while in law school. Therefore, they were forced both to establish law clinics and to create a related curriculum without having had any personal experience of what a clinic looked like or how it operated.

Maisel, *supra* note 55, at 409-10.

75. The ability of university academics to practice law is restricted under Egyptian Advocates Law 17/1983, art. 39/2, although it is unclear whether this provision applies only to faculty below the rank of professor. The rationale seems to be that junior academicians should be devoting all their time to teaching and research. Surely, they are not a competitive threat, as there are only about 1,000 law faculty members in Egypt compared with 450,000 lawyers. Author's correspondence with Dr. Ahmed Samir, Mansoura University Faculty of Law (Nov. 30, 2011) (on file with author). Iraq also restricts practice of law by professors. Hamoudi, *supra* note 42, at 123-24.

Student culture and expectations are another mitigating factor. This flows in part from the teaching norms to which students are accustomed. A professor who does anything other than lecture or read from his book at the lectern—*e.g.*, ask questions, require students to role play or lead a discussion—may not be perceived as credible. Worse, he will be the subject of ridicule or complaints to the Dean. Because student assessment depends entirely on performance during one written examination,<sup>76</sup> students lack incentive to respond favorably to an interactive process.<sup>77</sup> The professors, in turn, decry their inability to assess student performance other than by examination.

Some scholars have suggested that undergraduate students who enter the faculty of law right out of secondary school may have too little background or professional orientation at that stage to fully participate in a conventional, American-style legal clinic designed for would-be lawyers.<sup>78</sup> A clinical program for an older teenager at an undergraduate college of law in a “lecture-based, code-dominated curriculum” may look different than it would for her American law school counterpart. The American student tends to be older, desirous of a career in the legal field and engaged in an “interactive and advocacy-oriented course of study.”<sup>79</sup> Nevertheless, universities in other countries that enroll students in law faculties just after secondary school have recognized the need for practical training at the early stages of legal education. This is now the official policy in European tertiary education.<sup>80</sup> The challenge in introducing the clinical or more interactive educational model, however, is really more fundamental than the students’ undergraduate status.

A frequently mentioned obstacle in Egyptian law schools is the inordinately large class size. This is a result of well-intended Nasserist-

---

76. The Salafist Nour political party, while having its own Islamist-inspired educational agenda, lambasted the lecture and exam process as “obsolete,” and “senil[e],” “treat[ing] students as receptacles to be stuffed with information all year long, to be emptied onto examination papers at the end of the year. . .” Lindsey, *supra* note 24 at 10.

77. On the other hand, students may find that “active engagement creates an atmosphere conducive to learning which is almost infectious. . .” and leads to a cooperative and noncompetitive spirit. Marson et al., *supra* note 36, at 38-39.

78. Bloch, *supra* note 33, at 115.

79. *Id.* See also, Marson et al., *supra* note 36, at 41-42 (noting appropriateness of clinics at undergraduate level).

80. Public Interest Law Initiative, CLINICAL LEGAL EDUCATION AND THE BOLOGNA PROCESS (2006), available at [http://old.pilnet.org/dmdocuments/pili\\_papers\\_2\\_3.pdf](http://old.pilnet.org/dmdocuments/pili_papers_2_3.pdf); see also Wilson, *supra* note 51, at 839-43 (discussing accreditation trends in European civil law countries favoring clinical and experiential education).

era policy that guarantees free postsecondary education to all Egyptians.<sup>81</sup> Since the 1960s, the general population has more than doubled, and there are very few university prerequisites. Moreover, students who fail their law school courses can repeat their classes multiple times. Lastly, the physical expansion of university campuses has also created a dearth of administrative space and classrooms, leading to noisy auditoriums.<sup>82</sup>

One prominent attorney explained that, unlike the “hard” sciences, a law faculty does not require financial investment in laboratories, equipment, and supplies.<sup>83</sup> Thus, law schools have become the default higher education option for students with the lowest grades<sup>84</sup> who have minimal to no second language skills, and are the least motivated. They can be more cheaply educated in large classes than students in medicine or engineering. They may also come to the university from resource-poor

---

81. Serag, *supra* note 67, at 616 (discussing admissions policy). For example, in the 1960s, Alexandria University law faculty admitted 300 students annually. By 1997, the number had risen to 7,000. *Id.* Almost fifteen years later, the number has likely doubled. Author’s correspondence with Dr. Fayez Mohammed, Alexandria University (Nov. 30, 2011) (on file with author). Professor Serag’s assessment is sobering: “The need for high quality legal education has been undermined by Egypt’s promise of free education. The government cannot withdraw its promise of free education or establish enough new universities to facilitate the enormous number of secondary certificates needed.” Serag, *supra* note 67, at 616. Despite their large share of the national budget, Egypt’s universities have not been adequately funded to keep pace with the huge increases in student enrollment. Lindsey, *supra* note 24 at 2-3.

82. Serag, *supra* note 67, at 616. A number of former law students have complained that they cannot even hear the professor’s lecture due to poor or non-existent sound systems. This means students cannot hear each other, and the professor cannot necessarily hear them. I experienced the latter problem when I spoke to an amphitheater filled with hundreds of excited students at Helwan University.

83. Author’s interview with Cairo University adjunct professor and lawyer Mohamed S. Abdel Wahab (Nov. 19, 2011). Abdel Wahab opined that one disincentive to downsizing classes is the loss in income to low-paid faculty members, insofar as they are unable to sell to students as many of the textbooks or course readers that they have authored.

84. At a gathering for jurists, one lawyer told the author that a law student is typically asked: “Oh, did you get bad grades in high school?” See also Serag, *supra* note 67, at 616 (students with high grades tend to opt for medicine or engineering while those with lower grades choose languages, literature and law). Professor Serag writes that by the time these students, who are “coerced” into studying law, “discover the charm and fascination” of the subject, they are ready to graduate. *Id.* at 617. A similar reputation for the law school as a dumping ground exists in Jordan. See Mahasneh & Thomas, *supra* note 41, at 7 (medicine and engineering schools are the destiny of students with higher entry scores).

secondary schools, compounding their inadequate preparation.<sup>85</sup> This is problematic for both initiating interactive teaching and providing a clinical experience to all but a handful of students.

Law faculties have attempted to respond to these problems in a number of ways. One answer to overcrowded classes was the creation of English and French language sections or departments. In most law faculties, the *section française* is considered the most prestigious.<sup>86</sup> It has the smallest class size, its students are taught by visiting professors from France and, in addition to their Egyptian law degree, students may earn a *diplôme* from a French university, such as the Sorbonne. The almost equally elite English sections are also smaller than the massive Arabic-language classes. Students take the regular required curriculum plus courses in English, but they do not earn a parallel degree from a British or American institution. There is no language test administered for either of these sections, although the students in them generally received higher secondary school grades.<sup>87</sup>

The benefits of smaller class size<sup>88</sup> are obvious, and the desire to enroll in these sections may be a proxy measure for motivation and talent, but this does leave behind the majority of arabophone students and creates an unhealthy hierarchy within law schools and the legal profession.<sup>89</sup> The privileged status associated with the English and French sections opens up connections for some students only. It also

---

85. See Dauphinais, *supra* note 52, at 95.

86. While English is a universal and utilitarian language, one may question the value of an Egyptian studying law in French, except for a small number of would-be academics and appellate attorneys. Beyond sustaining various francophone institutions dependent on *un certain nombre* of worldwide jurists who pay attention to contemporary French legal developments, the existence of a French section ensures a steady supply of doctoral candidates destined for the Métropole. These students often return to Egypt to teach in their respective law faculties, having been exposed to methods that are not as innovative as common law countries' pedagogies. See Rosenbaum, *supra* note 14, at 75 (noting resistance of civil law countries, especially France, to clinical education).

87. The professors' English language skills may be minimal for discussion purposes and their pronunciation incomprehensible. As for the students, whatever their *literacy*, their *verbal* proficiency also varies widely.

88. A small class in Egypt is perhaps 300 to 400 students.

89. For divergent views on the importance of law school instruction conducted in the primary national language as opposed to a universal language, *viz.* English, see, Naveed Ahmad, *Designing and Implementing a Legal English Course to Develop the Rule of Law in the Context of Transition in Pakistani Society*, in *THE EXPORT OF LEGAL EDUCATION: ITS PROMISE AND IMPACT IN TRANSITION COUNTRIES* 104, 120-21 (Ronald A. Brand & Wes Rist eds., 2009) (noting that Urdu is more accessible for students, although the language of the law is English).

sends a message that education in the historically, culturally, and geographically important Arabic language is less worthy and that enrollment in the Arabic track will lead to inferior postgraduate opportunities.<sup>90</sup>

Another impediment to clinical methods worth noting is a factor that affects the social justice orientation of clinics as well as the legal profession as a whole. More than one young lawyer has observed that law school and lawyers are not held in high esteem in Egyptian society when compared with other professionals, such as engineers, and with lawyers in most other countries. This stems in large part from the “dumping ground” image that law faculties suffer due to the admission of so many poorly achieving students.<sup>91</sup>

To be sure, there are highly-regarded individual attorneys and firms, but law graduates “tend to be dismissed by the general population as low level scribes and facilitators of corruption, carrying bribes from a client to a judge or government official.”<sup>92</sup> The most ambitious graduates are headed toward international firms or transnational enterprises, with days devoted to mergers, acquisitions and arbitration. There seems to be little encouragement to pursue an equally prestigious legal career in human rights or representation of the poor and otherwise disenfranchised. Finally, due in large part to the lack of higher education options and labor market dynamics, many of these students will neither seek nor find a career in law. For them, even the most innovative teaching methodologies, including clinics, are not a sufficient motivating

---

90. It is common knowledge in Egypt that one typically needs personal or familial connections to obtain a desirable legal job. Eliminating English and French sections will not *ipso facto* erase privileges these students may have, but could be symbolically important. The acquisition of a second (or third) language is important in the global marketplace, but that should be a goal in its own right, with appropriate institutional support and incentives. Similarly, offering smaller classes and advanced seminars is laudable, but enrollment should be based on criteria other than high school grades or self-tested language proficiency.

91. In a speech to members of the Cairene bar, noted arbitration expert and former professor Ahmed El Kosheri bemoaned “the flooding of law schools” with low grades, an unfortunate trend during the past few decades, accompanied by an erosion of professional integrity. Cairo Regional Centre for Int’l Commercial Arbitration & ABA ROLI, Mentoring Reception, Cairo. (Nov. 24, 2011). *See also* Serag *supra* note 67, at 616 (noting correlation between low grades and students enrolled in law faculties).

92. Hamoudi, *supra* note 42, at 114. Professor Hamoudi’s reference is actually to *Iraqi* law graduates, but the description seems *à propos* in the Egyptian context, in particular those who practice in the criminal courts or who end up in small retail businesses. Notwithstanding the popular image of law study and lawyers, the field attracts talented students as well. Serag, *supra* note 67, at 617.

factor to influence their performance.

#### IV. MOVING FORWARD

There are four primary areas in which a foundation must be laid for a successful clinical legal education program. First, designated professors and other staff must be involved in the development and implementation of a curriculum that incorporates interactive and other innovative teaching methods, including professional skills acquisition. This will typically require collaboration and incentives to innovate. Second, instructors with a practitioner background must be part of this effort, invited from outside the University if necessary. Third, students must be engaged in classroom, co-curricular, and extracurricular activities that allow them an applied educational experience. This may necessitate new methods for evaluating their performance and modifications in the size and composition of the classroom. Finally, the dean or other senior faculty or university administrators must provide institutional support and appropriate financial, personnel and/or material resources.

Normalizing curricular innovation is a long-term process that requires a critical mass of faculty or at least a small, tenacious and mutually supportive group of colleagues. These are the people who are responsible for piloting new curriculum and they will need extensive help to do so. Collaboration can occur within departments or law faculties, as well as between faculties and universities. Staff can be paired on the basis of research or mutual interest in innovative teaching. With assistance from the American Bar Association Rule of Law Initiative, a number of Egyptian faculty members have already worked across law campuses to develop interactive course plans for subjects ranging from lawyering skills and civil procedure to international criminal law and ethics.<sup>93</sup> A group of young legal educators recently founded the Egyptian Law Teachers Database and Network,<sup>94</sup> which has

---

93. See Charles Robert Davidson, *Introduction to Curriculum Development and Interactive Teaching Methods*, in CURRICULUM DEVELOPMENT MANUAL: INTEGRATING LEGAL SKILLS, INTERACTIVE TEACHING AND LEARNING IN EGYPTIAN LEGAL EDUCATION 8 (2011), [http://www.eltnd.com/uploads/images/14/Curriculum\\_Development\\_Manual\\_-\\_EN.pdf](http://www.eltnd.com/uploads/images/14/Curriculum_Development_Manual_-_EN.pdf) (*kotayeb tatweer almanahag alderaseyah, damg almaharat alkanoneyah w altadrees w' alta'leem altafa'oly fe magal alta'leem alkanoony almasry*). The manual discusses curriculum development process and interactive teaching methodology. It contains six sample course plans prepared by law faculty members from nine different Egyptian universities.

94. An Arabic-language website was established by the Network in 2011 to promote interactive teaching, curricular innovation and sharing of course materials. See

the potential to conduct training on clinical techniques, facilitate exchanges of curriculum plans and strategies, and foster a new pedagogical culture.

More international cooperation amongst clinicians and law faculty, and between academia and the bar, should also be encouraged. The Global Alliance for Justice Education (GAJE)<sup>95</sup> and the *International Journal of Clinical Legal Education*<sup>96</sup> hold regular conferences and are important clearinghouses, particularly for clinicians outside of Europe and North America. Teaching and practice are complementary. As there are barriers, or perceived barriers, to younger faculty engaging in both teaching and law practice,<sup>97</sup> one option is to hire adjunct practitioners—be they lawyers, or judges at the respected *Conseil d'Etat*, courts of first instance, or appellate courts. If there are bureaucratic barriers to hiring adjuncts, these individuals should be engaged as guest speakers, advisors, or mentors.

Short-term innovations, with few to no bureaucratic barriers, are the introduction of extracurricular activities conducted with the support of professors, lecturers or teaching assistants. Practicing lawyers and local judges can also assist, as can senior students. These activities include moot court oral advocacy or legal writing competitions.<sup>98</sup> Egyptian

---

<http://www.eltnd.com> (last visited Nov. 28, 2011).

95. Law teachers, judges, legal practitioners and activists from five continents convened in 1996 to form this organization to promote “socially relevant legal education.” With members from over 50 countries, GAJE facilitates cross-national educational exchange programs and joint research projects. Its goals include support for “innovative justice education, especially in developing countries” and serving as a teaching methodology and materials clearinghouse. See <http://www.gaje.org> (last visited Dec. 8, 2011). For more about GAJE and the building of a worldwide movement to “advanc[e] the cause of justice through legal education,” see Bloch, *supra* note 34, at 131-38.

96. See [http://www.numyspace.co.uk/~unn\\_mlfl/school\\_of\\_law/IJCLE/](http://www.numyspace.co.uk/~unn_mlfl/school_of_law/IJCLE/) (last visited Dec. 6, 2011). The Open Society Justice Initiative sponsors an invitation-only online resource, the “Legal Clinics Community,” <https://karl.soros.org/communities/clinics-community/> which has protocols and guidelines available for downloading, including a number of documents in Arabic.

97. See Author’s correspondence with Dr. Ahmed Samir, *supra* note 75.

98. The First Egyptian National Moot Court Oral Advocacy Competition was held in April 2012 with support from USAID and ABA ROLI and adapted a case from Oxford University’s Price Media Law Moot Court Programme. (Moot Court Guide on file with author). The competition was modeled on that of neighboring Jordan, which has conducted a popular national moot court competition for the past several years, under the sponsorship of ABA ROLI and the Ministry of Justice. Mahasneh & Thomas, *supra* note 41, at 9. An International Criminal Court moot competition was held at Alexandria University in 2011. This event, featuring mock trials of Muammar Qadafi and of Bashar

students, eager for the practical experience, typically do not receive academic credit. Faculty would undertake these activities in addition to regular teaching duties, and members of the bar and bench could give their time *pro bono*. Externships,<sup>99</sup> in summer, or part-time during the school year, should also be encouraged, and can be the building blocks of a clinical program. This may require an exception to Egypt's rule restricting representation in court by non-lawyers, to allow students to appear under the supervision of a member of the bar.<sup>100</sup>

Students can also engage in informal outreach or "awareness raising" activities on local or national issues with the support of NGOs.<sup>101</sup> Finally, courtroom observation is an activity that can supplement a lecture course—at the students' own convenience and without labor-intensive faculty oversight.<sup>102</sup> More ambitious and

---

and Maher Assad, and run completely by students with volunteer alumni attorney support, attracted a lot of student interest.

99. Law graduates who register with the bar association are already required to apprentice for a period of time with a law office in order to maintain their bar membership. This seems to be a rule which is easily evaded by way of formalities on paper. Author's interview with attorney Akram Razek (Dec. 13, 2011). *See also* Serag, *supra* note 67, at 620-21 (recommending that post-law school training not be relegated to a lawyer selected by the new graduate). The respected National Center for Judicial Studies offers a rigorous and practical training program, but it is limited to the competitively recruited prosecutors and other government lawyers and to judges. *Id.* at 618.

100. Egypt is not the only Arab country with a ban on student practice. *See* Hamoudi, *supra* note 42, at 124. For a discussion of bar association ambivalence about student practice, *see, e.g.*, Rosenbaum, *supra* note 14 at 59, 86 (concern generally centers on competition for clients, professional integrity or both). The restriction on students and junior faculty in practicing law is somewhat ironic in light of the almost automatic grant of bar membership upon graduation. A number of recent Egyptian graduates have suggested that, in addition to stricter admissions qualifications for law school, there should be an examination requirement for prospective members of the bar.

101. *See* Iya, *supra* note 12, at 17 (noting how some African clinical programs encompass activities outside of clinics, such as paralegal training, information dissemination and production of simplified legal materials). I was fortunate to participate in interviews for student applicants for the Helwan environmental law clinic. Several enthusiastic young women, who live near the factories in this heavily polluted Cairo suburb, talked about their prior work with a charitable NGO and each independently embraced the idea of conducting local consciousness-raising activities as a clinic project, in partnership with an NGO. (Dec. 5, 2011.)

102. Hamoudi, *supra* note 42, at 19 (noting that some Iraqi law schools require court observation for students in their final year, with mixed success). For some benefits of court observation, *see e.g.*, Emily Hughes, *Taking First-Year Students to Court: Disorienting Moments as Catalysts for Change*, 28 WASH. U. J. L. & POL'Y 11 (2008) (explaining that students could attend perhaps one orientation assembly where they

expensive options are student exchange programs and international conferences. Although students in their third and fourth year should be the target audience for clinic participants and other innovations, first and second year students should also be exposed to interactive teaching and to some of the extracurricular activities to generate excitement, preparedness and continuity.

As for the fundamental problem of large class size, the solution lies in major changes in national education policy. The government can maintain optimal and affordable access to tertiary education without over-enrolling students in the law faculties, particularly those who are ill-prepared. In addition to providing earlier educational support for students, at the primary and secondary levels, students can be redirected to other faculties. Perhaps a slightly more feasible policy change in the near term is for law schools to create more internal sections or divisions to decrease class size and to initiate programs for students not destined for the attorney workforce.<sup>103</sup>

Law faculties might even consider creating a department or section for paralegal or lay advocacy studies.<sup>104</sup> This could attract a subpopulation of students whose skills, aptitude, and interests are not suited for the regular law school curriculum. It would also help build a workforce of knowledgeable and affordable paraprofessionals who could be of service on certain matters to a poorer or rural clientèle.<sup>105</sup>

There might be other means of designing smaller classes. Ultimately, to reduce class size, universities will need to hire more professors, but they could also make more use of lower-ranked faculty, adjunct faculty, *pro bono* practitioners, graduate teaching assistants and even fourth year law students who function as peer mentors, tutors,

---

would be provided a checklist. After their observation and note-taking they could be required to conduct a peer review with one or more classmates.)

103. Professor Wilson argues that class size need not be a barrier to establishing legal clinics, despite the high student to faculty ratio. As the clinic should be limited to upper-level students, and only as an elective, the pool of eligible participants ultimately will be composed of the “highly motivated.” Wilson, *supra* note 51, at 834. As Professor Serag writes, “[T]alented students always know their way.” Serag, *supra* note 67, at 617.

104. Stephen A. Rosenbaum, *The Juris Doctor Is In: Making Room at Law School for Paraprofessional Partners*, 75 TENN. L. REV. 315 (2008) (urging law schools to co-educate future lawyers with future lay advocates and paralegals).

105. This presupposes a certain orientation of paralegal students while in law school and the necessary geographic and income-based supply-and-demand upon graduation. *Id.* at 329-41 (describing paralegal and lay advocacy skills curriculum). The program could also graduate students who are well-trained and more affordable for employers at law firms, government ministries, NGOs and other businesses.

discussion leaders and skills trainers.<sup>106</sup>

The establishment of English and French sections was one attempt to do reduce class size and perhaps skim off an elite subgroup,<sup>107</sup> but this arrangement should be reconfigured so that it is not linked *per se* to a self-assessment of second language proficiency. Students should be selected based on aptitude and interest, and offered a curriculum that is interactive and skills-based, without necessarily being taught in a language that is not conversant for students and professors alike.<sup>108</sup>

The so-called “open education” programs<sup>109</sup> or “partnerships” (*intissab*) could be expanded to accept students who receive lower grades after admission to law school or those who enroll by default, *i.e.* lacking other postsecondary school options. Universities should also consider schemes that may reduce admissions or enrollment into law faculties. For example, they can limit the number of years a student may repeat after failing, require higher scores for admission to the faculty, introduce placement examinations, or institute modest fees. In any event, the

106. Excluded from this list are the many variations of the virtual Academy, a controversial option being hotly debated in American academia as a cost-savings and “access” measure. *See, e.g.*, Josh Eidelson, *Fighting Privatization, Occupy Activists at CUNY and UC Kick into High Gear*, NATION (Dec. 16, 2011), available at <http://www.thenation.com/article/165195/fighting-privatization-occupy-activists-cuny-and-uc-kick-high-gear?page=full#> (quoting Berkeley Law’s Dean Christopher Edley as calling for “Berkeley to build more virtual campuses, rather than ‘bricks and mortar’ ones.”).

107. Lindsey, *supra* note 24, at 10 (writing that because these smaller sections may charge additional fees, they are also part of a cost-sharing measure).

108. One attorney, associated with the local branch of a large international law firm, confided that although enrolled in the English language section at Egypt’s most prestigious public law faculty, she was often stymied because many of her allegedly English proficient classmates lacked the ability required for more in-depth reading, discussion, or research. Law students should be encouraged to take courses in English, French, or other languages where they are able to participate at the same level. Their objective in these courses would be language skills improvement *per se* or mastery of a subject dependent on foreign language fluency, *e.g.* intellectual property, arbitration, European Union jurisprudence or theories of the *Code Civile*.

109. *See, e.g.*, Assiut University Open Education Program, Faculty of Law, [http://www.aun.edu.eg/faculty\\_law/Open\\_Education\\_Program.php](http://www.aun.edu.eg/faculty_law/Open_Education_Program.php)

(last visited Feb. 21, 2012); *see also* Lindsey, *supra* note 24, at 10. Open education, which appears to be a curricular option for managing student overflow, is designed for students who have lower high school grades and/or are enrolled part-time. In fact, they may only be enrolled in school for the sole purpose of taking their exams. If this sounds like “education on the cheap,” it may well be the Government’s only option, short of expanding the number of law schools or instituting tuition; fiscal and political constraints rule out those options. Serag, *supra* note 67, at 616.

stigma and exploitation associated with this sector must give way to more meaningful education.

Finally, with institutional approval, a more fundamental reform might be the addition of a fifth year—or an accelerated fourth year—for high achieving and self-directed students, devoted to an array of clinical activities in smaller skills simulation classes and research and discussion seminars, externships and, eventually, an in-house live-client clinic.<sup>110</sup> The recently established National Authority for Quality Assurance & Accreditation of Education (NAQAAE)<sup>111</sup> might be helpful in endorsing some of the above reforms or in proposing others. Classroom size, however, should not in and of itself inhibit innovation, as methods of instruction including brain-storming, buzz groups, demonstrations, free group discussion, problem-centered groups, and syndicate method are all adaptable to a large classroom.<sup>112</sup>

Some instructional improvements can also be achieved by enhancing the requirements for professorial appointments, to include continued (applied) research after attaining the rank of professor and more student advising.<sup>113</sup> Mandating that professors be evaluated, by their students<sup>114</sup> and other means, may also prompt change.

110. Institutional reform is slow. Governance remains “centralized and nontransparent.” Lindsey, *supra* note 24, at 4. Political polarization (now that campuses are open to freer expression) also impedes change. Moreover, the lack of unity and a history of repressed organizing have resulted in more self-interested demands than broad structural reform. *Id.* at 4-5, 8.

111. NAQAAE (*El-Hay'a El-Kawmeya Ledaman Gawdet El-Ta'lim w' El-E'temad*) was created by Presidential decree in 2007 to assure quality assurance and excellence at Egyptian educational institutions. It has the potential to make good on its vision and mission statements by adopting and fostering best practices in innovative legal education and curriculum reform. See <http://naqaae.org.eg> (last visited Dec. 5, 2011).

112. See, e.g., ROY STUCKEY AND OTHERS, BEST PRACTICES FOR LEGAL EDUCATION 132-33 (2007).

113. This was among the suggestions made at a Cairo gathering for junior faculty and lawyers, “Advocacy in a New Egypt: The Lawyers, The Profession, and the Society,” *supra* note 69. Other suggestions were that professors should be evaluated for charisma and not “rest on their laurels” when it comes to doing post-dissertation research. One young jurist declared simply, “You need to love what you are teaching.” *Id.*

114. The suggestion is novel in the Egyptian context, but actually commonplace in most American law schools, especially for non-tenure track faculty. However, the wisdom and validity of students evaluating their professors is a complex topic and beyond the scope of this article. For a comprehensive treatment of the subject, see Joint Senate-Admin. Task Force on Teaching Evaluation, *Task Force on Teaching Evaluation Final Report*, U.C. BERKELEY (Sep. 2009), <http://academic-senate.berkeley.edu/sites/default/files/issues/online-evaluation-courses-and-teaching/teachingevaltfreport-sept09.pdf>.

Student assessment must also evolve beyond the conventional and infrequent exams, to keep pace with the changing curriculum and encourage students to embrace new methodologies and meet new competencies.<sup>115</sup> This means adopting an evaluation tool that measures performance, for example, utilizing a “question bank” for testing knowledge and generating discussion, or problem solving exercises, research, and/or externships.

Finally, many of these modifications cannot occur in an administrative vacuum. Change and institutional support must come from the dean and other senior faculty, University-level administrators, and from the national education ministerial and quality control authorities. If it takes its mandate seriously, the NAQAAE has the potential to be instrumental in establishing, and perhaps even enforcing, best practices at law schools. This support is essential to the survival of any curriculum change made to accommodate the clinic, particularly those that might involve a reallocation of teaching resources and other funds, or the awarding of academic credit.

In sum, there are a few essential components that will ensure the ultimate success of the Legal Clinic:

1. Firmly establish interactive teaching and other best practices in teaching at the law school.
2. Designate faculty members who are enthusiastic, primed for the challenge and given adequate technical assistance.
3. Hire full-time faculty members, when there are openings, who are familiar with teaching best practices.<sup>116</sup>
4. Hire attorneys and judges, if funds are available (or *pro bono*) as adjunct faculty.
5. Form partnerships with practitioners to help in the skills-training and making client contacts.
6. Engage with community-based and professional stakeholders before launching a clinic.
7. Strive to balance: (a) best clinical practices, (b) university or faculty fiscal and bureaucratic constraints, and (c) the donor agency’s schedule for deliverables.

---

115. For an extensive discussion of the elements of student assessment in a clinical setting, see, e.g., Ann Marie Cavazos, *The Journey Toward Excellence in Clinical Legal Education: Developing, Utilizing and Evaluating Methodologies for Determining and Assessing the Effectiveness of Student Learning Outcomes*, 40 Sw. U. L. REV. 1 (2010).

116. In Egypt, new faculty hires are likely to be graduates of the law school as has been the practice elsewhere. See, e.g., Geraghty & Quansah, *supra* note 45, at 101,103.

V. GOING EGYPTIAN<sup>117</sup>

One Cairene lawyer told a gathering of his peers: “After any revolution there needs to be development—social, political, economic, and cultural.”<sup>118</sup> Development and evolution of legal education for would-be lawyers, judges and all citizens in the New Egypt is just one part of that revolutionary process. But, again, the Legal Clinic as such is really a metaphor for change. It is about the introduction and implementation of clinical legal education with its emphases on experiential education: practical skills, real clients, reflection and social justice. The Legal Clinic is the culmination of interactive teaching and applied education, not the starting point.

Professor Haider Ala Hamoudi’s advice cannot be overstated. After serving in post-invasion Iraq as a clinical education specialist, he called for “the careful and sustained development of experientially-based programs” at law schools and “patience and determination” before developing a live clinic.<sup>119</sup> His assessment came at a time when Iraqi law schools, once among the finest in the Middle East, were physically deteriorated and long subject to infiltration by Ba’athist political hacks, underfunding and understaffing. The nation was in its early days of a prolonged military occupation following a decades-long dictatorship.

Egypt today is not Iraq. Nonetheless, the pedagogical and resource challenges outlined in this article are very much like those Hamoudi observed in Iraq. While he was focused particularly on the stage between learning skills and serving real clients, his counsel is still appropriate: build a solid foundation of experiential learning at the law school, with the collaboration of academic colleagues and stakeholders who are outside the campus walls. Once the foundation is laid, the doors of the

---

117. Economist Tarek Osman uses the term “Egyptianism” to describe an “inclusive identity” that is not sectarian-based nor necessarily tinged in nationalism. TAREK OSMAN, *EGYPT ON THE BRINK: FROM NASSER TO MUBARAK* 36 (2010). Today’s youth are defining their own “twenty-first century Egyptian project.” *Id.* at 210.

118. “Advocacy in a New Egypt: The Lawyers, the Profession, and the Society.” *See supra* note 69.

119. Hamoudi, *supra* note 42, at 116, 133. One senior professor, noting the gravity of the socio-political situation, asserted that what Egypt needs now is not a legal clinic, but a legal *hospital*. Dr. Amin El-Kholy, Baghdad University, Alexandria University Annual Conference, “Law and Revolution” (Dec. 22, 2011). Between sessions at the same conference, another professor confided to me that she prefers nonmedical nomenclature for the law school legal services office, such as *cabinet juridique* in lieu of *clinique juridique*. Author’s conversation with Dr. Sahar Emam, Menoufia University (Dec. 21, 2011).

Legal Clinic may be opened for visitors.

Visitors of the virtual variety will find wisdom on the website of the Bibliotheca Alexandrina, located next door to the Alexandria University law faculty.<sup>120</sup> They will be greeted with a *Salute to the Great Youth of Egypt* from the Director of the historic library, which reads in part:

So, harness your skill, your imagination and your determination to create a better Egypt, a better world for all. And as we honor the memory of those who died, salute the sacrifice of the wounded and celebrate the resolve of those who stayed the course, let us create the new Egypt, guided by a vision of a caring society

...

A vision where a people's greatness is measured by the quality of the lives of their poorest citizens not by the size of their armies or the scale of their buildings.<sup>121</sup>

This advice is not offered exclusively to law students and their teachers and mentors, but may well serve as the motto of the future jurists of Egypt. Their future depends on the instruction and training of social justice warriors, not soldiers. Their offices will be located in lofts or on the street, not in skyscrapers. To do battle on behalf of Egypt's most marginalized and impoverished, they need a legal education that emphasizes practice, as well as theory, and an ethos that demands a vision of a better life for all.

---

120. Actually, as the website is part of the online library, its location is virtually everywhere.

121. Ismail Serageldin, Librarian of Alexandria and Director of the Bibliotheca Alexandrina, [http://www.bibalex.org/News/NewsDetails\\_en.aspx?id=3134&Keywords=&fromDD=-1&fromMM=-1&fromYY=-1&toDD=-1&toMM=-1&toYY=-1](http://www.bibalex.org/News/NewsDetails_en.aspx?id=3134&Keywords=&fromDD=-1&fromMM=-1&fromYY=-1&toDD=-1&toMM=-1&toYY=-1) (last visited Nov. 29, 2011). The student body at a sister law school received this New Year's greeting from the Dean: "Dear children students of the Faculty of Law/ At the beginning of a new year, after the glorious revolution toppled the corruptive and oppressive system, I welcome you in Faculty of Law the balance of truth and Justice. [sic]" Prof. Mohamed Saad Mohamed Khalefa, Assiut University [http://www.aun.edu.eg/faculty\\_law/](http://www.aun.edu.eg/faculty_law/) (last visited Nov. 29, 2011).