
Clinical Legal Education : An Overview

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Abstract

Clinical Legal Education is "learning by doing," and it is without a doubt that "Clinical Legal Education in India" should be made mandatory for all law schools in the country. Because law is a matter of transformation, it necessitates total self-transformation. Words will fall short of counting the benefits of Clinical Legal Education in India, but it must be said as a forceful concluding remark that if legal education is to survive, it must only be continued with a clinical curriculum. It would very certainly result in more career opportunities than the current legal education curriculum. The active participation of students under faculty leadership and supervision is a unique feature of the clinical method. Clinical legal education is intertwined with the larger purposes of law and justice education.

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I. Introduction

Clinical legal education is, as some may define, an environment in which the students learn as to how the law that they are taught in the law schools, actually works in the practical world. It is the most basic knowledge a student must possess and yet it is scarcely available. It is very important to understand that what is taught theoretically is not what happens practically. Word of the law remains constant but the procedure to implement it is a true game-changer. Students with less/no experience face great trouble after the completion of their course.

Clinical legal education has been recognised as an important aspect of legal education since the 1960s. The first clinical legal education program began in the United Kingdom in 1970. It is also said to have begun in Australia around 1990. Another key point to note is that there is always a gap between theory and practise, and clinical legal education plays a crucial role in bridging that gap.¹

Clinical legal education is critical for law students to be prepared to practise law effectively. It entails instructing students on how to become lawyers by allowing them to learn by experience, or "learning by doing." Clinical legal education is undergoing a period of rapid expansion and development, forcing clinicians around the world to consider what clinical education's tremendous achievements over the previous four decades signify for the future (A.S. Anand, 1998). Clinical legal education programs are typically offered as part of the curriculum at Indian law schools. Typically, Indian law schools have "legal aid cells," where students, mostly without teacher supervision, provide legal assistance to underserved populations. Clinics are crucial because they prepare students to practice law by teaching them important skills including fact-finding, investigation, interviewing, and legal research and writing. Students gain a feeling of social justice and empathy as a result of their work with marginalized communities.

The Bar Council, the Law Commission, and other significant government and non-governmental organizations in India have all recognized the value of clinical legal education, although it has yet to be fully established.

¹ Namrata K.T., Realizing the Importance of Clinical Legal Education in India, <https://blog.ipleaders.in/clinical-legal-education/>, Visited on August 29, 2021

This is due to a lack of resources devoted by law schools to clinics, a lack of educated staff, a failure to provide workload credit/reductions to faculty and academic credits to students, and a regulation prohibiting faculty and students from practicing before Indian courts, among other factors.²

II. Meaning

The term "clinical legal education" was coined by Jerome Frank in 1933 in his article "Why Not a Clinical Lawyer School" in the United States, and has since been the focus of attention for improving legal education and developing a synthesis between law schools and the legal profession.³

According to **Kuljit Kaur**, "Clinical Legal Education is essentially a multi-disciplined, multipurpose education which can develop the human resources and idealism needed to strengthen the legal system, a lawyer, a product of such education would be able to contribute to national development and social change in a much more constructive manner."

In the words of **Richard Lewis**, "It is a learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it is practiced. It almost inevitably means that the student takes on some aspect of the case and conducts this as it would be conducted in the real world."⁴

The literal definition of the term 'clinical' is the analogy of trainee doctors who interact with actual patients in their respective medical clinics, allowing them to gain knowledge and experience early in their careers. As a result, Clinical Legal Education is the only way to bring theory and practice together.⁵

²Mrs. Archana K. , Practicability of Clinical Legal Education in India – an Overview , *Journal of Education and Practice*, Vol 4 (26), 2013, page 157

³Dr. Rekha Pahuja, Clinical Legal Education: An Effective Method of Incorporating Socio- Legal Values, *Indian Bar Review* , Vol 46(4), 2019, page 65

⁴*Ibid* , page 66

⁵*Supra note 1*

Clinical legal education does not only refer to a teaching technique that focuses on getting law students to apply their legal knowledge and develop legal abilities in a practical setting. It also entails carrying out a social justice mission. Law clinics ensure that people in marginalized communities have access to justice and a voice in problems that affect them. It can be used to preserve human rights, ensure participation, and promote justice education, human rights, and a law-abiding culture.⁶

III. Types Of Clinics

The aims and objective of each are in principle the same. The legal clinics may be divided into three types :

1. **Simulation Clinic** - Students might benefit from a variety of simulations of legal practise. Moot Court prevalent, for example. Cases can be played out in their entirety, from getting initial instructions through negotiating settlements or appearing in court. These sessions can be delivered as intense courses or as weekly slots over the course of the academic year. Negotiation exercises, client interviewing exercises, transaction exercises, and so on are examples of other simulations.
2. **The In-house real client clinics** - The clinic is housed in the law school in this approach. It is available, monitored, and regulated in law school. Clients at this type of clinic need genuine solutions to real problems, which is why it's termed a real client clinic. The client may be chosen from the general population. Advise simply or advice and support are provided as part of the service. Clients are interviewed, counselled orally or in writing, and assisted in the preparation of their cases in this form of clinic. The clinic could function as a paralegal service or a full-fledged law firm.

⁶Kapil Dhamija, What is the significance of Clinical legal education in today's time?, <https://www.shiksha.com/articles/what-is-the-significance-of-clinical-legal-education-in-today-s-times-blogId-44071> , Visited on August 29,2021

3. **The out-house clinic** - It is a clinic that allows students to engage in legal work outside of the classroom. These clinics may function solely on the premise of providing advice. Trade union councils and other non-governmental organizations administer such organizations. The clinic could alternatively be set up in a solicitor's office or a barrister's chambers.

Compared to conventional clinics, simulation clinics have a number of advantages. The risk and unpredictability of real-client work are removed with this form of clinic, the same materials are used repeatedly, and the cost is far lower than in a genuine clinic. The simulation's administration is quite challenging. However, all clinics participate actively in Clinical Legal Education, and their objectives and goals are similar.⁷

IV. Significance Of Clinical Legal Education

Prof. Kenneth L. Panegar, of the Association of American Law School has highlighted the importance of Clinical method for law teaching as:

- i. It aims to instill in law students the habit of finding a final solution to legal problems without the assistance of a lawyer, promoting a "help yourself" mentality.
- ii. It aims to disseminate accurate information about the law and legal institutions to the general public so that they can seek resolution for their legal issues.
- iii. The clinical technique is used to give underprivileged and unorganized communities with access to justice.
- iv. It fosters a sense of community among students, encouraging them to collaborate and provide legal assistance to those in need without the assistance of a lawyer.
- v. It makes it easier to create instructional materials based on case studies of various issues handled in the clinic.
- vi. Clinic may offer its services to government entities in order to help those who seek assistance from them with their concerns.

⁷Shweta Durge, Clinical Legal Education- an Overview, <https://www.lawyersclubindia.com/articles/clinical-legal-education-an-overview-2332.asp>, Visited on August 29, 2021

- vii. It may be possible to make good use of the ADR system without involving attorneys or the courts.⁸

Clinical legal education is critical in developing advocates for a better society and a greater awareness of the issues that concern society as a whole. With this goal in mind, law schools should promote a culture of learning by providing legal aid, attending mediation proceedings, and participating in Lok Adalats, among other activities, so that students can reach out to those who are less fortunate and assist them in accessing courts and justice on an equal footing with those who are more fortunate.⁹

V. Benefits Of Clinical Legal Education

Following are some benefits of the Clinical Legal Education :

- 1) **Practical Approach** - It takes a distinct approach to law school: it includes "learning by doing," or "experimental learning." The breadth of the client's problem is determined, and they are provided with solutions. It gives kids confidence because their success is based on their own efforts rather than external forces. It's when you put your knowledge into practise. It provides possibilities for information to be put into practise, but it also encourages contemplation and self-examination. It allows pupils to explain why they are acting in specific ways and to examine and evaluate their choices. Students can go deeper into the legal and social issues.
- 2) **Student motivation and development**: Students are self-motivated and dedicated to their studies. Students are more conscientious about their job.
- 3) **Acquisition of skills**: A lawyer's skills are extremely crucial. Clinical Legal Education is centered on a hands-on approach, which aids in skill acquisition. Research, communication, client and witness interviews, counseling, drafting, negotiating, and

⁸Dr. Rekha Pahuja, Clinical Legal Education: An Effective Method of Incorporating Socio- Legal Values, *Indian Bar Review*, Vol 46(4), 2019, page 67

⁹*Supra note 6.*

problem solving are some of the talents that may be required. These abilities are crucial for a lawyer.

- 4) **Professional ethics and responsibility**: There is a need for more research into ethics and lawyers' professional responsibility and behaviour. Clinical Legal Education now incorporates practical training, which has increased in recent years.
- 5) **Involvement with local community**: By making the law school more relevant to the community, a legal clinic can help to eliminate isolation. It can provide local residents with guidance and assistance, as well as aid in the reduction of isolation. There are numerous advantages to this. Students may also be able to comprehend the challenges of people from various generations and backgrounds. This experience can help them have a better knowledge of other people's perspectives in society, as well as grow in maturity and sense of responsibility.¹⁰

¹⁰*Supra note 7.*