

AULAI Winter Conference Report
Held in Port Elizabeth 02 July-05 July 2013

Preparations:

The Planning Committee met on the 23rd of April 2012, where after the Executive Committee proceeded with the planning through numerous telephonic meetings and by email. The Executive Committee consisted of the following:

1. Jobst Bodenstein
2. Schalk Meyer
3. Shamiel Jassiem
4. Daven Dass
5. Marc Welgemoed
6. Chrisna Landsberg

Introduction:

After reaching a milestone of 30 years, it was important to celebrate the significant contributions which have been made and continue to be made by clinicians in respect of the clinical movement as well as critically evaluate and review the current clinical movement in light of the new demands brought by the democratization in post apartheid South Africa. After 30 years of adapting clinical legal education in South Africa, a Winter Conference was an ideal platform to also allow individual clinicians to be introspective about their own involvement in the CLE movement.

With about 40% of clinicians having less than 3 years experience and not having been exposed to previous skills based workshops, as well as the benefit of being exposed to the manuals relating to the CLE syllabus , teaching methodology, modes of assessment and the administration of law clinics; it was of great importance to hold a workshop in which clinicians, especially the newer ones, could be exposed to CLE practices and methodologies.

Main Focus of the Conference:

The main objectives of the conference were to:

- Create and promote awareness, passion and interest in the clinical movement as well as social justice, especially amongst the newer clinicians, inculcating a sense of unity, camaraderie and unified vision amongst clinicians
- Simulate critical thinking in order to evaluate and identify the challenges faced by clinicians, particularly the funding challenges faced by Law Clinics

- Adopting approaches to combating these challenges and identifying sound solutions to common problems
- Facilitating a critical approach by individual clinicians to CLE practices and methodologies
- Critically identify and evaluate AULAI, including its executive committee's role, objectives and relationship towards clinicians and Law Clinics in South Africa
- Encourage and strengthen relationships and networking opportunities between clinicians
- Identify, promote & strengthen clinicians involvement in AULAI affairs
- Identify and critically analyse the Constitution of AULAI with a view of adopting any amendments to meet the current vision and objectives of AULAI
- Meeting of the AULAI AGM
- Identify and elect Focus Groups
- Create awareness of the CLE manuals as well as encourage clinicians involvement in the drafting, updating and publishing of the CLE manuals

The conference was held at the Pine Lodge Conference Centre & Resort in Port Elizabeth and was hosted by the Nelson Mandela Metropolitan University Law Clinic.

The conference logistics was managed overall by the AULAI Executive Committee, with the added assistance of support staff from both Potchefstroom and NMMU Law Clinics.

It was the view of the executive committee to combine the AGM with an inter-active colloquium which would also identify the current roles of law clinics in Southern Africa, as well as identifying ways in which to strengthen regional co-operation amongst Law Clinics in Southern Africa.

Delegates from 18 University Law Clinics in South Africa attended the workshop, with Professor Andre' Mukheibir, Acting Dean of the Faculty of Law at the Nelson Mandela Metropolitan University, opening the workshop, delivering an inspiring message to all delegates on the importance of university law clinics and the need for practical training of law students in the university environment. Noting the 30th anniversary of AULAI, former AULAI president, Mr Schalk Meyer, enlightened delegates on the history of AULAI, particularly its instillation, the challenges it has faced, the milestones achieved and the overall success of the association over the past 30 years.

On the 2nd of July 2013 (day 1) the AULAI Annual General Meeting was held, in which the President, Treasurer and Secretary's reports were delivered and accepted. During the AGM, an election was held in order to appoint 4 additional members to the Executive Committee. Five nominee's had been nominated. Each nominee delivered a brief oral motivation as to why they should be elected onto the committee. The four new members elected to the committee were Jaylynn Hillier (RU), Delecia Adams (UWC), Sakkie Muller (UFS) and Eddie Hanekom (UJ). The AGM also saw the resignation of Mr Chaka Mokhudu from the Executive Committee.

The AULAI Executive Committee were elected as follows:

President -	Jobst Bodenstein
Vice President-	Shamiel Jassiem
General Secretary-	Chrisna Landsberg
Assistant Secretary-	Jaylynn Hillier
Treasurer-	Delecia Adams
Additional Member-	Daven Dass
Additional Member-	Marc Welgemoed
Additional Member-	Eddie Hanekom
Additional Member-	Sakkie Muller
Co-opted Member-	Schalk Meyer

The first day of the conference ended with a sociable and delightful dinner at The Island, a well-known restaurant at Pine Lodge. We were also pleased to welcome the representative of Juta, Ms Marlinee Chetty, to this dinner, which allowed for fruitful discussions between herself, the elected President, Vice President and Mr Meyer, on the much anticipated publication of the AULAI manuals.

On Wednesday 3rd July 2013, the delegation commenced with each law clinic providing a short presentation on its goals, objectives, structure, clinical law syllabus and staffing components. The presentation was useful as it allowed for further interaction and acknowledgment of the various law clinics and their delegates present, as well as an insightful comparison of the various law clinics in South Africa.

After the individual clinic presentations, delegates were given an opportunity to actively engage in plenary sessions, supplemented by group discussions. These discussion groups, consisting of various delegates from different university law clinics and a nominated facilitator, were presented with various topics relating to AULAI, access to justice and clinical legal education. The essential points raised during these discussion groups were transcribed and later each group's elected speaker would convey the content of their discussions to the entire delegation during plenary sessions.

In furtherance of these discussion sessions, a presentation was made by Mr Daven Dass of the University of Witwatersrand, titled, "Trends and Challenges in Clinical Legal Education." Following this insightful presentation, the delegation welcomed Associate Professor and Dean of the Rhodes University Faculty of Law, Professor Jonathan Campbell, to present on the topic of "Trends & Challenges in access to Justice".

Following the presentation by Mr Dass and Professor Campbell, delegates were divided into five groups and posed with the following questions relating to access to justice and clinical legal education:

1. "How important is Access to Justice and Clinical Legal Education?"
2. "What can a student gain through this?"
3. "The view of Access to Justice in a clinical scene?"

From the feedback delivered by each group's representative, the following summarised views and opinions were expressed by the various groups:

"Access to justice is part of all clinics, one cannot teach clinical legal education without access to justice in the form of real life clients."

"CLE cannot be rendered without a "laboratory", meaning that Law Clinics are essential to the process of providing CLE, furthermore that the Law Clinics need clients in order to provide CLE to the students. The rendering of CLE to students played a dual role, as it is also a manner in which access to justice is provided to the indigent."

"Learning is a 3 stage process, firstly the students attend lessons in which issues such as consulting with clients is explained and taught to them. Secondly, the students then go to the Law Clinics and apply what they have learned in class, and lastly they are given feedback from their principal/mentor enabling the student to reflect on their experience and develop their own skills."

The general view received was that CLE and access to justice go hand in hand. Through providing law students with first hand practical legal training and assisting in their development to become ethical and well-rounded attorneys, we are using students as a vehicle to bring legal services to people, thus promoting access to justice. Students learn valuable lessons during their exposure to real life situations and, where possible, students are used to support clinicians in impact litigation cases.

The need for transparency and accountability in the CLE programme was raised. It was highlighted that continuous reviews and evaluations of supervisors need to be done in order to ensure that not only the clients, but the students themselves, receive good quality services.

In order to ensure quality control measures in a CLE setting: proper file management; continuous reviews and audits of student files and proper training of supervisors need to be implemented.

The challenge of student ratios and lack of resources were also identified as being problematic in achieving meaningful training of students and, on the other hand, providing a professional and effective service to clients.

The interactive feedback from each group was extremely valuable and appreciated by all. It was interesting to see how all the delegates shared a common thread of ideas, concerns and challenges.

The afternoon of day 3 boasted much laughter and excitement when delegates engaged in various fun-filled and challenging team building exercises. These activities saw delegates working closely together and learning more about each other in a playful and relaxed environment. It was truly a memorable and successful afternoon to say the least.

After the team building exercises, delegates were treated to a magnificent gala dinner sponsored by Juta and Company Publishers. The dinner, held at the Beach Hotel, was indeed an occasion which created yet another platform for delegates to come together, interact and get to know each other better. Guest speakers at the dinner were Professor Jobst Bodenstein, newly appointed President of AULAI, and Mr Max Boqwana, a prominent local attorney. Mr Boqwana gave an inspiring and meaningful address on the importance of law clinics and shared many of his own inspiring stories of his experiences in a law clinic. The evening was a huge success and musical entertainment by one of the delegates made the evening truly special.

Thursday the 4th of July started with a presentation by the President of AULAI, Professor Bodenstein, on the implication of the Legal Practice Bill as well as a discussion on the annual statistics of AULAI.

The input and participation of clinics in the stats programme is truly an appreciated and rewarding exercise. It was great to see how the information can be useful to all law clinics, particularly to those drafting funding proposals or reports to their faculties.

A discussion on the AULAI manuals, drafted during previous AULAI conferences, was delivered by Mr Meyer, whose experience with, contribution and dedication to these manuals acted as the perfect motivator to delegates to get involved in the updating of the said manuals and to preserve their existence.

The day provided for group discussions, focusing specifically on AULAI, namely its constitution, involvement and duties, as well as possible name and logo change of the association.

From feedback reports, the following comments, suggestions and recommendations were made:

AULAI Constitution:

The general view was that the mission and vision as recorded in the Constitution encapsulates what the organisation was trying to achieve. There was however a concern raised by one of the groups that with the troubling situation of securing funding for CLE, that the vision should rather be to “promote and sustain” CLE as oppose to “maintaining” it.

Concerned was also raised regarding the wording “AULAI provides legal representation”- it was suggested that the wording be changed to “provides legal representation through various forums.”

It was unanimously agreed that the term “legal aid” was misleading as it is often associated with Legal Aid South Africa. As delegate clinics were more preferably being referred to as law clinics and not legal aid clinics, a decision was that AULAI would need to change its name, in order to brand itself correctly.

This proposal was made in light of the terminology used in the Legal Practice Bill.

The Image of AULAI:

It was reported that although AULAI had managed to maintain a positive image in South Africa, the cancellation of the DOJ project led to a loss of resources, staff, and service delivery, which in itself may have led to some negative reflection on the law clinics and the organisation. The need to market itself on an international level, as well as to create awareness of its existence and role on national platforms, was identified. It was suggested that the constitution make provision for the objective: “promoting regional and international collaboration”, which would allow AULAI’s public image to spread out into the public sphere.

In view of achieving this objective, it was proposed that timelines be established and that a co-ordinator be appointed to keep track and evaluate progress. It was further suggested that the first step be the rebranding of the association and, once that has been achieved, promoting that brand, possibly starting with avenues such as the De Rebus.

The promotion of CLE through legal research could strengthen awareness of Law Clinics and in turn that of AULAI.

It was also suggested that AULAI made a point of inviting non-clinicians to conferences and/or workshops in order to create further awareness of AULAI and its activities.

The role of AULAI:

Mixed views were expressed with regards to whether AULAI should lobby or get involved in advocacy on behalf of law clinics. A proposal was made that where AULAI wished to make a public statement or representation on behalf of all law clinics, that the executive committee were to receive an exclusive mandate from each law clinic as to whether they supported the proposed action by AULAI. No response received would indicate an approval for the AULAI President to proceed accordingly. In emergency situations, the general consensus was that the President should be allowed to exercise

discretion in acting on behalf of members and that input could be obtained from various members at a later stage.

Communication:

Weak communication amongst members was identified and the following proposals were made for more effective communication between clinicians:

1. Blog, forum or Facebook page on CLE & Access to justice
2. Creation of an AULAI drop box for all members to join
3. Reinstatement of regional clusters to provide for dialogue and support amongst delegates in a certain region

The AULAI alert proved to be an effective tool of communication, however a request was made to include all clinic staff on the mailing list, as often directors would not circulate the emails amongst other staff members. The need to continuously update the website was addressed, particularly to make the website more content driven. A further proposal made was that of making provision for exchange of skills programmes, which would allow for clinicians to visit other clinics as part of a skills transfer initiative.

Co-publications were also suggested as a means of allowing for team work amongst clinicians.

Funding:

There was a general view that the main funders of law clinics should be the University itself, as CLE was such an integral part of the practical development of law students. In addition to this view, it was recognised, that often the University will require more involvement by clinicians in faculty, for example with additional lecturing duties or conducting research, and therefore such approach must also be done with caution.

With limited funding opportunities it is recognised that external funding sources were the saviour of many clinics, but that the disadvantage to this was that these funders often imposed its own conditions on the clinic. It was acknowledged and agreed that clinics could not be dependant on AULAI for funding, but rather that AULAI would participate proactively in umbrella funding. In light of this, AULAI executive committee was requested to revisit the DOJ project and engage in lobbying on behalf of law clinics.

A valid point raised by the delegates was that of the sharing of information regarding funding strategies and resources. Clinicians were encouraged to render support and advice to other clinicians where assistance with lobbying for funding is sought. It was recognised that there is a clear need for

clinics to receive training on “Funding” to empower and equip them with the necessary skills to adequately seek funding for them.

It was further requested that the executive committee explore the possibility of converting AULAI to an NPO, as it would be more tax effective to do so. Some groups were of the opinion that there is no advantage in remaining a voluntary association, if the organisation could carry on the same business as an NPO, but with tax benefits.

AULAI Logo & Slogan:

There seemed to be much debate around the proposal to change the logo & slogan of AULAI.

The feedback session of day 3 allowed for meaningful discussion amongst members on issues that could but only improve the operation of AULAI as well as the interaction and development of its members. It was important that each voice was heard and each input was valued.

After lengthy, but meaningful discussions, the delegates were invited to a braai, sponsored by Lexis Nexis (Pty) Ltd, Chris Harding Attorneys and Goldberg & Victor Attorneys. Despite windy weather conditions, delegates enjoyed a joyous and pleasurable evening around the fire.

On the final day of the conference, a special general meeting was held, during which it was decided that the name AULAI will be changed to SAULCA- the South African University Law Clinics Association. The new name was positively welcomed.

Further changes to the Constitution included the following:

Vision:

The vision in terms of section 2 was changed to read as follows: *“SAULCA’s vision is to be a professionally and efficient organisation committed to the values of the South African Constitution and dedicated to promoting excellence in clinical legal education and access to justice.”*

The Mission:

The mission in terms of section 3 of the Constitution was changed to read as follows:

“In pursuit of its vision, SAULCA’s mission is to:

- 3.1 promote clinical legal education of law students by members of the association;
- 3.2 promote and support access to justice in the context of clinical legal education;
- 3.3 foster, maintain and extend public confidence in the law and the administration of justice.”

Objectives:

Section 4 of the Constitution was changed to read as follows:

- “4.1 Provide financial and program support to its members;
- 4.2 Promote quality Clinical Legal Education programs at Universities in South Africa;
- 4.3 Encourage and assist member law clinics to promote social justice;
- 4.4 Provide legal service to the indigent; and
- 4.5 Foster and encourage values of integrity, professionalism and dedication to human rights within the legal profession.”

The conference was concluded by identifying focus groups and the resuscitation of the regional clusters in terms of Regulation 2 of the Constitution.

The AULAI winter conference workshop was a great success and gratitude should be expressed to all those involved in its success.