A visiting instructor in the School of Law’s clinical law program observes colleagues working with a group of law students—all busy helping to prepare a case for a client. There’s an angst that accompanies this type of clinical learning—the knowledge that someone’s future hangs in a balance whose scales easily could be tipped in favor of the party with greater resources, or against the party with the spirited but inexperienced counselors-in-training. The spirit and drive of these young people and their instructors is captivating, inspiring and very familiar.

It’s also remarkable because this is South Africa, 1994. The clinic is part of the law program at the University of Durban-Westville, a historically black university that has found new freedom but is facing unprecedented demands with the end of apartheid. Karen Czapanskiy, visiting Fulbright Lecturer from the University of Maryland School of Law, knows the vital connection of teaching the law by practicing the law. It inspires a thought: “This connection is worth trying to expand so that not only can someone like me come here to study and learn, but someone here can come to our clinic at the School of Law and do the same.”

Two years later, on February 14, 1996, four South African clinical law directors arrived in the United States for an intensive three-week program on the theory and practice of clinical law supervision. With the end of apartheid, their clinical law programs and those at other formerly segregated universities are preparing students with a new sense of purpose: to send their graduates to work as full participants in shaping and preparing the next generation of leaders and practitioners in their country’s legal system.

The program, created for the visiting South Africans, is built around an insight that Professor Czapanskiy had while in South Africa. Compared with her experience of American clinical law methods, South African law students seemed more directed and far less involved in exercising professional judgment in their

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cases. They could do much more if given the opportunity and many seemed to yearn for it.

Few black South African clinical law instructors had been exposed to non-directive teaching methods. Discussions with colleagues in South Africa and at home convinced Czapanskiy that clinical educators in South Africa might profit from exposure to clinics in American law schools. The project became a joint effort of the University of Maryland School of Law, the University of Durban-Westville and the City University of New York Law School. A grant from the Ford Foundation provided fellowships for the participants and covered program expenses.

The result was an intensive series of seminars and observational opportunities that exposed the participants to a wide range of theory and practice for the supervision of student lawyers, an area in which the University of Maryland School of Law is one of the nation’s leading centers of innovation.

Four more South African Ford Foundation fellows are expected to attend a similar program in the fall. Czapanskiy (who also works on the School of Law’s externship program that has sent UM law students to work in South African public interest law organizations since 1989) thinks it could be five years or more before it is known whether the seminar program has been effective or helpful in the clinical training of South African lawyers.

On the strength of the evidence to date, one suspects that a motion for summary judgment would not disappoint.

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The four Ford Foundation fellows represented clinical law programs in historically black South African universities: Siphiwe Sikakhane of the University of the North; Beverley Franks of the University of the Western Cape; Sam Negota of the University of Venda; and Ray Zungu of the University of Zululand.