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*Legal Studies*

**GLOBAL PUBLIC SERVICE LAWYERING: THEORY AND PRACTICE**  
**July 17-28, 2006**

*In cooperation with New York University School of Law, New York*

Course Directors: **Holly Maguigan**, New York University

Faculty: **Sarine Der Kaloustian**, New York School of Law, USA  
**Diana Hortsch**, New York School of Law, USA  
**Arnold de Vera**, Alternative Legal Assistance (SALIGAN), Philippines  
**Pavol Zilincik**, Center for Environmental Public Advocacy, Slovakia

**Holly Maguigan** is Professor of Clinical Law and Faculty Director for 2003 of the Global Public Service Law Project at New York University School of Law. Professor Maguigan teaches a criminal defense clinic and developed a new clinic in 2001 entitled *Comparative Criminal Justice: Focus on Domestic Violence* under the auspices of the Project. She is an expert on the criminal trials of battered women. Her research and teaching are interdisciplinary. Of particular importance in her litigation and scholarship are the obstacles to fair trials experienced by people accused of crimes who are not part of the dominant culture. Professor Maguigan is a member of the Family Violence Prevention Fund's National Advisory Committee on Cultural Considerations in Domestic Violence cases. She serves on the boards of directors of the National Clearinghouse for the Defense of Battered Women, the Society of American Law Teachers, and the William Moses Kunstler Fund for Racial Justice. She received her J.D. from the University of Pennsylvania in 1972, her M.A. from the University of California at Berkeley in 1969, and her A.B. from Swarthmore College in 1966.

**Diana Hortsch** is Lecturer-in-Law and the former Director of the Global Public Service Law Project at New York University School of Law. She co-teaches the course "Global Public Service Lawyering: Theory and Practice," managed all Project activities, and is now a Consultant for the Project. She is a member of the Council on International Affairs at the Association of the City of the Bar of New York and has been a member of the Oregon State Bar since 1998. Ms. Hortsch received her A.B. in Political Science & African Studies from Bryn Mawr College in 1993, and her J.D. from New York University School of Law in 1998.

**Sarine Der Kaloustain** is the Program Director of the Global Public Service Law Project at New York University School of Law, where she manages all Project Activities. She completed her LL.B and her LL.M. degrees at the Faculty of Law of the University of Montreal. From 1996 to 1998, she served as a teaching and research assistant at the University's Public Law Research Center. Sarine is a lawyer and a member of the Quebec Bar since 1998, with a special interest in human rights and humanitarian law. Since 1999, Sarine has been working, in the Middle-East, as project coordinator for the Lebanese NGO Forum, the Institute for Human Rights at the Beirut Bar Association and the International Committee of the Red Cross.

**Arnold F. de Vera** received his Bachelor's of Law in 1995 from the University of the Philippines and his LL.M. in Public Service Law from New York University School of Law in 2002. He joined the Alternative Legal Assistance Center, Inc., (SALIGAN), a legal resource non-government organization, in 1996. As coordinator of the labour unit, Mr. de Vera has worked on implementing SALIGAN's four-point program on policy advocacy, legal literacy, publication, and litigation. Mr. de Vera also conducts an eight-month comprehensive paralegal training program designed to reduce workers' dependence on lawyers, and conducts training seminars among workers' groups. He edits SALIGAN'S bi-annual publication and has taught courses in Business Law and Labour Law at the Ateneo de Manila University.

**Pavol Zilincik** is the Executive Director of the Public Interest Law Program at the Center for Environmental Public Advocacy (CEPA), Slovakia. He graduated from the Law Faculty of Comenius University in Bratislava, Slovakia, in 1991. In 1992, he co-founded CEPA, where he also worked as a lawyer and trainer on educational activities for grassroots activists. Mr. Zilincik has litigated several environmental and human right cases, including the forced relocation of small municipalities and free access to governmental information. He has trained law students, victims of human rights abuses, as well as judges and judge-candidates. He was a member of several expert teams that helped prepare new environmental and human rights legislation in Slovakia. He is a member of the Environmental Law Alliance Worldwide (ELAW), and a board member of the Slovak National Center for Human Rights. He has co-authored several manuals for citizens and activists, and has contributed chapters to *Access to Environmental Information in Europe* (Kluwer Law, London, 1996), and *Street Law \* Law for Everyone* (co-author, Open Society Foundation, 1998).

## **COURSE OBJECTIVES**

This is a two-week advanced course for public service lawyers from developing and transitional countries to examine the emerging global phenomenon of public service lawyering and the forms it has taken in Central and Eastern Europe.

The course aims to propose alternative models of public service lawyering and challenge the current paradigm in the region; increase the body of public service lawyering knowledge by introducing recent research and practice from around the world; and encourage the development of public service law capacity – oriented towards practice, policy-making, teaching, and research – within institutions, both country-based and cross-regionally.

### **Intended Level of Instruction**

This is an advanced course for lawyers who have at least two years of work experience in a public service law setting – government, non-governmental and international organizations. The target audience also includes advanced doctoral students focusing on public law (i.e. constitutional law, administrative law, public international law, human rights), and junior post-doctoral academics and researchers whose main area of expertise is in public law.

The core feature of all the participants will be a commitment to the practice of public interest law and an interest (or expertise) in reflecting on practical lawyering strategies in a comparative setting. At all times, the focus of all participants will be on the special challenges faced by individuals, organizations, and states in the region and more broadly in the developing and transitional world.

### **Framework for the Course**

The developments of the past decade – the fall of communism, the emergence of new democratic states, and the emphasis on globalization – promise enormous benefits for those concerned with individual human rights and the welfare of developing and transitional countries. These benefits will remain unrealized, however, without effective and responsive legal institutions and a skilled and active human rights and public interest bar. The last decade has seen a dramatic increase in the activities and numbers of activist lawyers. The globalization of human rights norms, the growth of international and domestic civil society, and the efforts of private foundations and NGOs have created an environment where lawyers concerned with justice can survive if not thrive. Although human rights and public interest lawyering are context-specific activities, these lawyers share similar values and face similar challenges. They are all committed to the use of the law and legal institutions as tools to achieve social justice and human rights, and they all face, in differing combinations, underdeveloped and corrupt judiciaries, repressive regimes, extreme poverty, and the lingering effects of colonialism and communism. Nonetheless, they have experienced tremendous successes in their work over the past two decades.

There is thus a crucial need to deepen and broaden those successes by giving these lawyers – also identified as public service lawyers – the tools and knowledge that they need to pursue more effectively human rights and social justice within their given societies, and on the international stage. In this context, public service law is defined to cover virtually any effort to use the law to achieve social change and improve the conditions of vulnerable people and underrepresented interests. Public interest lawyering strategies include impact litigation, the provision of legal services, community or labor organizing, legislative advocacy, law reform, clinical legal education, and legal literacy training.

The emergence of public interest lawyering in Central and Eastern European has been encouraged by and developed through consultative processes and collaborations between NGO leaders, professionals from a variety of fields, and local and foreign donors. After more than a decade, a synopsis of areas where public interest lawyers, non-governmental organizations, and academics in the region have been particularly active includes human rights, women's rights, minority rights (especially Roma), the environment, and access to justice. In terms of strategies employed, they have mostly focused on impact litigation, advocacy and public campaigns at the domestic and international levels, street law programs, and

clinical legal education. There has also been a concerted effort to build a regional infrastructure for the development of public interest law in these countries, most notably through the establishment in 1997 of the Public Interest Law Initiative in Transitional Societies.

Despite significant successes and rapid growth in the past fifteen years in creating and strengthening a public interest law sector in the region, its overall development has been unequal. The legal systems and the practice of law in the region remain heavily encumbered by the past, offering few points of entry into public service lawyering, few professional opportunities for public interest-minded lawyers, and very few institutional channels for their work. In the sphere of civil society, public interest lawyering remains overwhelmingly an urban elite activity, challenged by deficient legal and regulatory structures, difficult relationships with government, and an uneven public understanding of the role of public interest law. There is only a small cadre of experienced and committed public interest lawyers, who draw significant resources and support from outside sources, rather than from within their constituencies. In short, public interest lawyering has yet to put down roots in these countries, continues to lack opportunities on the domestic scene, and continues to work in relatively hostile political and legal environments. There are more opportunities for public service lawyers who want to work within the government. As the countries of the region are at different levels of economic and political transition, however, the impact of public service lawyers working with the government varies widely depending on country and issues.

While public interest lawyers from the region have been active in professional networks within and outside of Central and Eastern Europe, the unique historical experience of these countries and the rapid development of public interest lawyering left little time for reflection, learning and the creation of strong reciprocal links within the emergent global movement of public service lawyering. Central and Eastern Europe makes a distinct contribution to the global public interest lawyering discourse and speaks with a different voice.

## **COURSE DESCRIPTION**

The course will examine public interest lawyering in Central and Eastern Europe from a global perspective. We will explore the effectiveness of impact litigation versus other approaches to social change, the appropriateness of public interest law for non-Western societies, the impact of economic markets on the developing world, the effectiveness of international legal and political norms in domestic law, and the role of lawyers and legal institutions in addressing these issues. Classes will also focus on topics such as the development of civil society, and the ethical challenges faced by public interest lawyers.

As part of the interactive learning process, participants will analyze the practice of public interest law through The discussion will focus on theories of public interest lawyering, the role of public interest lawyers, and the impact of globalization on the work of public interest lawyers.

### **Methodology**

The course will consist of discussions based on readings, hypotheticals, and field visits. Daily readings will address various foreign legal systems, including the Philippines, Japan, India, South Africa, and Argentina. One to two field visits will be organized during the course, where we will visit public interest law organizations in Budapest to orient the participants to the range of public interest law practice in the country and consider how it might inform their work at home.

Participants will be required to complete a pre-course assignment in English which will lead to their preparing and presenting a detailed lawyering dilemma in class. Participants must be familiar with the topic, the development of the case over time, the legal organizations involved, and the reasons for the actions that were taken by lawyers and non-lawyers. The lawyering dilemma should give a detailed picture of the decisions that public service lawyers make in a specific set of circumstances. The case can be any controversy, does not need to involve litigation, does not need to be fully resolved or completed, and does not need to have been “successful.” Participants are expected to utilize as many primary documents as possible, as well as relevant secondary sources. They should reflect on what the case illustrates about effective and ineffective public service lawyering in his or her home community.

Teachers will work closely with participants to help edit and re-draft students’ papers before presenting them in class. Each lawyering dilemma will be analyzed by the class through an interactive discussion focused on the key lawyering and strategy questions raised. This will give participants the opportunity to learn from each other, exchange practical lawyering strategies, and discuss theoretical questions related to their work.

**PRELIMINARY COURSE SCHEDULE**

**WEEK 1**

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9:30 to 12:30	<b>PI Law</b> (Introduction & Course Expectations) (Law reform)	<b>PI Law</b> (Definitions & Introduction to Strategies)	<b>PI Law</b> (Litigation-Direct Services)		<b>PI Law</b> (Non –Litigation Strategies)
2:00 to 5:00	<b>PI Law- cont.</b> (Law reform)	<b>Lawyering Dilemma Conferences</b>	<b>Library Research</b>	<b>PI Law</b> (Impact litigation)	<b>Lawyering Dilemmas: Presentation</b>

**WEEK 2**

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9:30 to 12:30	<b>Lawyering Dilemmas: Presentation</b>	<b>Field Visit</b>	<b>Lawyering Dilemmas Presentation</b>		<b>Lawyering Dilemmas: Presentation</b>
2:00 to 5:00	<b>PI Law</b>	<b>Lawyering Dilemmas: Presentation</b>	<b>PI Law Movie-Discussion</b>	<b>PI Law</b> (NGO accountability)	<b>Field Visit</b>

For more detailed biographies, updated course description, syllabus, reading lists please check <http://www.ceu.hu/sun>

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