

ACCESS TO JUSTICE PROJECTS 2016-2017

THE "HOUSES OF LAW AND JUSTICE" PROJECT

Context and goal

It engages students to assist under served communities and understand both practically and from a critical standpoint, the structural causes and effects of barriers to equal justice for all. The spirit of the program is to raise awareness also that access to justice can concern all citizens temporarily or more permanently. This project is the result of an agreement with the Local Board on Access to Justice (Conseil Départemental d'Accès au Droit), an umbrella organization supported by the Ministry of Justice and headed by the Presiding Judge of the Paris District Court (TGI). Its members includes the Paris Bar, the Legal Aid organization, other NGOs involved in free legal counseling and the Paris Municipal government. It allows students to discover incrementally the field work of three community legal service centers and participate directly in their legal outreach activities. First the students discover, during a summer observation program of 3 to 4 weeks, the nuts and bolts of community legal outreach and then spend a half a day every week in the same « Houses of Law and Justice » serving the local community and helping the local legal and administrative staff. The centers offer legal information, reasoning and writing and act as facilitators for legal empowerment prior to legal advocacy or as mediators to avoid litigation. The goal of this project is to expose students to the complexity of real life issues most often encountered by individuals or families with low income who face legal challenges. From their public interest law concrete experience, the students can then contribute to critical research in the field. The intricacies and combination of legal problems at issue which range from contract, family, labor and consumer law and the emotional and social distress of the people involved are part of this holistic context based experience.

Approach and methodology

After the summer observation period, during the weekly meetings and over the phone, the students are exposed to the challenges of local barriers to the implementation of justice. They deal with the technicalities of immigration law, the difficult enforcement of housing law, the procedural requirements of labor law, especially issues of dismissal, the complexity of legal aid, the systemic obstacles to vindicate rights for more vulnerable groups and foreigners more often confronted with the difficulty of legal writing and reasoning than more affluent citizens. They learn how to welcome the people in dire straights that walk in. They listen, sort out, guide them in their queries and find the right legal expert that the students assist. Outside of developing skills essential to future lawyers and judges, the students draft a very practical legal guide on a particular issue encountered in the center which it can use in the future and the students must add a critical research component on solutions or tensions linked to power plays in the implementation or the content of the rule

fleshed out and applied in context. For example, hands-on critical research in this clinical program have targeted the practical challenges of legal aid, enforcement proceedings and legal writing in light of contemporary theories of legal sociology, critical legal studies and current thoughts in law and society.

THE "DEFENDER OF RIGHTS" PROJECT

Context and goal

This project offers a unique experience within a national institution with constitutional authority dedicated to access to justice in France. It allows students to take an active role in the wide range of legal intervention of the Defender of Rights (Ombudsman, Defender of Children, Antidiscrimination Commissioner, Police and Security Forces Ethics Monitoring). Its unique vocation is to process all claims linked to access to rights through a series of very different areas: denial of rights linked to public service, police brutality, violation of the UN Convention on the Rights of the Child, discrimination against Roma or sex harassment in the workplace for example. The French institution has investigative powers : to resolve conflicts or denial of rights through mediation, to intervene in support of a civil or criminal transaction, to request disciplinary action against a security officer, to submit observations before a national court or the European Court of Human Rights, to recommend legislative or administrative reform and to recommend sanctions condemning an administration which discriminates against a person. Its actions are supported by the work of 400 regional delegates, working on a voluntary basis all over the French territory. The goal of the project reflects the varied scales of intervention (individual and global) : the students must understand the different facets, powers and activities of this complex and far reaching institution created to defend human rights in France on a more comprehensive level and help solve a specific individual case from the initial investigation and input of delegate or written request to the legal action or mediation ensued.

Approach and methodology

The approach of this project is to show that there exists in France a specific French body with constitutional powers and know-how on access to justice which goes beyond public interest litigation. It involves an array of forms of legal intervention drawing from preventive awareness raising, mediation and litigation. The students meet the staff of the different branches of the institution in a weekly collective session to discover concretely their specific legal tasks (police ethics violation, discrimination, public service violation or children's rights) and are dispatched for at least two sessions with a delegate of the Defender who receives direct claims on the field, some of whom are in the Houses of Law and Justice. The students are trained and participate in two sessions to file written claims as they arrive at the Defender. They can also participate in hearings linked to the individual case they are working on or other issues, outside of their collective session. Students investigate, inquire and build a specific brief on an individual case they are given, paired up with an in-house counsel of the Defender of Rights and defend it at the end of the clinical program in front of an entire team of in-house attorneys. The legal briefs have covered a number of issues including child custody, urban planning, disability discrimination, legislative reform on complex administrative procedures, harassment or even death of an intoxicated person while in custody.

THE "STREET LAW" PROJECT

Context and goal

The goal of this project is to allow students to understand how barriers to rights involve a real physical and spatial dimension: where you live can condition your legal empowerment. This project is meant to draw from urban sociology, critical theory and local expectations and needs to construct modules of legal education elaborated and taught by law students in local schools of Saint Ouen and in a park in the vicinity of public low income housing. This project is framed to be articulated with Sciences Po's affirmative action initiative through the Convention d'Education Prioritaire (CEP) as a continuum based on the same objective of equal opportunity. The context is residential and social status discrimination (now banned by law), obliviousness of youth in the power of legal information and remedies, coexistence of people coming from an enriching multicultural background and with different religious beliefs, poverty, unemployment and effects of gentrification in a certain part of town with more public transport available soon (Grand Paris urban project).

Approach and methodology

In 2015-2016, two students of Sciences Po first mapped out the local resources in access to justice for young generations in Saint Ouen. The essential legal needs of the local residents have been identified and some areas of law will be privileged to elaborate a basic educational toolbox for young people and students: basic introduction on legal « players » (lawyers, judges, police, regulators), sources and framework of litigation, legislation and enforcement, housing rights, labor law, racial profiling and social security benefits. Inspired by skills developed by « street law » in the United States, the program will develop moot courts, simulations of landlord tenant issues, employer and employee conflicts, role playing to understand due process rights in racial profiling cases, administrative skills to request for social benefits. Outside of the challenging experience teaching the legal jargon in the parks or the schools and raising awareness about the law with young people, the students will interact with a non partisan NGO based on citizen empowerment working locally to expand the pedagogical experience to the families of young people and local civil society. They will finish their clinical experience with a memo describing analytically how spatial and physical alienation contribute in creating or reinforcing barriers to more specific access to law: are the considerations different when the issue involved in the street law experience is housing, racial profiling or social benefits ? Their research should be framed to respond to certain questions: What are the social science resources and legal limits to develop an « architecture of inclusion », phrase coined by Professor Susan Sturm, in order to bridge the educational gap and reduce the risk of youth violence and alienation ?