REGIONAL COURSE ON

PUBLIC INTEREST LAWYERING

2024
PILnet is an international non-governmental organization that creates opportunities for social change by unlocking law’s full potential. With global programs and regional ones in Europe, Eurasia, and Asia, PILnet aims to reclaim and reimagine the role of law so that it works for the benefit of all. PILnet does this by building networks and collaborations of public and private sector lawyers who understand how law works when it serves the interests of the privileged and then it uses that knowledge to strengthen civil society and serve the world’s poor and vulnerable.

Over the last 25 years, PILnet has built extensive networks among public interest legal organizations and law firms that provide pro bono support. Today, PILnet keeps exploring new ways to merge these networks, utilizing the expertise of transactional lawyers to develop innovative of public interest projects, and then disseminating these new strategies through new and existing networks of these lawyers and PILnet Fellows who learn these new approaches by working alongside PILnet staff.

Since 2003, PILnet’s work in Asia has supported the creation of vibrant public interest legal networks, pro bono clearinghouses, and national and regional initiatives that educate and enrich current and future generations of public interest lawyers. In 2013, PILnet expanded its regional presence with an office in Hong Kong and launched a range of activities targeted at Asian lawyers and civil society advocates.

The School of Law at Fordham Law School is an innovative think-and-do tank that aims to make international human rights protections an everyday reality for marginalized communities around the world.
PILnet and the Fordham School of Law are launching their fourth Regional Course on Public Interest Lawyering for lawyers and representatives of NGOs in the Asian region. With this course, PILnet aims to create a channel for about 50 young public interest-minded lawyers to gain experience and an international perspective at the outset of their careers and to build a network among them and other relevant groups in the field.

The five-week online course will consist of five interactive and interconnected sessions, which include sections for self-paced learning and live webinars/discussions. The course participants can access theory video presentations, resources, quizzes and live discussions with expert speakers, including case simulations and practical exercises. The course also encourages regional cooperation and development of creative ways to use the law for the public interest. The entire course is hosted using PILnet’s learning platform and integrated with Zoom.
Law school professors often tell arriving students that their job is to teach them to "think like lawyers." But by the time they leave law school, these students have usually only learned to think like a particular kind of lawyer—one that is ready to represent the interests of paying clients.

To represent the interests of society as a whole (in what is commonly called "justice") lawyers may need a different kind of thinking. To explore this idea, PILnet developed a course that is built around five core concepts critical to shaping the way public interest lawyers think.

These are:

ACCESS TO JUSTICE;
PRO BONO PUBLICO;
STRATEGIC LITIGATION;
LEGAL EMPOWERMENT;
NEW DIRECTIONS IN PUBLIC INTEREST LAWYERING.
**COURSE OBJECTIVES**

- **Increase knowledge about the history, current practices and applications of public interest lawyering to address unmet legal needs in society and contribute to broader social reforms.**

- **Enhance resources, tools and skills that can be used by NGOs, clearinghouses, and pro bono/PIL lawyers to increase their knowledge, effectiveness and resilience.**

- **Enable sharing of information, promotion of best practices, and collaboration among target audiences.**
Access to Justice is a foundational concept for the way public interest lawyers think about their societies. This is because the problem of unmet legal needs means that law is not working for everyone and, as a result, that the legal systems may be treating some people unfairly or favoring the interests of some at the expense of others. Recognizing the problem is the first step for public interest lawyers in thinking of ways to address it.

A closely related concept is Pro Bono Publico, which calls to mind the responsibility of the legal profession in helping to address the unmet legal needs of society by acting for the public good. For the privilege of being able to practice law, all lawyers have a duty to help ensure that the legal system is not just serving the interests of paying clients. How far this duty goes and what it means in practice is viewed differently in various societies, and it is often in competition, or even conflict, with the commercial practice of law.

Because legal resources are often limited and legal aid insufficient, public interest lawyers have thought about ways to focus their efforts through the concept of Strategic Litigation. The idea is to select and litigate key cases that have the potential to effect change beyond the interests of a specific client. Perhaps because the express premise of this strategy is that some cases can have an impact that serves the public interest, it has become the best known form of public interest lawyering. But it is not the only or necessarily the best approach.

Another promising approach is Legal Empowerment, which addresses unmet legal needs by using low cost methods, like paralegals. Unlike litigation, which seeks to remedy problems after the fact, legal empowerment seeks to anticipate future problems by providing timely targeted advice that can prevent or mitigate potential harm. Whether this approach can be used strategically to effect broader change, is not yet well established.

Having examined four key concepts that shape the way public interest lawyers think, the course concludes with a reexamination of the concept of Public Interest Lawyering by looking at some new directions that are now being explored. Informed by social science research and new capabilities afforded by technology, some public interest lawyers are finding new ways to think about addressing the unmet legal needs in their societies.
Access to Justice

- What do we mean by A2J?
  - Procedural vs substantive justice
  - Legal needs assessments
  - Unequal access to resources/participation/power
- How do we define the “problem”?
  - Too little law/too few lawyers
  - Identification of systemic causes
  - Self-regulation/inadequate state support/others
- What are the institutional approaches for addressing?
  - Legal aid: provision of legal assistance to those unable to afford lawyers
  - Right to counsel: Connection to equality before the law, right to counsel, right to a fair trial
  - State obligation: criminal and civil proceedings? (i.e. Civil Gideon)
  - Welfare (does access to justice include legal help accessing benefits?)
  - Simplify law
  - Deregulation of profession/non-licensed providers
- SDG 16
Pro Bono Publico

- Where does pro bono come from and what does it mean?
  - Most countries have tradition of volunteerism; “pro bono” as we know it is recent
    - Is pro bono a professional obligation or a personal choice?
  - Growth of larger units of practice/rise of Big Law
  - Growth of NGO sector in need of resources
  - Relation to legal aid/austerity
- What does pro bono look like?
  - Individual services v. NGO rep v. social enterprise
  - Civil/criminal
  - Relationship to legal aid
- Who does pro bono and why?
  - Variations in Big Law v. small-scale practitioners
  - Law firms and the business of law
  - CSR
- What role does the bar play?
  - Role of the legal profession/Regulation of the legal profession
  - Legal ethics
  - Mandatory pro bono (examples from the region)
- What is the role of other professional actors?
  - Legal education in service of social justice
  - Clearinghouses
  - Research/think tanks
  - Rankings
Legal Empowerment

- What does it mean to “empower” the “powerless”?
  - Rethinking access to justice and the role of litigation
  - Ability to prevent harm and shape outcomes
- Is legal empowerment a new idea or just a new name?
  - Barefoot lawyering
  - Community legal empowerment
  - Street law
- Can legal empowerment be transformational?
  - Paralegals and the problem of scaling
  - Legal mobilization
  - Know your rights
Strategic Litigation

- What is strategic litigation and what makes it “strategic”?
  - Investment of legal resources for systemic (social) change
  - Root causes vs cause (rebellious) lawyering
  - Client vs public interests (problems of standing)
  - Strategic vs rights vs impact litigation
  - Class actions and legal precedent
- What makes strategic litigation controversial or “political”?
  - A check on power: democracy and rule of law
  - Putting the system on trial
- Other thoughts to discuss:
  - Why courts? Courts as arenas for struggle/variation based on judicial independence
  - What is the purpose/goal? Direct v. indirect effects
  - Litigation as a tactic v. strategy
  - Who decides how to use litigation? Lawyers, funders, social movements
  - Accountability and efficacy
Whose interests are served by the way that most law is being practiced today?
- Consider public interest-minded critiques of the profit-focused fiduciary duties of directors and the emergence of new legal entities like benefit corporations and social enterprises.
- Consider the impact of Section 230 of the Communications Decency Act (which shields social media companies from liability even when they profit from the dissemination of false or misleading information).

How does globalization exploit the lack of legal safeguards to protect the public interest?
- Impact of foreign investment
- Lack of accountability for multinationals

How is our deepening understanding of the complexity of systemic causes that perpetuate the problem of unmet legal needs prompting a search for more interdisciplinary approaches?

How can technology improve the way unmet legal needs are addressed?
- Who needs the government or lawyers: do scientists have answers? (Harvard’s A2J Lab and randomized control trials)

What does it mean to say: “All law is public interest law”?
- Law has the potential to serve the public interest, but it is a contested terrain.
- Law enables collaborations that are transforming the world. Does this necessitate more shared problem-solving responses to protect the public interest?

What is “movement lawyering”?
- How does this form of legal assistance differ from legal empowerment?
- How does it compare to the idea of “rebellious lawyering”?
Reem Alsalem

Ms. Reem Alsalem was appointed United Nations Special Rapporteur on violence against women and girls, its causes and consequences in July 2021 by the UN Human Rights Council for a three-year tenure. She started her tenure on 1 August 2021.

Reem Alsalem is an independent consultant on gender issues, the rights of refugees and migrants, transitional justice and humanitarian response. She has consulted extensively for United Nations departments, agencies and programmes such as UN-Women, OHCHR, UNICEF and IOM, as well as for non-governmental organizations, think tanks and academia.

Previously, she worked as an international civil servant, serving with the UNHCR in thirteen countries. During her service, she has planned, implemented, and monitored programs that served to protect persons that were survivors of gender-based violence, particularly women and girls.

She has also been a visiting professional with the Prosecutor’s Office of the ICC from January to March 2009 and a visiting researcher with the Feinstein International Center of Tufts University in December 2008. Visiting Professional, Investigation Unit of the Prosecutor Office, International Criminal Court, the Hague, the Netherlands, January 2009-March 2009.

Reem has a Master’s in International Relations from the American University in Cairo, Egypt (2001) and a Masters in Human Rights Law from the University of Oxford, United Kingdom of Great Britain and Northern Ireland (2003).
Sara Hossain is a Senior Advocate at the Supreme Court of Bangladesh, practising in the areas of constitutional, corporate and family law. She is a partner at the law firm of Dr. Kamal Hossain and Associates. She also serves pro bono as the Honorary Executive Director of the Bangladesh Legal Aid and Services Trust (BLAST) and has been recently appointed as a Professor of Practice at SOAS, University of London. She is currently serving as the chair of the UN Human Rights Council’s Fact-Finding Mission on the Islamic Republic of Iran.

Sara earlier served on the UN Commission of Inquiry on the 2018 Protests in the Occupied Palestinian Territories and on the UN Expert Group on Accountability in the DPRK, in both cases appointed by the President of the UN Human Rights Council.

Sara is currently a member of several boards, including national development organizations, D-NET, and IID. She is a Bencher of the Middle Temple.

Sara was educated at Wadham College, Oxford (1988), called to the Bar from Middle Temple (1989), then enrolled in the High Court Division of the Supreme Court of Bangladesh (1992) and the Appellate Division of the Supreme Court (2008). She has been involved in landmark cases and campaigns on gender equality (‘fatwa’ violence discriminatory rape laws, sexual harassment), prohibition of corporal punishment in schools, protection against torture and freedom of expression, among others. Sara has received awards for her work from among others the Lawyers’ Committee for Human Rights, the US State Department (Women of Courage). She writes and speaks on issues of women’s rights, discrimination, public interest litigation, freedom of expression and access to justice.
Prof. Zhang Wanhong

Zhang Wanhong earned his Ph.D. in Law from Wuhan University School of Law, Wuhan, China, where he now holds the position of Professor of Jurisprudence. He studies and teaches in the legal areas related to human rights, public interest and civil society. He is the pioneer of rights-based disability studies in China and founding editor-in-chief of Disability Rights Studies in China.

Professor Zhang is one of the drafters of China’s first National Human Rights Action Plan. He is the author and translator of a number of books, and has published articles in both international and Chinese journals. He is one of the founders and the Executive Director of Wuhan University Institute for Human Rights Studies. He was the Edwards Fellow (2005) at Columbia University School of Law, New York, USA, and was named as Columbia’s first Greater China Public Interest Fellow (2013). He had visiting positions at a number of academic institutes at home and abroad, among them, the Norwegian Centre for Human Rights (Norway), Raoul Wallenberg Institute of Human Rights and Humanitarian Law (Sweden), Danish Human Rights Institute (Denmark), Academia Sinica (Taiwan). He is Senior Research Fellow at the Netherlands China Law Centre, University of Amsterdam.

As the Director of Wuhan University Public Interest and Development Law Institute, Professor Zhang and his colleagues are actively working in the field of protection and promotion of human rights in China. He also serves as advisor to several international and domestic organizations. Recently, he was appointed as Chief Expert of the prestigious Wuhan University Institute of International Law.
Dr. Peng Ding

Peng DING, Ph.D of Law, research fellow of Wuhan University Institute for Human Rights Studies; Visiting Research Associate (2023) at the Faculty of Law, University of Hong Kong. He joined the Wuhan University Public Interest and Development Institute in June 2009 and established the East-lake Institute for Social Advancement in 2014.

He has been dedicated to the research and training efforts on human rights and equal access to justice for more than a decade and published several relevant papers on access to justice in Chinese and English. DING has delivered a dozen training lectures on anti-discrimination, pro bono work, legal empowerment, capacity building of social organizations, and other human rights topics. He developed several courses to champion legal aid lawyers in the model trainings supported by the National Legal Aid Center and Hubei Provincial Department of Justice in 2017 and 2018. He has been invited by international institutes such as the Norwegian Center for Human Rights (Oslo), Equal Rights Trust (London), Handicap International (Beijing), Law Faculty of Hong Kong University and other partners to lecture on equal rights of vulnerable groups and how to advocate them among diverse communities in 2018-2023. He is a contracted expert and has delivered several lectures in the EU project “Support Measures: capacity strengthening of local Civil Society Organisations in China” since 2020. He co-edited a book on Disability, Sexuality, and Gender in Asia based on his networking with CSOs in the related areas, published by Routledge in 2023.
Helena Whalen-Bridge is Associate Professor of Law at the National University of Singapore. A recipient of multiple competitive research grants and the 2019 Teresa Godwin Phelps Award for Scholarship in Legal Communication, her research interests include legal ethics and access to justice, legal narrative, and legal education.

Publications in the field of access to justice include The Role of Lawyers in Access to Justice: Asian and Comparative Perspectives (CUP, 2022), Litigants in Person: Principles and Practice in Civil and Family Matters in Singapore, with Jaclyn Neo (SAL Academy Publishing, 2021), “Automated Document Assembly: Access to Justice and Consumer Risk” (2020) Singapore Academy of Law Journal, and “The Conceptualisation of Pro Bono in Singapore” (2014) Asian Journal of Comparative Law. Helena has received multiple NUS Teaching Excellence Awards, and she is an Expert with the UNODC’s Education for Justice project. Helena is a founding member of the Law Society of Singapore’s Project Law Help, which helps provide legal information and support to charities and social enterprises. She has been the Faculty Advisor for the Law Faculty’s student Pro Bono Group since its inception in 2005.
Tanguy Lim

Tanguy Lim serves as the CEO of Pro Bono SG (PBSG), a charity and Institution of Public Character in Singapore. In 2007, he left legal practice to serve as the Law Society of Singapore's first Director of Pro Bono Services to implement its vision for the provision of pro bono legal services. Tanguy established its Pro Bono Services Office which initially functioned as a department within the Law Society. In 2017, it was corporatised and is now known as PBSG. A Tote Board scholar, Tanguy has over a decade of leadership experience in the non-profit sector.

He specialises in fostering public-private-people partnerships to improve access to justice. In 2022, he received the President of Singapore's Volunteerism & Philanthropy Leaders of Good Award.
Tze-Wei Ng

Tze-wei is a Hong Kong-based lawyer with the private wealth team of international law firm Stephenson Harwood, with a focus on philanthropy and charity law, as well as ESG (environmental, social and governance).

She was formerly Deputy Director for Asia with PILnet, and led the setting up of the Hong Kong Pro Bono Clearinghouse and other regional pro bono efforts.

During this time she and team liaised with various law firms, law schools, bar associations, international organisations and NGOs around the region in designing innovative pro bono projects.

After returning to private practice, she remains active in her pro bono support to organisations serving marginalised communities. In recent years she's also been keenly exploring the role of lawyers in supporting the growing practice of social entrepreneurship, social finance, impact investing and responsible businesses etc.. She sees these as exciting new areas of public interest law - as doing good increasingly goes beyond charity and donations, and requires a mix of non-profit and for-profit tools and structures.

Outside the law firm she is board co-chair of Resolve Foundation, an NGO committed to supporting social justice advocates working towards a more equal and inclusive Hong Kong. She is also a board director of esela – The legal network for social impact, a global network of lawyers committed to creating a sustainable economy that balances financial return and social and environmental impact.

Patricia Ho

Patricia Ho is the Founder of Hong Kong Dignity Institute, Founding and Managing Partner of Patricia Ho & Associates and Principal Lecturer of the Faculty of Law at the University of Hong Kong. Much of her work involves defending the rights of minority groups in Hong Kong by way of seeking advancements and developments of government policies and laws through strategic litigation.

Patricia also provides legal and strategic advice to a number of NGOs in Hong Kong, and works with both local and international bodies to advocate for the rights of marginalised groups, including refugees, asylum seekers and victims of human trafficking.

In 2015, Patricia represented Mr. ZN to bring a judicial review - ZN v Secretary for Justice & Ors - to encourage the government to consider introducing specific legislations to criminalise forced labour and human trafficking. She has provided trainings and seminars to the legal community in Hong Kong on avenues to protect victims of human trafficking and forced labour, and is a co-author of the Crimes (Amendment) (Modern Slavery) Bill 2019 which has been introduced in Hong Kong Legislative Council. In June 2020, Patricia was recognised by the U.S. State Department as one of ten global Trafficking in Person (TIP) Report Heroes.

Patricia is trained in Post Trauma Psychosocial and Mental Health Interventions for the Refugee Population.
Jinmei Liu

Jinmei Liu is the director-general of Friends of Nature and currently based in Beijing. She has worked as the head of the law and policy project of Friends of Nature from 2018 to 2021, and her job was focusing on environmental public interest litigation, environmental legislation and policy advocacy. Jinmei has more than 15 years professional experience in China and South East Asia and has leaded China’s first climate litigation.

She has worked with ClientEarth China Project as lawyer from 2017 to 2018 and focus on legal capacity building and legislation. Before ClientEarth, She has worked as the Mekong legal coordinator of Mekong Legal Program of EarthRights International in Thailand since 2015, focusing on Chinese overseas investment in Southeast Asia and South America. Before joining ERI, Jinmei worked with the Center for Legal Assistance to Pollution Victims (CLAPV) for six years, which is China’s most established group of environmental lawyers, led by Prof. Wang Canfa. She worked as an environmental public interest lawyer representing pollution victims from communities across China.
Pillkyu Hwang

Pillkyu Hwang is a lawyer at GongGam Human Rights Law Foundation and a former adjunct professor in charge of the international human rights law clinic at Seoul National University (SNU) Law School. The main areas of his advocacy, research and fieldwork include international human rights, migration, refugees, business and human rights, international adoptees, alternative child care, North Korean escapees, disaster and human rights, detention and human rights and access to justice in general both in Korea and Asia.

He graduated from SNU with an LL.B. and has earned his PhD in public international law at the same university. He was a visiting academic at the Centre on Migration, Policy and Society (COMPAS) of Oxford University in 2007, and a visiting fellow at the Human Rights Program of Harvard Law School in 2011-2012. He has been the Human Rights Committee coordinator of the Korean Bar Association (KBA) for 8 years and is now the chair of the KBA’s Special Committee on International Human Rights. He was a member of the Reform Committee within the National Human Rights Commission in 2017 and has been a President-nominated commissioner of the Special Commission on Social Disasters in Korea since 2018. He also has played a leading role in the Asian region, as the chair, in two major regional human rights networks, the Asia Pacific Refugee Rights Network (APRRN) and the Asian Consortium for Human Rights Based Access to Justice (Hrba2j-Asia).
Marlon J. Manuel
Senior Advisor to the Legal Empowerment Network, Namati

Marlon has more than two decades of experience in legal empowerment work, having devoted practically his entire career to social justice and human rights lawyering. He has combined grassroots education activities with active involvement in strategic litigation on human rights and public interest issues, policy reform work on social justice legislation, and justice system reform programs on improving access to justice.

From 2008-2017, Marlon was the Coordinator of the Alternative Law Groups (ALG), a coalition of twenty (20) legal resource NGOs in the Philippines with distinct programs that are primarily concerned with the pursuit of public interest, respect for human rights, and promotion of social justice. He previously served as a civil society member of the Philippines’ Open Government Partnership (OGP) Steering Committee. From 2011 to 2015, he was the Vice-Chairperson for the Basic Sectors of the National Anti-Poverty
Haya Emaan Zahid

Haya Emaan Zahid is a Barrister-at-Law with more than 11 years of experience working as a legal empowerment professional.

She is nominated by the Government of Sindh as a legal expert for the Committee for the Welfare of Prisoners (a committee that has been providing legal aid, assistance and empowerment to prisoners in Sindh since establishment in 2004).

She has been working within the prison landscape both at the grass roots and policy and research level having made key contributions to reforming prison legislation in Sindh. Haya has worked as a special assistant/co-opted member for federal government committees notified to improve the situation of prisoners across Pakistan.

Haya is a member of the Sindh Public Safety and Police Complaints Commission, National Commission on the Status of Women and Board Member of the Legal Aid and Justice Authority. She is a founding member of the Legal Aid Society where she started working in the role of a Project Director and is now the CEO.
Asfinawati Ayub

Asfinawati has been practising as a human rights lawyer since 2001. She dealt with human rights subject particularly on labour issues including migrant workers, religious freedom or belief, women and fair trial. She experienced as a lawyer at district court level to constitutional court including judicial review on religious defamation Law.

Asfinawati has been practising as a human rights lawyer since 2001. She dealt with human rights subject particularly on labour issues including migrant workers, religious freedom or belief, women and fair trial. She experienced as a lawyer at district court level to constitutional court including judicial review on religious defamation Law. After becoming a director of Jakarta Legal Aid Institute in 2006 – 2009, she is a chairperson of Indonesia Legal Aid Foundation for 2017-2021. After experiencing some litigation and policy advocacy she trusts more in organizing and educating to make changes.
Surya Deva

Surya Deva is a Professor at the Macquarie Law School and Director of the Centre for Environmental Law at Macquarie University. He is also the UN Special Rapporteur on the Right to Development and a Co-Director of the Teaching Business and Human Rights Forum. Deva is an internationally recognised scholar in the field of business and human rights. He served as a member of the UN Working Group on Business and Human Rights (2016-22).

Deva has advised UN agencies, governments, national human rights institutions, multinational corporations, trade unions and civil society organisations on issues related to his expertise. He researches in the areas of business and human rights, comparative constitutional law, international human rights law, sustainable development, climate change, and gender equality. Deva is one of the founding Editors-in-Chief of the Business and Human Rights Journal, and sits on the Editorial/Advisory Board of the Netherlands Quarterly of Human Rights, the Vienna Journal on International Constitutional Law, the Indian Law Review, and the Australian Journal of Human Rights. He is an elected Vice President of the International Association of Constitutional Law (2022-26).
Junior lawyers, recent law graduates, and NGO representatives interested in public interest law are welcome to apply to join the course. Applicants with a legal background and familiarity with public interest law in Asia will be given preference. The course will be fully delivered in English. The program will accept about 50 participants.

To ensure as much interaction as possible and fruitful discussions during the course, participants are expected to:

- be able to communicate in and understand English;
- attend at least 4 out of 5 sessions;
- be available to join each live session with their video on;
- actively participating in live discussions and non-live forums;
- complete the course assignment before the live sessions (including watching course videos, reading resource material, and take quizzes); and
- bring case studies or examples for discussions.