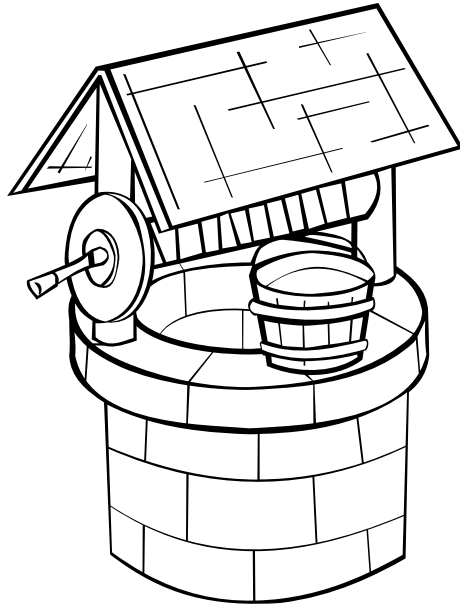




CLINICAL LEGAL EDUCATION PROGRAM AND
REVISED MODEL LAW CURRICULUM:
CHAMPIONING LAW ADVOCACY AND
ETHICAL-DRIVEN LAWYERING

ENRIQUE Z. TRESPECES
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**"Wisdom is light, but a wise man without morals
is a well without a rope."**

- RONALD E. PEPIN



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A Commentary

CLINICAL LEGAL EDUCATION PROGRAM AND REVISED MODEL LAW CURRICULUM: CHAMPIONING LAW ADVOCACY AND ETHICAL-DRIVEN LAWYERING

Enrique Z. Trespeces
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The rebranding of Rule 138-A¹ with lethargic history save for the University of the Philippines' Office of Legal Aid and the Ateneo Legal Services Center is a great leap forward to fix the huge disconnect between the study of law and the practice of law. In this maiden commentary, I will focus on two big proverbial concerns.

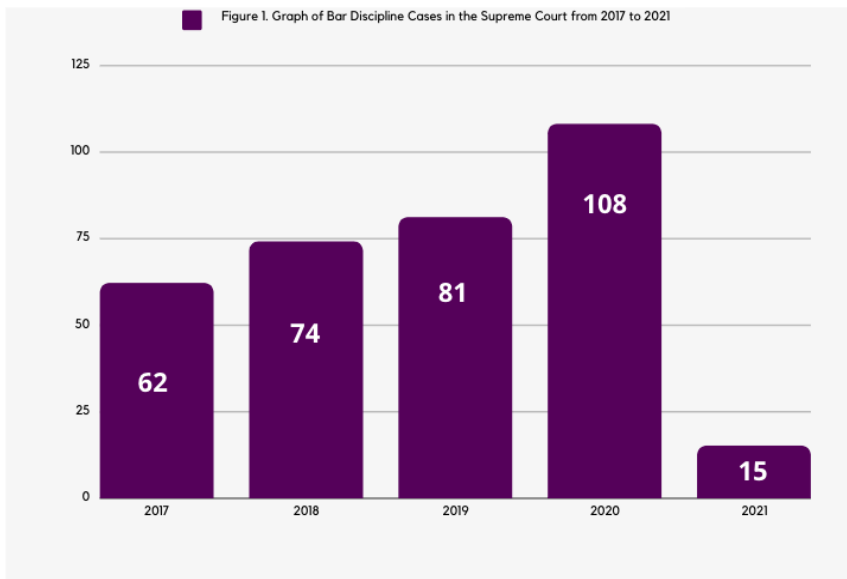
The rebranding offers two-tier solutions that complement each other: first, overhauling of the law curriculum, which is now “foundational-centered”; and second, integrating clinical legal education in the curriculum, which is now “experiential and ethical-driven”.

The Revised Model Law Curriculum launched in the last quarter of 2021, now zeroes in on the pressing need to lay a solid rock foundation for first-year law students; subjects like philosophy of law, legal research and writing,

¹ Rule 138-A, Law Student Practice, under A.M. No. 19-03-24-SC, July 2019.

legal methods, and basic legal and judicial ethics² — are, in essence, foundational to the study of law.

The general consensus is that lawyers must be practice-ready and ethical-driven, but the reality is different with a plentitude of exceptions of course. The ethical component seemingly dwarfs the practice-readiness component. Statistically wise, the huge volumes of bar discipline cases³ abound the docket of the Supreme Court.⁴ From my own survey from 2017 to 2021, it yields 340 cases.⁵ The bar chart below tells a story.



² The Revised Model Curriculum of the Basic Law Program, Accessed August 9, 2022

<https://leb.gov.ph/wp-content/uploads/2021/07/LEBMO-No.-24.pdf>

³ Following an investigation, the Commission on Bar Discipline of the Integrated Bar of the Philippines elevates the administrative case with its recommendation to the Supreme Court for final review and final disposition.

⁴ <https://elibrary.judiciary.gov.ph>

⁵ Case titles and case docket numbers are omitted because of sensitivity concerns.

A resort to this probe makes clear that these 340 cases involve a myriad of ethical issues spiraling year after year that reflect the “dark side” of lawyering spread throughout the legal profession. These rerunning cases consist of: failure to account for the money, gross dishonesty, gross immorality, grave misconduct, conflict of interest, breach of privileged communication, and gross misuse of procedural rules, among other ethical-related cases. And then, penalties differ depending on the gravity of culpability like suspension, restitution of money, admonition, reprimand, fine, and a capital penalty of – disbarment – leaving the remorseful the emotional scar to endure and the unrepentant wallowing either in self-pity or callousness.

With the CLEP, the Law Student Practitioners have one good reason to hope for. It has most assuredly tailored a model curriculum to deal with the general consensus that I squarely described, perennially emasculating the integrity of the legal profession, and undoing the failings of the defunct student practice rule some decades ago.

What is reassuring about the CLEP learning activities is integrating legal ethics unprecedentedly apart from the conventional legal theory and doctrine activities into the model curriculum, which I believe is the backbone of the CLEP⁶. This is further heightened in the model curriculum for senior law students: “legal ethics and judicial ethics and practical exercises”⁷. Integrating a clinical component of legal and judicial ethics in procedural subjects like criminal procedure, civil procedure in dispute resolution, and evidence rules are – significant enhancement of achieving the CLEP’s holy grails of enrooting ethical-driven lawyering aside from substantive law subjects in the model curriculum. This is in accord with the CLEP’s goal of “inculcating in the students the values of ethical lawyering and public service”⁸. As trials become progressively more drawn out, complicated, and nasty at times, the clinical

⁶ Section 2(a), Rule 138-A Law Student Practice.

⁷ Model Curriculum JD Non-Thesis, Accessed August 9, 2022
<https://leb.gov.ph/model-curriculum-jd-non-thesis/>

⁸ Ibid.

approach would give them a clear sense of direction and then heave a sigh of relief.

The Legal Education Board's CLEP and RMLC, as components of a more comprehensive solution, are just the beginning, no doubt – but right now a concerted effort is required of all the stakeholders: law student practitioners, law clinics, law schools, clinical directors, supervising lawyers, clinical faculty, among others, to set the CLEP and RMLC in motion to come to fruition without slack, without setback. ■