

‘The Practical’: Professional Legal Training and Social Commitment in the Curriculum of the Law School of the University of Buenos Aires (Argentina)

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Abstract

The aim of this article is to describe and analyse a centennial experience, the Free Legal Aid and Professional Training programme at the Law School of the University of Buenos Aires (UBA), a one-year mandatory course that is part of the Law degree and commonly known as ‘The Practical’. Throughout this year, final-year law students engage in serving the community, assisting individuals that lack the financial means to afford legal representation. This hands-on experience exposes students to pressing social issues such as domestic violence, discrimination, child rights violations and barriers to accessing healthcare. Through a qualitative methodology and drawing on research on Legal Clinics and the history of the programme, we ask ourselves whether ‘The Practical’ fits into the concept of clinical education. This theoretical framework, along with concepts on professional learning, such as Donald Schön’s concept of reflective practicum and the anthropological ethics of Joan-Carles Mèlich, enables us to analyse similarities and differences between ‘The Practical’ and Legal Clinics and to characterise this training experience further. We conclude that ‘The Practical’ is both a rite of passage and a reflective practicum experience where hegemonic views on professional legal practice and law are deconstructed and the social reality is imposed to point out the social function of the lawyer’s professional practice.

Keywords: experiential learning, clinical legal education, community and social service, reflective practicum, Argentina.

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1 Exordium: Arriving at the Palace of Justice

Figure 1 Façade of the Palace of Justice, Autonomous City of Buenos Aires



Source: <https://www.csjn.gov.ar/institucional/palacio-de-justicia>.

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Figure 2 Students and teacher in the Legal Aid rooms of the Palace of Justice, Autonomous City of Buenos Aires



Source: www.derecho.uba.ar/noticias/2023/inauguracion-de-la-sede-de-tribunales-del-consultorio-y-patrocinio-juridico-de-la-facultad.

Figure 3 Legal Aid rooms of the Palace of Justice, Autonomous City of Buenos Aires



Source: www.derecho.uba.ar/noticias/2023/inauguracion-de-la-sede-de-tribunales-del-consultorio-y-patrocinio-juridico-de-la-facultad.

After years of anticipation, the long-awaited moment finally arrives. On the first day of the term, final-year students at the Law School of the University of Buenos Aires (UBA) will get off the subway at the *Tribunales-Teatro Colón* station or the bus at *Avenida Corrientes* or *Plaza Lavalle* and walk towards the National Palace of Justice to begin their mandatory one-year professional practice course at the university's Free Legal Aid services. This year-long education training programme is colloquially referred to by both students and professors as *el práctico profesional* or *el práctico* (henceforth, the practical training programme or 'The Practical'). For most students, the experience will be novel and challenging. For a start, 'The Practical' will not take place at the Law School's building, a space already familiar to them, but rather in a new yet equally impressive setting: *Palacio de Justicia de la Nación* (the National Palace of Justice), the seat of the *Corte Suprema de Justicia de la Nación* (Supreme Court of Justice of the Nation). Located in Talcahuano 450, in the downtown area of the City of Buenos Aires, the building and its surrounding area are commonly known as *Tribunales*, the Courts.

The Palace of Justice is undoubtedly an emblematic place. Situated across the Colón Theater and at the end of one of the two diagonal streets intersecting the city centre, the building faces the *Obelisco*, the symbol of the city. In addition to serving as the seat of the highest court in the country, it also houses a number of chambers, including the ones where the military juntas responsible for the crimes against humanity during Argentina's last military dictatorship (1976-1983) were tried and sentenced in 1985.

Every day, hundreds of men and women approach its elegant white staircase to access the justice services provided there. Feeling somewhat disoriented and looking for guidance, final-year law students join the crowd entering through the building's imposing neoclassical façade. Eventually, they will find their way to the 8th floor, the building's highest level, where the practical training course's classrooms are located. This is the home of the *Patrocinio Jurídico Gratuito y Centro de Formación Profesional* (Free Legal Aid and the Professional Training Centre). In this highly symbolic space, students will spend four hours a week for one year meeting and working with *consultantes*, pro bono clients seeking legal assistance for a wide range of legal issues. They will have to deal with family disputes, unfair dismissals, domestic violence, access to social benefits and health services restrictions and the procedures and paperwork of the immigration bureaucracy. They will learn to practise torts and criminal, labour, family, human rights, consumer and migratory law while listening, interacting and responding to the urgent needs and questions of their clients. Accompanied by their professors, they will begin the process of becoming and learning to be lawyers.

Let us begin by setting the scene. Early in the morning and right after noon future clients line up in the narrow corridors outside the classrooms, waiting to be interviewed and assisted. They come from diverse backgrounds: some of them are Argentinian, while others are migrants. Most of them cannot afford private lawyers, and some find themselves in situations of great social vulnerability. They seek to share their story and problems with the hope that this time, after encountering

too many closed doors, they will at last be heard and that their lawyers – the students – will be able to help. It is not yet early noon when a young person comes out into the crowded waiting room. The atmosphere is heated, and conversation is hushed. Anticipation and anxiety can be felt in the air as everyone looks up to the student as they call: ‘Let the next one in!’¹ It is the next pro bono client’s turn. As he enters the meeting room, looking perhaps somewhat inhibited, the pro bono client will at first be unaware that the young people who are in front of him are, in fact, students and, at least in the beginning, probably just as nervous as he is. The pro bono client may feel watched by the eyes of those who, some more shyly and others more firmly, greet him, ask him to sit down and finally, inquire about his reason for consultation. And so, he begins to tell his story. This scene will be repeated continuously; such is the demand for the legal services and advocacy the UBA’s Legal Aid provides.

It is against this backdrop that final-year students at the UBA will be trained to work with the law by repeatedly performing the same practices and activities they will encounter in their future professional life as lawyers. The community of students, graduates and law professors call this transition – from the comfort zone of the classroom to the active practice of law – ‘to go down into the street’.² Thus, ‘The Practical’ can be thought of as an authentic transition to the action as the students go through it. During this journey they encounter challenges that will bring them closer to becoming new lawyers, better equipped to face the next stage in their incipient legal professional career.

2 Introduction: Rite of Passage between the Law Student and the Legal Professional

‘The Practical’,³ can bring about great expectations and illusions, but also fears and anxieties. Even though most UBA’s law students⁴ work full-time or part-time jobs as they progress in their studies, the professional practice at the UBA’s Free Legal Aid and Professional Training Centre will most likely be the first time they will work with trial records and files, interact with clients and be expected to design and implement legal strategies, formulate arguments and draft claims. Undoubtedly, it is the great moment of their training where each student

will experience the concrete practice of the profession.⁵ What is more, ‘The Practical’ exposes students to the social diversity of Buenos Aires’ population as well as to non-hegemonic forms of law practice that deeply mark, both professionally and humanly, all those who go through it. In this regard, the experience can be conceptualised as a rite of passage: the initiation⁶ of the students to the legal professional; hence its great significance in the training and academic curriculum.⁷

This is ‘The Practical’s’ fundamental role: to propitiate a ritual of subjective transformation. Indeed, the course provides students with the opportunity to apply the written law learnt at school – in a process not without tensions and gaps – to the real-life cases involving pro bono clients in a space overseen by the institution and professors. ‘The Practical’ is built on two of the foundational principles that guide the UBA’s Statute as a public university: education and professional training and university extension and community work.⁸ Hence, the name of its institutional host: the Free Legal Aid and Professional Training Centre.

Each year, either at the beginning of the academic year, in March, or entering the second semester, in July, 2,300 UBA’s law students begin ‘The Practical’. Together with the 400 professors in charge of each professional practice course, they attend requests for legal aid from 16,000 people and sponsor 7,000 cases before the courts.⁹ These statistics testify to a substantial and impactful community service, one with significant social implications, since it focuses on resolving access to justice for the exercise of fundamental rights of the population it serves.

This article seeks to describe and analyse the Legal Aid and Professional Training Centre’s programme as an experience of formal legal education, highlighting its local uniqueness as well as its educational and social impact. We propose an initial approach to the study of ‘The Practical’, its dynamic and operation that takes into account the perspective of the institution and its institutional participants. In this regard, the article looks at the history, structure and functioning of the programme’s courses. To carry out this task, it develops concepts utilised and mentioned by subjects in inter-

1 ‘¡Que entre el próximo!’, in the original Spanish.

2 ‘Salir a la calle’, in the original Spanish.

3 Information available at: www.derecho.uba.ar/institucional/depto_pracprofesional_centro_form_prof.php (last visited 28 March 2023).

4 The number of law students in the Law School of the UBA was estimated at 24,300 in 2021. Information available at: www.derecho.uba.ar/noticias/2021/estadisticas-generales-del-primer-periodo-de-inscripcion-2-2aa; www.derecho.uba.ar/institucional/The_School_of_Law_of_the_University_of_Buenos_Aires.pdf (last visited 12 July 2023).

5 M. A. Ramallo, ‘La tradición formalista en la enseñanza del derecho y su impacto en la formación práctica. Estudio de caso del Patrocinio Jurídico de la Universidad de Buenos Aires’, 7(1) *Revista Pedagogía Universitaria y Didáctica del Derecho* 9, at 20 (2020a). <https://doi.org/10.5354/0719-5885.2020.54934>.

6 A. Sy, ‘Ética en el Trabajo de Campo: Una reflexión desde la experiencia etnográfica’, (16) *Revista de Antropología Experimental* 353, at 355 (2016). Available at: <https://revistaselectronicas.ujaen.es/index.php/rae/article/view/2601>.

7 It is worth mentioning that in the Law Career of the UBA, a law degree is obtained to enable professional practice, unlike the degrees conferred by the Bachelor of Law, that is, any graduate can register as a lawyer in a professional association and begin working in the legal profession.

8 The University Statute that governs the thirteen faculties of the UBA can be consulted here: www.derecho.uba.ar/institucional/estatuto-universitario.pdf (last visited 28 March 2023).

9 According to data from April 2022, Law School of the UBA’s institutional video, available at: www.youtube.com/watch?app=desktop&v=AALCqWmlPbw (last visited 28 March 2023).

views and other official documents, providing an account of the meanings ‘The Practical’ holds for the Law School of the UBA, its authorities and professors. Towards this goal, we begin by presenting the theoretical background of this article in section 3, followed by sharing our research methodology and the procedures used for obtaining but also analysing information in section 4. We then describe the specific characteristics that the training at Free Legal Aid and Professional Training Centre of the UBA takes on, as well as its social function, and focus on its institutional, historical and operational dimensions in section 5. In the results and discussion in section 6, drawing on research on Legal Clinics, such as Richard Wilson’s,¹⁰ we ask ourselves whether ‘The Practical’ fits into the concept of clinical education. This theoretical framework, coupled with concepts on professional learning, such as Donald Schön’s¹¹ concept of reflective practicum and the anthropological ethics of Joan-Carles Mèlich,¹² allows us to analyse similarities and differences between ‘The Practical’ and Legal Clinics, further characterising these training experiences.

3 Theoretical Background: Is ‘The Practical’ a Legal Clinical Education Experience?

Legal and educational sciences scholars in Argentina have produced substantial work on legal education;¹³ curricula;¹⁴ strategies and approaches to the teaching of law;¹⁵ tensions between theoretical and practical education;¹⁶ and the relationship between the concepts and understandings of the law and the teaching of the law.¹⁷ Belonging to ‘civil law tradition’, legal education in Latin American universities has traditionally been charac-

terised as based on a theoretical, formalist and dogmatic approach to the legal field, where the law is seen as an abstract and coherent set of norms detached from real social, political and economic issues.¹⁸

Although this way of conceptualising law permeates the curriculum of law degree programmes, it is not ubiquitous. Law professors at the Law School of the UBA, for example, have made efforts to connect the teaching of dogmatic and legal theory in classrooms to past and contemporary social and political issues through, for example, their inclusion in course contents, the teaching of case law, and the implementation of various teaching strategies and methodologies, such as working with media content (films, fiction),¹⁹ gender mainstreaming²⁰ or the ‘case method’.²¹ Established in the early 20th century, ‘The Practical’ – a programme offering Free Legal Aid and Legal Training – may well be the only initiative that has had such a massive impact until now. How can this form of legal education be conceptualised?

Legal clinics and Free Legal Aid services can be conceptualised as two different forms of social projection of law schools. The two models differ in three main respects: (i) their aims, (ii) the cases with which they work and (iii) the methodology that is used.²² Literature on experiential learning programmes or courses in legal education has typically focused on, but is not limited to, legal clinics. There is a wealth of literature on the concept, momentum, organisation, financing and evolution of legal clinics for legal education.²³ Here, the existence of these spaces is generally valued, and the aim is to promote their development and impact; experiences of legal clinics are systematised, and definitions of the concept of legal clinic are created. For example, Richard J. Wilson has produced an ideal-typical definition of legal clinic education, which includes six fundamental characteristics:

First, it is created through a Law School with the intent that the programme be integrally linked to the academic programme of the institution. Second, law students, usually in their final years of Law School,

- 10 R. Wilson, ‘Training for Justice: The Global Reach of Clinical Legal Education’, 22(3) *Penn State International Law Review* 421, at 424 (2004).
- 11 D. Schön, *The Reflective Practitioner: How Professionals Think in Action* (1983); D. Schön, *Educating the Reflective Practitioner. Toward a New Design for Teaching and Learning in the Professions* (1987). <https://doi.org/10.4324/9781315237473>
- 12 J. C. Mèlich, ‘Poética de lo íntimo (sobre ética y antropología)’, 16 *Ars Brevis* 314, at 316 (2010). Please note that all the translations from Spanish to English belong to the authors.
- 13 See, for example: M. González et al., *La formación de los abogados y la formación jurídica en Argentina* (2011); M. González and N. Cardinaux, *Los actores y las prácticas. Enseñar y aprender Derecho en la UNLP* (2010).
- 14 See, for example: S. Delas and M. Manelli, ‘La inserción de la Metodología de Investigación en la carrera de abogacía y su relación con el perfil de las/os egresadas/os: un análisis comparado’, 25 *Derecho y Ciencias Sociales* 81 (2021). <https://doi.org/10.24215/18522971e093>.
- 15 See, for example: L. Clérico, ‘Notas sobre los libros de “casos” reconsiderados en el contexto del “método de casos”’, 1(2) *Academia, Revista sobre enseñanza del derecho de Buenos Aires* 13 (2003).
- 16 See, for example: Ramallo (2020a), above n. 5; M. A. Ramallo, ‘Free Legal Aid Services and Public Interest Law Clinics in Law Schools. Two Models of Practical education, Two Conceptions of the Legal Profession’, *Master’s Thesis on File at Oñati International Institute for the Sociology of Law* (2020b).
- 17 See, for example: N. Cardinaux, ‘Las investigaciones sobre educación legal universitaria en la Argentina: diagnósticos y perspectivas’, 2 *Revista Pedagogía universitaria y didáctica del derecho* 13 (2015). <https://doi.org/10.5354/0719-5885.2015.36701>.

- 18 Ramallo (2020b), above n. 16, at 3; M. A. Ramallo, ‘Free Legal Aid Services and Public Interest Clinic: Two Models of Practical Education Implemented in Radically Different Law Schools’, *Sortuz: Oñati Journal of Emergent Socio-Legal Studies* 77 (2024).
- 19 See, for example: J. Afarian, ‘El Derecho del Trabajo desde una perspectiva integral: la utilización del cine como recurso didáctico a la luz de la obra de Duncan Kennedy’, 16 *Academia. Revista sobre enseñanza del derecho de Buenos Aires* 121 (2018).
- 20 See, for example: J. Lobato and V. Flores Beltrán, ‘El enfoque invisible. Perspectivas feministas en la enseñanza del Derecho del Trabajo’, 17 (33) *Academia. Revista sobre enseñanza del Derecho* 229 (2019); L. M. Ronconi, A. F. Schuster & Á. Ciancaglini Troller, ‘Los feminismos en la enseñanza del Derecho: Presencia y pertinencia de los contenidos de género en la Facultad de Derecho de la Universidad de Buenos Aires’, 19 *Revista Cálamo* 96 (2023); Consejo asesor ad honorem en género y diversidad para la enseñanza del derecho, *Transversalizar para transformar. Perspectiva de géneros y diversidades en la enseñanza del derecho* (2023).
- 21 Clérico, above n. 15.
- 22 Ramallo (2024), above n. 18.
- 23 See, for example: V. Kemp, T. Munk & J. Gower, ‘Clinical Legal Education and Experiential Learning: Looking to the Future’, *Report Commissioned by the University of Manchester, the Law School* (2016).

learn experientially by providing legal services or advice to real clients.... Third, those students are closely supervised by an attorney admitted to practice in the relevant jurisdiction.... Fourth, the clients served by the clinical program are generally not able to afford the cost of hiring private counsel, and they usually come from traditionally disadvantaged, underserved or marginal sectors of the community. Fifth, supervised case representation by students is preceded or accompanied by a pedagogical programme.... This would include components of substantive doctrine, skills, ethics and values of law practice and would be taught by a professor who knows the students' cases well enough to integrate that experience into the clinic classroom. Sixth, the students would receive academic credit towards graduation....²⁴

There are a number of studies that analyse concrete experiences of legal clinics in both the 'global North' and the 'global South' and/or utilise literature on clinic education to critically analyse and evaluate legal education as well as training programmes or cases in order to propose reforms to improve them if deemed appropriate. Wilson's definition, for example, inevitably raises the question of whether the legal training practice at UBA could be considered a legal clinic and implicitly invites us to compare and contrast this experience to the standard definition sets.

Several authors, both locally and from elsewhere, have written about Argentina's legal training programmes, albeit with varying scope.²⁵ Most of them have almost exclusively focused the study of university-level legal training on Human Rights or Public Interest Legal Clinics and courses run by NGOs jointly with UBA, which belong to the small minority of 'The Practical' courses that officially call themselves legal clinics' (see Section 5 and Table 1). The majority of these clinics were created in the 1990s and early 2000s,²⁶ in part as a result of a great effort that began in the 1960s and 1970s to export the American legal pedagogy called 'Law and Development Movement' to developing and transitional countries. The importation, vernacularisation and proliferation of legal clinics in Argentina are intimately linked to the expansion of public interest lawyering, the growing litigiousness and judicialisation of social as well as political conflicts, and the professionalisation of human rights.²⁷

24 Wilson, above, n. 10, at 423.

25 See, for example: M. Puga, 'Challenges for Legal Clinics in Argentina', 37(3) *The Law Teacher* 239 (2003). <https://doi.org/10.1080/03069400.2003.993133>; G. Maurino, 'La enseñanza del derecho en las Clínicas Jurídicas de Interés Público: cuatro preguntas para una caracterización'. *Los derechos sociales en el Gran Buenos Aires* 311 (2013). Note that NGOs and legal clinics have produced information and reports on their programmes. See, for example, Centro de Estudios Legales y Sociales, *Clínica jurídica* (2013).

26 Puga, above n. 25.

27 L. Saldívar, 'Derechos Humanos y Derecho de interés público en Argentina: ¿Quiebre o continuidad?' in *Documentos de Trabajo sobre Derecho de Interés Público* (2003); P. Cardella, C. Fernández Meijide & M. Aldao, 'Movimientos sociales y derechos sociales', in: L. Clérico, F. De Fazio & L. Vita

Moreover, legal clinics in Latin America emerged not only through formal exchanges and financing but also through informal processes of exchange of legal knowledge with the American legal academy.²⁸ Other factors that have influenced this process include a tradition of popular lawyering associated with labour movements dating back to the early 1930s. The activism of human rights organisations and relatives of the disappeared persons during the military dictatorship and the *Memoria, Verdad y Justicia* (Memory, Truth and Justice) process and the incorporation of human rights treaties into the National Constitution through the constitutional reform of 1994 were also additional factors.²⁹

Mariela Puga³⁰ and Wilson have studied the CELS-UBA Legal Clinic, hailed by Wilson as a successful case of clinical legal education and '... a good regional example....'³¹ Less interest has been shown towards general courses and the Law School's Free Legal Aid. Among the ones who do, María de los Ángeles Ramallo³² carries out a more thorough analysis of the professional legal practice programme at the UBA School of Law and takes the legal clinic literature and theoretical framework as the model with which to confront and critically analyse the general Free Legal Aid and 'The Practical'. As will be shown in the following sections, even though the elements outlined by Wilson could characterise general courses of UBA's programme, the use of legal clinic literature to analyse it in its entirety is complicated by various issues, starting with the fact that its existence predates that of the legal clinics and its globalisation through the Law and Development Movement. The self-perception of the institution, too, does not seem to fit within this definition, and, furthermore, it has different perspectives and goals. Instead, other terminologies are used, such as Legal Aid or Professional Training Centre.

4 Methodological Approach: An Exploration on Dual Practice of Legal Training and Community Service

The methodology of this research is qualitative and exploratory. Its aim is to comprehensively understand and analyse the experiential learning practices implemented at the UBA's Law School. Due to the nature of this article, we first turn to the UBA's Law School official archive. Our corpus of data is made up of pieces of media

(eds.), *La argumentación y el litigio judicial sobre derechos sociales Una caja de herramientas interdisciplinaria* (2021) 113.

28 Ramallo (2024), above n. 18.

29 See, for example: M. Pinto, *El derecho internacional. Vigencia y desafíos en un escenario globalizado* (2004); P. Cardella, C. Fernández Meijide & M. Aldao, above n. 28.

30 Puga, above n. 25.

31 Wilson, above n. 10, at 427.

32 Ramallo (2020a), above n. 5; Ramallo (2020b), above n. 16.

and documents created by the institution. These are, first, official documents produced by the Department of Professional Practice: records of the course offering; statistics of legal aid requests and pro bono clients; and the *Prácticas profesionales sobre casos reales. Anuarios del Patrocinio Jurídico Gratuito de la Facultad* (Professional Practices on Real Cases. Free Legal Aid's Yearbooks of the Free Legal Aid of the School) compiled and published by the Law School as institutional memory of the years 2014, 2015 and 2016 to 2017.³³ Second, we have taken as source and codified various institutional videos either of events or communication pieces, which include interviews with teachers, students and pro bono clients. The yearbooks recount the work teachers and students have undertaken in addressing requests for legal aid handling emblematic cases arising from their time in 'The Practical'. For each yearbook, the Department of Professional Practice selects a few significant cases among thousands, categorising them into thematic areas of law to illustrate the various approaches taken by students and their professors to address the issues brought by clients. These publications contribute to establishing an institutional memory. Each book presents an astonishing variety of legal matters, including amparo proceedings and cases involving enforceability of economic, social, cultural and environmental rights; defence of consumer and user rights; protection of mental health; regularisation of migratory situations; family and gender violence; rectification of birth certificates; child guardianship and custody; parental responsibility and divorces; filiation, adoption, alimony and communication between parents and children.

Videos are the other pieces of media the Professional Training Centre has produced to give an institutional account of its programme. They feature interviews with authorities, teachers, students and pro bono clients.³⁴ Interviewees are asked about the daily activities and routines of 'The Practical', as well as their reflections on the handling of cases. The purpose of this record is to shed light on a task that is often unknown by the general public. In doing so, it provides a way of capturing the testimonies of those who, through their actions and within their time, engage in this dual practice of training and service. This recording practice holds sociological importance as it affords researchers the opportunity to listen to the voices of the protagonists and understand their perspectives, feelings and reflections. At the same time, it makes it easier to visualise the triad of students-pro bono clients-teachers who, through their in-

teractions and the exchange of knowledge and trust, bring this educational practice to life.

It is crucial to emphasise that we acknowledge the potential for bias in the materials produced by the institution promoting its own programme. However, the same bias in the collection of information can be found in historiographical research built on official archives as well as in sociological studies based on interviews, as agents tend to share some issues and hide others. This bias can be accounted for in the analysis of the information gathered through a reflective practice.³⁵ As Marc Augé³⁶ and other scholars have argued, a reflexive research practice requires the researcher to avoid enchanted gazes and being beguiled by agents in the field, a principle that also applies to working with documents. Therefore, an epistemological vigilance of the collected materials, whether they are documents or testimonies, is accepted. For the purpose of analysis, it is assumed that the testimonies shared recount the protagonists' own perspectives on their collective action within the context of 'The Practical'.

Information and data are interpreted and analysed through the dense description methodology proposed by Clifford Geertz,³⁷ which is widely used by social scientists to interpret and understand cultural practices that might differ from those familiar to the researchers. The detailed descriptive strategy facilitates the sharing of events that are alien to the reader's reality. In this regard, we welcome readers who might be unfamiliar with Argentina's legal education and institutions to get to know this legal education practice from the inside.

To this end, and to complement the analysis, we evoke our personal experiences and time as students-practitioners in two practical courses run by UBA's Law School in cooperation with external actors. Two of the authors coursed the practical in the *Clínica Socio-jurídica para migrantes y refugiados CAREF-CELS-UBA* (Socio-Legal Clinic for Migrants and Refugees).³⁸ Also, the other author was a practitioner in the *Centro de Acceso a la Justicia – CAJ* (Access to Justice Centre),³⁹ a public and pro bono legal service provider⁴⁰ that falls under the jurisdiction of the *Ministerio de Justicia y Derechos Humanos*

33 O. Zoppi, *Prácticas y casos 2014: informe del patrocinio jurídico gratuito* (2015); O. Zoppi, *Prácticas y casos 2015: informe del patrocinio jurídico gratuito* (2016); O. Zoppi, *Prácticas y casos 2016-2017: informe del patrocinio jurídico gratuito* (2019). All publications are available at: www.derecho.uba.ar/publicaciones/libros/pub_libros_practica-profesional.php. For a closer look at the approach taken in each specific case, please visit the last Yearbook in the following link: www.derecho.uba.ar/publicaciones/libros/ind-zoppi-practicas-profesionales-sobre-casos-reales-2016-17.php.

34 Testimonial fragments cited in this article have been translated into English from their original Spanish by the authors.

35 See, for example: R. Guber, *La etnografía. Método, campo y reflexividad* (2016); I. Vasilachis de Gialdino et al., *Estrategias de investigación cualitativa* (2006).

36 M. Augé, *El oficio del antropólogo. Sentido y libertad* (2007).

37 C. Geertz, *The Interpretation of Cultures. Selected Essays by Clifford Geertz* (1973).

38 This clinic is run by UBA together with the *Comisión Argentina de Refugiados y Migrantes – CAREF* (Argentine Commission for Refugees and Migrants) and the *Centro de Estudios Legales y Sociales – CELS* (Centre for Legal and Social Studies), <https://caref.org.ar/clinica-juridica/> (last visited 28 March 2023).

39 Formerly known as the *Hospital de Derechos* (Rights' Hospital).

40 For more information on Argentina's public access to justice services providers, see ACIJ, CELS & INECIP, *Centros de Acceso a la Justicia en Argentina. Impactos y oportunidades para reducir la brecha de acceso a la justicia* (2021). Information on CAJs available at: www.argentina.gob.ar/justicia/afianzar/caj (last visited 12 July 2023). In June 2024, the Ministry of Justice made the decision to close down 81 of 110 CAJs functioning in different Argentinian cities.

(Ministry of Justice and Human Rights).⁴¹ The consideration of these lived experiences enables the authors to act as a control group to the opinions expressed by authorities and professors involved in the programme.

5 A Case of Experiential Learning: 'The University Must Go Out to the Streets to Get in Touch with the People'

The existence of Law School's Practical of the UBA is made possible by the institutional framework that supports it and provides the necessary resources for its operation, extending outwardly to engage with society. The implementation of this educational programme requires several institutional agreements, dedicated space, qualified instructors and an academic curriculum. Together, they shape a programme that aims at embodying and fulfilling the university's commitment to community engagement and providing a free legal service with significant social impact. In order to provide insight into this particular model of experiential learning of the law in the 'global South', in this section we describe aspects of the institutional, historical, educational and organisational dimensions of 'The Practical'.

5.1 'The Practical' Is a Centennial Experience

The role of 'The Practical' within Argentine society and the legal community is not new and precedes the creation of the first legal clinics. The UBA was founded in 1821; it was followed by the Law School in 1874, and 'The Practical' began operating as an official programme in 1924.⁴² Until then, the professional training programme's precursor was a pioneering initiative founded by law students, who, inspired by previous experiences in the European Academy, created, in 1919, the *Consultorio Jurídico* (Legal Aid Office). Its two main purposes – practical training and the social role of the university in the community – date all the way back to its origins. Professor Horacio Sanguinetti recalls the history of 'The Practical'; '... [t]he concern for engaging in some professional practice was a priority among students. Back in 1919, at [law student and political activist Florentino] Sanguinetti's suggestion, the Law Students' Centre created a Legal Aid Office.'⁴³

This proposal of a legal office created by students quickly caught the attention of the student councillors and the authorities of the Law School of the UBA, who decid-

ed to make 'The Practical' an official and compulsory experience for the student body as a whole:⁴⁴ 'In the official report of the year, it is proposed the officialisation of the Legal Aid Office successfully created by the Centre..., which would come to serve as the practical schools and institutes of the Faculties of Toulouse and Bordeaux.'⁴⁵ 'The Practical' was thus

[u]nanimously consecrated at the Board of Trustees of the Law School session of 20 October 1922, where [the now elected student representative on the Board of Trustees Florentino] Sanguinetti stated that if the people do not come to the University for the reasons we have pointed out before now, the University must go to them.⁴⁶

During the session that ended with its approval on 20 October 1922, Counselor Lafaille presented fundamental arguments that testify to the essence of its creation when he stated that '... [t]he University must go out to the street to get in touch with the people and no better way to achieve this than through this office.'⁴⁷ Similarly, the reformist Dean Dr. Mario Saenz, who won the elections in 1921, speaking at the same session, stated, '... [t]he convenience of presenting the student with practical cases so that he personally acquires contact with reality.'⁴⁸

It was only on 16 May 1924, after a deep institutional crisis arising from the process known as the University Reform in 1918, that 'The Practical', as we know it today, was put into operation. The inauguration ceremony was held at the headquarters of the Bar Association with its support. The Supreme Court of Justice of the Nation committed itself to providing space at the National Palace of Justice for the operation of the Free Legal Aid programme. These original alliances show how the role of the lawyer was understood at that time and testify to the centrality given to litigation and public service within the profession. Today, more than one hundred years after its creation, most of the course's offices and classrooms continue to operate in its main building, on the 8th floor of the Palace of Justice.

5.2 'The Practical' Is a Free Legal Aid and a Professional Training Centre

The institutional belonging and configuration of 'The Practical' is crucial to understanding its dual nature as both the Law School's only mandatory instance of practical legal training and Free Legal Aid service.⁴⁹ Indeed, as part of the UBA, the Law School not only provides

41 As of December 2023, Javier Milei's National Government has changed its name to *Ministerio de Justicia* (Ministry of Justice).

42 H. Sanguinetti, 'La verdad acerca de la creación del Instituto de Enseñanza Práctica' 21 *Academia. Revista sobre enseñanza del Derecho* 91 (2023). Available at: www.derecho.uba.ar/publicaciones/rev_academia/revistas/21/la-verdad-acerca-de-la-creacion-del-instituto-de-ensenanza-practica.pdf.

43 Zoppi (2015), above, n. 33, at 22.

44 Ramallo (2020b), above n. 16.

45 Zoppi (2015), above, n. 33, at 22.

46 *Ibid.*

47 *Ibid.*, at 22.

48 *Ibid.*, at 23. More information available at: www.derecho.uba.ar/derechoaldia/notas/la-facultad-de-derecho-desde-1814-a-la-actualidad/+6434 (last visited 12 July 2023).

49 Additionally, the UBA offers university degrees that also provide a service to the community as part of pre-professional practices within the study programmes. Among them, we can mention the activities carried out by students of medicine and related fields in the 'Hospital de Clínicas José de San Martín' and the dental services provided in the 'Hospital Od-

theoretical and practical training to its students but also offers a community legal service related to the areas of expertise taught at the school in compliance with the explicit mandate of the statute that establishes the social function that the university must fulfil.⁵⁰ This dual function is met by the *Centro de Formación Profesional* (Professional Training Centre), which falls under the oversight of the Department of Professional Practice and is in charge of organising the Free Legal Aid and the Professional Practice, ‘The Practical’. Because of this notorious characteristic, ‘The Practical’ has become a hybrid or *rara avis* in the structure of the academic institution itself.

As mentioned, ‘The Practical’ is a one-year mandatory course that most law students must complete and pass in order to graduate, as well as the only instance of professional legal training within a university Law degree curriculum. In this regard, the course is an integral part of the Law degree curriculum at UBA, which students complete in a minimum of five or six years.⁵¹ The Law degree at UBA is divided into four *ciclos*, or stages, of almost purely theoretical subjects.⁵² ‘The Practical’ constitutes the final step of the Law degree. Due to its demand for students to apply the knowledge acquired throughout their degree, it is typically undertaken during students’ last semesters at school and concurrently with final subjects in the degree.

On the other hand, professors as well as instructors in charge of the practical courses are primarily litigating lawyers who not only work on their own cases individually but also lend their knowledge, skills and expertise to impart practical teachings to the students. The teachers of the practical courses do not have a defined professional role, as the only requirement to teach a course is to be a lawyer, have a licence to litigate and have completed the required teacher training course. Therefore, they have different backgrounds that will influence their students during the course and change their approach to the legal training experience. However, they all share the goal of shaping how students should think, feel and act in their future professional roles during their classes. Ultimately, they will teach them through a practical

course about the typical behaviour of a litigating lawyer, from specific practices for professional competence to more subtle matters such as style, gestures, tone of voice and expressions. In other words, the promotion of a specific legal consciousness is encouraged: that of a legal technician.

The Law School’s Free Legal Aid service is offered to the community at large and specifically targeted at members of vulnerable populations and individuals without resources to pay for private counselling. They have often been exposed to fundamental rights violations, have suffered obstacles in their access to justice and are at risk due to their socioeconomic status or identity. Most clients are women, underemployed or unemployed people and/or migrants.⁵³ Intersectionality⁵⁴ is, as a legal framework and methodology, necessary to understand their social and legal problems, provide proper advice and seek adequate legal response.⁵⁵ In this setting, the school fosters a connection between the public university, the students, future lawyers and the community, facilitating the development of legal skills for future lawyers’ vocation-profession, while realising the university’s ideal of democratisation and ensuring access to justice for all.

5.3 ‘The Practical’ in Action

In the first semester of 2023, at least 2,000 law students entering the final stages of their degree could choose from among the 103 practical courses, which operate every day of the week (Table 1).⁵⁶ Each course is divided into three classes of two hours per week. The class schedules range from 8:00 in the morning to 8:00 in the evening. The majority of courses – 71, 68.9% of the total – belong to the ‘general courses’ category. This type of course does not deal with a particular subject matter or

ontológico Universitario’ by Dentistry students, as well as the community work of social work students.

50 See de Department’s website www.derecho.uba.ar/institucional/practica-profesional/ (last visited 27 March 2023).

51 The history of the Law School of the UBA is centennial since it is one of the first careers that began to be taught at the beginning of university education. Its curriculum has varied over the years; currently, the career is governed by the 2004 curriculum, which is in force for all students, see at: www.derecho.uba.ar/academica/carreras_grado/pdf/res-cs-818-23.pdf (last visited 27 March 2023).

52 According to the 2004 Law curriculum. First, shared by all of UBA’s degrees, the Common Basic Course cycle (CBC) is made up of six subjects pertaining to each degree. Next, the Common Professional Course cycle (CPO) comprises twelve-semester-long and two-year-long courses on legal theory, economics and theory of the state and the general branches of the law. Third, each student must choose one of seven specialisations to complete the final stage of theoretical education, the Specialised Professional Course cycle, which consists of eighteen semester long subjects, some common to all law specialisations or within each specialisation and others to be chosen by the student from the elective course offering.

53 See statistics in the Yearbooks; Zoppi, 2015, 2016 and 2019, above n. 33.

54 K. Crenshaw, ‘Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color’, 43(6) *Stanford Law Review* 1241 (1991). <https://doi.org/10.2307/1229039>. R. Dhamoon, ‘Considerations on Mainstreaming Intersectionality’, 64(1) *Political Research Quarterly* 230 (2010). doi: 10.1177/10659129103792214.

55 See, for example, a case of a young woman migrant as a pro bono client in ‘The Practical’, CAREF-CELS-UBA Legal Clinic, from the year 2021. J. Mira, J. & J. Nieva, ‘No encontrábamos las herramientas legales para continuar’. Reflexiones autoetnográficas acerca de la práctica profesional en la Clínica Jurídica CAREF-CELS-UBA, Argentina, 14(1) *Sortuz: Oñati Journal of Emergent Socio-Legal Studies* 55 (2024). Available at: opo.iisj.net/index.php/sortuz/article/view/1817.

56 The data and analysis presented in this article reflect the functioning and course offerings of ‘The Practical’ up to the year 2023. In 2024, the new national government, led by right-wing libertarian President Javier Milei, decided to extend the budget allocated to national public universities in 2023 to the year 2024. Given the levels of inflation in Argentina – 50% accumulated inflation between December 2023 and January 2024, and more than 250% from January 2023 to January 2024 – this decision means that national universities, which provide tuition-free higher education, do not have a budget to maintain their normal operations during 2024. In April 2024, UBA had to implement cuts in the use of services such as gas, electricity and elevator usage and is considering closing open calls for scholarships and research projects. Both the Practical Training Programme and the Free Legal Aid Service at the Law School of the UBA might suffer as a consequence of the austerity measures implemented in the public sector. New research will have to be conducted to analyse their impact on legal education as well as on the access to justice and legal services of the vulnerable population. For further information see Table 1.

branch of law; however, students in general courses typically work on civil and family law cases. Since they receive the bulk of pro bono client consultations, general courses, whenever necessary, have the possibility to refer pro bono clients to courses specialised in a particular issue or branch of law, such as criminal law, misdemeanours, labour and social security, disability, migrant, or administrative issues.

According to statistics from the Law School of the UBA,⁵⁷ the majority of inquiries pertain to civil law (25.35% of the cases received during the period of 2016 and 2017), family law and domestic violence (representing 16.85%). As for the remaining thematic areas of work, 11.31% of the consultations referred to legal representation were related to criminal and misdemeanours criminal legal regime, 4.17% to public or administrative law cases and 3.52% to labour and social security law.

Most of the general courses of ‘The Practical’ – 86 – are held in the Palace of Justice in the downtown area of Buenos Aires City and in classrooms at the Law School (see Table 1). A small minority of courses are conducted at satellite locations scattered throughout the neighbourhoods of Buenos Aires City and in towns within the Province of Buenos Aires, which fall under a different judicial jurisdiction. In the years following the re-establishment of democracy in 1983, the Law School of the UBA has forged agreements with civil society organisations and access to justice public institutions to create practical courses known as *prácticos especiales* (‘special courses’). In 2023 there were seventeen such courses. Sessions are typically held at the partnering organisation or institution’s building. Although professors and instructors are typically employed by the organisations or institutions as practising lawyers, when they lead these courses they are affiliated with the UBA as professors. The dynamics and operations of some of these courses resemble those of Legal Clinics and are often colloquially referred to by students and instructors as *la clínica* (‘The Clinic’) rather than ‘The Practical’. In 2023, there were 15 such courses, representing 14.56% of the total.⁵⁸ Many of them are Human Rights and Public Interest Legal Clinics, while others specialised in consumer, criminal law and notary law.⁵⁹

It is worth mentioning that recently, on 15 August 2023, the inauguration of the renovated Legal Aid of the Law School of the UBA at the Palace of Justice was held. The works implemented, after many years of demand due to the lack of a place in accordance with the service provided, were part of a plan for the integral improvement of the spaces destined to the legal assistance, which became necessary. The initiative of modernisation was aimed at refurbishing the building infrastructure, incorporating computer tools and technical resources that are essential for law students to acquire the necessary skills that will enable them to practise the profession and provide a better service in the future.⁶⁰

The tasks in ‘The Practical’ for law students go beyond mere professional practice. Engagement with real cases offers a wealth of content and thematic variety exceeding those presented in textbooks used in law degree subjects, often dominated by rote learning methods⁶¹ and lacking constructivist pedagogical approaches from professors. From the star, guided by the teaching staff,⁶² students oversee a wide range of activities. Primarily, these include conducting the initial interview and following interactions with pro bono clients, which requires them to learn skills in effective questioning, active listening and respectful communication. Then, drawing from the knowledge acquired during the degree, students will collectively practise the legal framing of real-life cases and discuss possible legal strategies and methods of conflict resolution to be taken. Drafting claims and other procedural documents, researching applicable law and being on top of legal deadlines and procedural stages are all activities common to ‘The Practical’ experience. Learning about and implementing professional ethics is integral to the process.

In addition, the assignment of cases does not depend on the student but on the general criteria applicable for a case to be admitted or not, according to socioeconomic variables of the pro bono client’s situation. Once admitted, the case is referred to a specific group or ‘commission’ for analysis, strategy study, decision on initial measures, collection of evidence, among other preparatory acts, and, ultimately, to arbitrate mechanisms that allow for the resolution of the conflict, including litigation in which the client is represented. Within the group,

57 Zoppi (2019), above n. 33.

58 To learn more about legal clinics in Latin America, see Ramallo (2020b), above n. 16; Maurino, above n. 25, among others. Information about the Legal Aid of the Law School of the UBA is available at: www.derecho.uba.ar/institucional/practica-profesional/depto_pracprofesional_consultorio_y_patrocinio_juridico_gratuito

59 Civil society organisations that run ‘special courses’ are as follows: *Centro de Información Social, Asesoría Legal Popular* – CISALP (Social Information Centre, People’s Legal Advice), *Asamblea Permanente por los Derechos Humanos* – APDH (Permanent Assembly for Human Rights), CELS, CAREF, *Poder Ciudadano* (Citizen Power), *Asociación Civil por la Igualdad y la Justicia* – ACIJ (Civil Association for Equality and Justice). Within the framework of public institutions, there are practices in the following areas: Consumer Defense, Centro de Gestión y Participación – CGP (Management and Participation Centre) N° 3, CAJ – Hospital de Derechos, National Penitentiary Procurator’s Office within the scope of the Autonomous City of Buenos Aires. There are also courses in professional associations such as the Bar Association in Campana, San Miguel, San Martín and San Isidro, which are locations in the province of Buenos Aires, and in the Notary

Public Association. Another very peculiar space is the *Centro Universitario Devoto* – CUD (Devoto University Centre), which operates inside a prison, where the university offers some study careers. Among the civil society organisations where courses operate are the following: Centro de Información.

60 Available at: www.derecho.uba.ar/noticias/2023/inauguracion-de-la-sede-de-tribunales-del-consultorio-y-patrocinio-juridico-de-la-facultad (last visited 20 August 2023).

61 J. A Pérez Lledó, ‘Teoría y práctica en la enseñanza del Derecho’, 9 *Academia. Revista sobre enseñanza del derecho de Buenos Aires* 85 (2007).

62 Although this article mainly emphasises the link between students and pro bono clients, the relationship between teacher training and the assistance role provided to the community cannot be left unmentioned. The teachers of ‘The Practical’ are registered lawyers committed to the daily practice of the legal profession who have decided to offer their time, legal and material resources for students to build their learning and also to make effective the access to justice for those people who have more obstacles to fully exercise their rights.

which is guided by a commission chief and teaching assistants, the case is assigned to one or several students, depending on the importance and complexity of the issue or its urgency in being addressed. From that moment on, the student assumes a specific and punctual responsibility to ensure the proper handling of the conflict.

In ‘The Practical’, professors and students try to collaborate closely with a small team of professionals belonging to the UBA’s Social and Psychology Service to build holistic answers for pro bono clients through an interdisciplinary approach.⁶³ Many cases require comprehensive approaches to identify particular subjective situations and may demand the production of evidence or specialised expert testimony. Moreover, some pro bono clients might require psychological support and assistance throughout the process, while others may need referral for medical treatment. Clients who are socioeconomically at risk are referred to social workers to apply for governmental assistance programmes.⁶⁴ Despite this collaborative approach, material restrictions and limited human resources often pose challenges, particularly given the high volume of pro bono clients. As a result, achieving the expectation of interdisciplinary intervention in all cases, especially on a large scale, can be difficult at times.

Regarding the timetable range, it is clarified that it includes the morning, from 08:00 to 12:00; the afternoon, from 12:00 to 18:00; and the evening, from 18:00 to 20:00 hours.

6 Results and Discussion: Experiential Learning, Reflective Practicum and Ethics

In this section, we draw on research about the clinical education experience to analyse similarities and differ-

63 More information available at: www.derecho.uba.ar/institucional/practica-profesional/depto_pracprofesional_servicio_social_y_de_psicologia (last visited 27 March 2023).

64 In clinics and ‘special courses’ run by NGOs, students might work alongside social workers employed by the organisation. What is more, some NGOs (such as CAREF) host social work students on their own practical training.

ences between legal clinics and ‘The Practical’, characterising this last learning experience further. We show that ‘The Practical’ and subjects’ perspective on the programme can be interpreted through Donald Schön’s concept of reflective practicum or reflective practice⁶⁵ and the active listening of the anthropological ethics of Joan-Carles Mèlich.⁶⁶ Our analysis emphasises the two-fold nature of ‘The Practical’ – as a legal training programme and a community service – and describes the tensions this can produce for participants. We argue that, unlike the courses and subjects belonging to the other stages of the degree, in this practical instance the relationships between the triad of students, teachers and pro bono clients have an impact of utmost importance for legal training.

For these reasons, we underscore the relevance of examining ‘The Practical’ and its meaning for students as a rite of passage into the legal profession. In this regard, ‘The Practical’ is key in exposing students to the social diversity within the metropolitan area of Buenos Aires, within a relatively secure environment for learning and practice, wherein the academic community plays a pivotal role in providing the necessary support and guidance to make it possible. We conclude by discussing this experience’s potential for the collective construction of legal knowledge, and to help students and professors deconstruct hegemonic views of the law and legal practice, insofar as it focuses on concrete action in ethical terms beyond the duty to be of the law.

6.1 ‘The Practical’ as an Instrument and Shelter

Wilson has found a tension between service and education inherent to legal education and clinical training programmes. He argues that this tension can be particularly acute in the implementation and functioning of such programmes within universities in developing countries. He ascribes this to the fact that Law School clinics may sometimes be the only source of legal service for poor and marginal communities. For dominant perspectives on legal and clinical education – such as Wilson’s⁶⁷ – that employ prescriptive definitions of clinical education, this tension is a significant factor in the educational shortcomings that exist in legal training in developing countries.

65 Schön (1983) and Schön (1987), above n. 11.

66 Mèlich, above n. 12.

67 Wilson, above, n. 10, at 423.

Table 1 Law School of the UBA, Offer of Courses Registration for the Professional Practice during the First Four-month Period 2023 According to Speciality of Law, Timetable, Locations, Venues and External Institutions

Law Speciality/ Courses Professional Practice	Total Offered	Timetable	Locations	Venues	External Institutions
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Table 1 (continued)

Law Speciality/ Courses Professional Practice	Total Offered	Timetable	Locations	Venues	External Institutions
General	71 (68.9%)	Morning 28 Afternoon 35 Night 8	Autonomous City of Buenos Aires (CABA) 67 Province of Buenos Aires 4	Professional Training Centre of the UBA 66 Others (external office) 5	CAJ 1, Bar Association Zárata Campana 1, Bar Association San Martín 1, Bar Association San Isidro 2
Criminal	16 (15.5%)	Morning 6 Afternoon 8 Night 2	CABA 14 Province of Buenos Aires Province 2	Professional Training Centre of the UBA 12 Others 4	Bar Association San Isidro 2, National Penitentiary Procurator's Office 1, Devoto University Centre 1
Consumer Protection	3 (2.91%)	Morning 1 Afternoon 2	CABA 3	Professional Training Centre of the UBA 2 Others 1	CGP N° 3 1
Environmental Law	1 (0.97%)	Morning 1	CABA 1	Others 1	FARN 1
Public Concern	2 (1.94%)	Afternoon 2	CABA 1	Others 2	ACIJ 1, Poder Ciudadano 1
Migrants/Refugees	1 (0.97%)	Afternoon 1	CABA 1	Others 1	CAREF-CELS 1
Gender Violence	3 (2.91%)	Morning 1 Night 2	CABA 3	-	-
Disability	1 (0.97%)	Night 1	CABA 1	Professional Training Centre of the UBA 1	-
Social Rights	1 (0.97%)	Afternoon 1	CABA 1	Others 1	CISALP 1
Human Rights	1 (0.97%)	Afternoon 1	CABA 1	Others 1	CELS 1
Juvenile Justice	1 (0.97%)	Afternoon 1	CABA 1	Professional Training Centre of the UBA	-
Notary	2 (1.94%)	Afternoon 2	CABA 2	Professional Training Centre of the UBA 1 Others 1	Notary Public Association 1
Total	103 (100%)	Morning 39 (37.86 %) Afternoon 51 (49.51 %) Night 13 (12.62 %)	CABA 97 (94.17 %) Province of Buenos Aires 6 (5.82 %)	Professional Training Centre of the UBA courses 86 (83.43 %) Others (External office course) 17 (16.50 %)	Institutions 14 (NGOs 6, Public Institutions 3, Professionals Associations 4, Devoto Penitentiary University Centre 1)

Source: Law School of the UBA, timetable grid for the first four-month period of the year 2023, first call for enrolment, available at: www.derecho.uba.ar/estudiantes/ofertas/of_23_1S_1-Ab23s1T1/Practicos_1S_1_23.pdf. Own elaboration of the data.

Regarding the timetable range, it is clarified that it includes the morning, from 08:00 to 12:00; the afternoon, from 12:00 to 18:00; and the evening, from 18:00 to 20:00 hours.

Without debating the fact that legal education in Argentina may have shortcomings, this perspective may not necessarily be useful to account for the full picture. Analysing the entire ‘The Practical’ through clinical literature only might obscure the particular features that make it interesting and the ‘general courses-Legal Clinic’ hybrid model valuable. One of the reasons is that, moved by the idea that law is a tool for social transformation, the primary purpose of legal clinic reasons is that, moved by the idea that law is a tool for social transformation, the primary purpose of legal clinic is pedagogical: learning by doing and collectively reflecting.⁶⁸ In ‘The Practical’ case, the training/education-service pairing is not necessarily interpreted by the institution and its authorities as a tension but as part of its identity and constitution. Testimonies of current and former authorities as well as professors reflect this tension/identity, with some placing more emphasis on one aspect or the other of ‘The Practical’.

For instance, lawyer Emilio Corsiglia, former deputy director of the Professional Training Centre argues that ‘The Practical’ is ‘... [a]n instrument that the Law School uses to provide students with the skills and abilities they need to begin to understand the legal profession’. His view is that, throughout this one-year experience, ‘... [t]he student completes the transition from student to professional...’. Implicitly, he notes that this transition is visible, empirically verifiable, stating that ‘... [i]t’s night and day, how you see the student come in and leave as a lawyer’.⁶⁹ Here, the emphasis is placed on ‘The Practical’ as a professional training device.

Lawyer and politician Juan Gauna, former Director of the Professional Practice Department between the years 1998 to 2014, views it from another perspective, namely its social and transforming function as a legal service for the community. He argues that ‘The Practical’ has a positive impact on society that reflects both on pro bono clients and students, as he explains:

[i]t serves as a refuge for people with low income or no income at all, who have a necessarily litigious problem. To be able to serve a consultant, it’s not something typically encountered in a law subject.⁷⁰

In this context – and according to the institutional view – ‘serving the community’ does not mean to (only) take

on human rights, public interest causes or cases with significant social impact that can lead to legal change. This might be a feature of legal clinics which, at least in Argentina, tend to be more inclined towards the strategic use of the law and legal language, legal research and national, regional and international instances of litigation and demand and human rights mechanisms. As noted by Ailén Altschuler, the work in legal clinics adopts a ‘particular vision of legal practice that seeks to be responsive to societal demands and protect groups deemed vulnerable from the power of the State’.⁷¹

For ‘The Practical’, it rather means to be open to providing a service to the entire community, or whoever needs it, whether the counterparty is a public actor or not. That is, to facilitate the constitutional right to access to justice for everyone.⁷² Cases are not preselected, and every pro bono client is interviewed by students. Cases are not important because of what each one of them represents collectively. Rather, it is the sum of consultations, claims, agreements, judgments – of pro bono clients – that makes ‘The Practical’. In this regard, general courses closely resemble various national and local public programmes that were created between the late 1990s and early 2010s, whose offices can be found in every neighbourhood of the city – particularly in those with low income population – and call themselves Free Legal Services Providers.⁷³

Furthermore, most legal clinics, due to their focus on community or public interest lawyering, approach cases differently from the service that ‘The Practical’ provides to their pro bono clients. Legal clinics conducted by NGOs understand their work from ‘... a dimension of the professional practice of law and social activism; a distinctive form of exercise and professional identity’.⁷⁴ Legal clinics have distinctive characteristics that set them apart from traditional legal practice. Regarding their aims and strategies, legal clinics work with a very small number of cases of high public impact, usually in private universities, with the objective of changing serious structural inequalities, capable of transforming jurisprudence through innovative ways of thinking legal strategies. This type of lawyering differs from the legal service provided to the community by ‘The Practical’.

68 Maurino, above n. 25.

69 According to Law School of the UBA’s institutional video about the Free Legal Aid, year 2011, available at: <https://www.youtube.com/watch?v=kl-jN8OXcH4U> (last visited 28 March 2023).

70 According to Law School of the UBA’s institutional website, available at: www.derecho.uba.ar/noticias/2023/inauguracion-de-la-sede-de-tribunales-del-consultorio-y-patrocinio-juridico-de-la-facultad (last visited 28 March 2023).

71 A. Altschuler, *Actuación profesional y compromiso con los derechos humanos: una aproximación al activismo experto sobre los derechos de las personas migrantes y refugiadas* (2022) (unpublished).

72 Art. 12(6) Constitution of the Autonomous City of Buenos Aires. Available at: <https://www.argentina.gob.ar/sites/default/files/constitucion-caba.pdf>.

73 ACIJ, CELS & INECIP, above n. 40.

74 See G. Maurino, ‘Situando la abogacía comunitaria’. Available at: <https://escueladeactivistas.org/project/educacion-online-plataformas-educativas-y-el-dilema-de-la-apertura-2/> (last visited 10 August 2023).

In essence, ‘The Practical’ legal assistance does not, in principle, aim to produce changes and transformations in structural relations within affected communities but rather relies on an approach to traditional cases using legal tools such as litigation or advisory lawyering. For this reason, ‘The Practical’ is a more elementary teaching that allows students to become familiar with the basic procedures used most frequently in practical scenarios and trains them for the routine role of a traditional litigating and streetwise lawyer, while, at the same time, providing a free legal service to the community. However, as can be seen, although this experience is distinct from teaching in legal clinics, it must be emphasised that ‘The Practical’ is not a legal tool that transforms the individual lives of the pro bono clients who come to its offices, positively impacting their daily lives as much as the solutions obtained in strategic litigation.

These characterisations of ‘The Practical’ as both an ‘instrument’ and ‘shelter’ are articulated and work in unison. They invite us to imagine and visualise this space as one where training and service feed off and complement each other; the one is unthinkable without the other, and both are equally important. The students’ involvement with the community through ‘The Practical’ training programme serves as the means through which the university and Law School engage with the people of Buenos Aires. Indeed, as Mónica Pinto, former Law School Dean between the years 2010 and 2018, explains, ‘The Practical’

[i]s also an area that allows the Law School to verify many things. It is a great social thermometer. When economic and social crises occur, ‘The Practical’ has an increase in the demand of the population for certain consultancy services.⁷⁵

It is another way through which the public university establishes itself as a significant actor in the public life of the City of Buenos Aires and Argentina.

6.2 ‘The Practical’ as a Guarantor of Access to Justice for Most Vulnerable People

The student-practitioner is rapidly expected to be in contact with pro bono clients and, as former Dean Dr. Pinto argues, finds herself in a position where they ‘... [receive] directly from a common citizen what his or her problem is, and must immediately become the interpreter, the translator of that problem in legal terms’.⁷⁶ In this practice, the Law School of the UBA and the students not only facilitate access to justice, but also spread the law and the language of rights within the community. This is seen as a ‘vocation of service’ to ‘... [m]odify from our space a single reality’, in the words of Pinto.⁷⁷ Here she emphasises how this type of practical teaching shapes students by enriching the concepts and theories already learnt.

75 UBA, above n. 70.

76 *Ibid.*

77 *Ibid.*

From the university’s perspective, exposing future lawyers to the community will help them grasp the social and multicultural dimension of professional legal work and understand the role of law as a social regulator. In this way, the UBA and the Law School position themselves as a guarantor of access to justice for most vulnerable people. In Pinto’s reasoning, the approach of students to society through the processing of real cases is particularly valued, since ‘... [i]t is the contact that Law School students have with society’.⁷⁸ The fundamental function of legal aid is to become the first collective experience of the students’ with society within a legal role by working with real cases so that, ultimately, they can apply the law to the various conflicts brought to the offices by the pro bono clients.

Nancy Cardinaux, citing Phyllis Goldbarb, argues that ‘similarly to working with the case method, practical and clinical training provides opportunities to develop a teaching strategy that promotes both critical thinking and deliberation in the dynamic interaction between professors, students, pro bono clients and other actors of the legal bureaucracy’.⁷⁹ Through its teaching method, ‘The Practical’ aims to train reflective legal professionals who are attuned to the socio-legal dimensions of legal practice, and engage critically with the world around them. This approach to professional legal training involves providing law students with a safe environment for the acquisition of skills and abilities to add to their legal toolbox. In this context, the work of the teachers and students – always in dialogue with pro bono clients – is constantly under construction and revision.

To conceptualise this way of learning, we turn to the programme’s professors. In an institutional video about ‘The Practical’, Gladys Calvo,⁸⁰ professor of General Didactics of the undergraduate diploma Teacher Training in Law Sciences for secondary and higher education at the UBA, brings up Donald Schön’s⁸¹ notion of reflective practicum or reflective practice to connote the professional training space of the experience shared in these pages, which is both curricular and of direct intervention in society. Schön advocates for

[a] new epistemology of practice that would highlight the question of professional knowledge by assuming as a starting point the competence and art that are already part of effective practice; above all, reflection in action (‘thinking about what one is doing while doing’), which professionals sometimes use in situations of uncertainty, singularity, and conflict.⁸²

78 *Ibid.*

79 Cardinaux, above n. 17.

80 More information available at: www.derecho.uba.ar/noticias/2020/decimas-jornadas-sobre-ensenanza-del-derecho-articulacion-teoria-y-practica-en-la-formacion-profesional (last visited 27 March 2023).

81 Schön (1983) and Schön (1987), above n. 11.

82 D. Schön, *La formación de profesionales reflexivos. Hacia un nuevo diseño de la enseñanza y el aprendizaje en las profesiones* (1992), at. 9. Translation from Spanish into English as in the following quotes by the authors.

In reflection-in-action, thinking and doing are complementary⁸³ and fundamental to the experience of ‘The Practical’. This idea is supported by Schön’s concept of reflective rationality, which he proposes in contrast to the idea of technical rationality. As a strategy, reflective practice becomes significant since it enables practitioners to choose between competent practices to act in any non-specified area of practice through reflection-in-action. This is relevant, for example, in situations of uncertainty and conflict of values, where technical rationality may not provide answers. Professor Calvo⁸⁴ points out that in order to concretise his strategy for reflection-in-action, Schön thinks of specific spaces oriented to professional training and focuses on understanding professionals in their daily work. These spaces may include internships, professional practice or participation in case discussions at the Athenaeum alongside teachers. Schön advocates for conscious reflection that places critical function and thinking at the forefront as well as emphasises the review of practice within the framework of learning in action.

Author Morella Acosta Rodríguez argues that learning in Schön’s proposal is rooted in

[t]he freedom to learn by doing in a relatively low-risk context, with possibilities of access to tutors who initiate students in the guidelines of the profession and help them see for themselves what they need to learn.⁸⁵

In other words, the context turns out to be essential for learning and the guidance of others – such as tutors – which provides scaffolding for the process of learning. Acosta Rodríguez states that according to this dynamic, reflective practicum officiates as a ‘bridge between worlds: the world of the university and the world of practice.’⁸⁶ This evokes the concept of a rite of passage, to which we initially turn to conceptualise this professional training experience. The bridge metaphor symbolises the union of the two facets of ‘The Practical’ – the training practice and the community extension work – lending significance to its dual nature, or, in other words, the hybrid model. In short, the metaphor connotes a symbolic space conducive to exploration and transition. In this sense, ‘The Practical’ represents, on the one hand, a bridge between the Law School of the UBA and the community, one that students and professors pass through to meet with people in need of legal assistance. On the other hand, given that in Argentina the Law degree enables professional practice, and any lawyer can register in a professional association to start

practising the law without having to take an exam, ‘The Practical’ constitutes the last step the student takes before graduation to become a practising lawyer.

To introduce a slight sense of bewilderment to certainties, it is worth noting that according to Schön: ‘... [I] earning through exposure and immersion, experiential learning, often develops without conscious awareness, although students may become aware of it later when they change contexts.’⁸⁷ Our experience as students confirms this perspective. Indeed, looking back, in this instance of writing and reflection, we come to realise the profound impact and potency of that year of immersive learning, which continues to resonate with us well into the present. In the words of Acosta Rodríguez, Schön’s experiential learning

[r]eflects the importance of action; that is, the constructivist conception, in which the practitioner is considered as someone who constructs the situations of his practice, not only in the exercise of professional art but in all other modes of professional and personal competence, which is proper to the development of people, thus contributing to social equality.⁸⁸

In this way, we reach a crucial juncture, where legal knowledge and expertise transcend the contents of the legal theory and involve personal competencies that are essential to engage with individuals within contexts of social diversity and disadvantages.

6.3 ‘The Practical’ as the Chance of Practising the Ethical Duty to Respond

The practice of ‘interpreting’ and ‘translating’ personal situations or conflicts into legal cases places the student as the central protagonist – the reference point and guide for the pro bono client – a role of great responsibility. In this context, listening and dialogue emerge as fundamental tools that can only be learnt through experiential learning. Students express surprise as they highlight the skills acquired during ‘The Practical’: ‘I learned to interact with people, manage people’s anxiety, and manage my own anxiety too, manage emotions, handle myself from the legal point of view with laws I had never read before’,⁸⁹ and ‘... [s]tart to feel a little more like a lawyer.’⁹⁰

In their own words, they describe how they develop their legal practice through the acquisition of practical skills and abilities, often derived from engaging deeply with cases. Active listening, practising empathy, managing emotions, understanding body language and relating to other people are all useful skills for lawyers to have that go beyond knowledge of the law. They constitute a subjective dimension of the profession that many had not experienced during their studies.

In addition, students note that the experience of professional training has helped them develop a sense of soli-

83 W. Visser, ‘Schön: Design as a Reflective Practice. Art + Design & Psychology’, Issue 2 of Collection 1, at 22 (2010).

84 More information available at: www.derecho.uba.ar/noticias/2020/decimas-jornadas-sobre-ensenanza-del-derecho-articulacion-teoria-y-practica-en-la-formacion-profesional (last visited 27 March 2023).

85 M. Acosta Rodríguez, ‘Acercamiento a los planteamientos de Donald Schön’. Igualdad Social, XXVII Congreso de la Asociación Latinoamericana de Sociología (2009). VIII Jornadas de Sociología de la Universidad de Buenos Aires. 1, at 3 (2009). Our own translation.

86 *Ibid.*

87 Schön, above n. 11, at. 82.

88 Acosta Rodríguez, above n. 85, at 5-6.

89 UBA, above n. 70.

90 *Ibid.*

parity with vulnerable populations and a strong social commitment. Interacting with otherness, with individuals from diverse backgrounds, has enabled them to grasp the cultural, social and emotional differences among people who live in the same city. In the words of one student, participating in legal aid allowed him to ‘... [d]imension the problems of others, which are not part of one’s reality, but are as important as one’s own.’⁹¹ His reflection refers to a central subjective process that takes place in working with pro bono clients: recognising social diversity and the existence of others who, despite their differences, have the same rights. The students’ task is to advocate for those rights and uphold the legal process.

The programme’s legal education experience is built by the triad of students, teachers and pro bono clients in a dialogic bond. As demonstrated by testimonies, both teachers and students maintain that collaboration and active listening are integral parts of the experience. They are also essential to legal practice and a fundamental dimension of any reflexive process. In the setting of ‘The Practical’, listening is a fundamental tool that law students of the UBA have not been specially trained for. Indeed, other skills such as active listening, interviewing, counselling, negotiating and accompanying are crucial for legal practice and, therefore, should be emphasised in legal training and education.⁹² However, due to the structure and orientation of legal education, it is hardly taught during the Law degree. Neither do students develop a notion of the auditory dimension of legal exchanges. A dimension that transcends and adds to the visual focus on reading and the tangible nature of the study materials primarily centres around text-based competency. The professional competence of listening required for legal practice goes hand in hand with the development of a sensitive trait, empathy and a disposition towards others. Participants in the programme have linked the development of these skills to a vocation of service, as is shown in various testimonies gathered by the Law School of the UBA, including that of the former Dean Mónica Pinto.

Indeed, the practice of active listening in the legal profession acquires a deeper meaning through Joan-Carles Mèlich’s anthropological ethical gaze centred on the poetics of the intimate. To him ethics is not a theory nor a practice, action or look; rather, ‘... [i]t has to do with “listening” (passion).’⁹³ He states: ‘A being is ethical if he is capable of listening, or, better still, if they are-at-listening.’⁹⁴ That way of being of the human being gives rise to a ‘... [b]eing-to-the-listening...’,⁹⁵ where words suggest and resonate.

Within the setting of ‘The Practical’, the student-pro bono client dyadic relationship is fundamental in generating intimacy. It is enabled in the legal interview, where the student meets the person who speaks about their problem. It is within this intimate sphere that ethics and the possibility of ‘... [c]ompassion, of being at the side of those who suffer, of accompanying others in their suffering’⁹⁶ are enabled. Thus, in ethics ‘... [t]here is always something pending, something to do, something to give ...’⁹⁷ When a person is listened to within the context of a legal interview, a response to the demand becomes necessary. Ethics, however, ‘... [d]oes not tell us *how* to respond but that *it must* respond, that it is necessary to respond, that the response cannot be avoided because not responding is already a form of response.’⁹⁸ It is worth bearing in mind that for Mèlich:

Ethics arises in a situation in which a demand-event breaks all foresight and all calculation, it is born in a situation in which an appeal (of something or someone) demands an urgent response, without palliatives, a response that cannot be established beforehand, a response that cannot be found in any code, in any legal, juridical or moral framework. Ethics disfigures and dislocates every normative framework, calls it into question. It breaks it.⁹⁹

In training, professional practice represents a reflection from the action itself, where intuitions are put into play to solve real problems in ways that transcend the theoretical teachings of undergraduate courses. This approach is possible because practice requires student-practitioners to solve legal problems of real people who expect a response from them. This link between students and pro bono clients is a test of the relationships between professional lawyers and clients: those individuals who request the provision of a particular service need a response. Even in the case of a student-practitioner, that response is mandatory due to the institutional role of the practical in the community. Unlike the work of a litigation lawyer, who can decide to take a case or resign from the legal representation of a client, the student has the duty to provide a response to the situation of a person demanding a legal service. In turn, the duty to respond to a demand – which is often urgent – invites the student to take an ethical stance.¹⁰⁰

91 *Ibid.*

92 S. Nathanson, ‘Desarrollando habilidades para resolver problemas legales’, *Academia. Revista de enseñanza del Derecho* 83 (2003). <https://doi.org/10.4995/redu.2014.5502>. Available at: www.derecho.uba.ar/publicaciones/rev_academia/revistas/02/desarrollando-habilidades-para-resolver-problemas-legales.pdf.

93 Mèlich, above n. 12, at 329.

94 *Ibid.*

95 *Ibid.*, at 330.

96 *Ibid.*, at 326.

97 *Ibid.*, at 322.

98 *Ibid.*, at 318.

99 *Ibid.*, at 317.

100 Mèlich, above n. 12, at 329.

7 Conclusions: A Bridge towards the Deconstruction of the Hegemonic View of Law

This massive and diverse collective experience of professional legal training gives us a glimpse of the construction of the role of the lawyer from the rite of passage, which, in the context of ‘The Practical’, implies being responsible for real cases for the first time; although always with the guidance of a teacher who accompanies. Therefore, the extraordinary formative potential of the professional practice of law symbolises a real before and after in the life of the students. ‘The Practical’ of the Law School of the UBA, even with its contradictions and limitations, proposes significant scenarios of action in the face of specific social problems that affect those who ask for legal aid and mobilise the feelings of all those who participate in this communicative exchange within the framework of the legal advice. This experience of professional legal capacity is an example of good practice in experiential legal learning and a beacon to redirect the efforts of transformation, reflection and critical thinking of the academic community of law on its work and social responsibility. Furthermore, ‘The Practical’ based on the aforementioned characteristics – massiveness, integral attention, gratuity, and service to the community – fosters bonds of solidarity among different layers of society to provide, through the discipline of Law, a concrete response to the often everyday problems of the population. This social cohesion among groups challenges the traditional market logics present in the provision of paid legal services. Undoubtedly, it is necessary to centre the importance of allowing oneself to be undone and transformed by the subjective and professional experience of ‘The Practical’. The existence of a space that provides the experiential learning opportunity to transition from a student in training to a legal professional responsible for finding solutions to people’s problems is transcendental. Problems that we have seen are anchored in a multiplicity of rights violations or conflicts that affect vulnerable populations. In working with cases, students encounter a social diversity that requires the development of a particular sensitivity, as well as the ability to listen and respond effectively. These are essential components of the learning and professional experience. We are sure that further research in depth with students and teachers is needed to fully understand this still ongoing centennial and massive experience of legal education in the ‘global South’.

This type of approach in legal training and service, such as the one we share in these pages, is challenged by the interdisciplinary nature of legal work, which requires both knowing and being. In short, the legal world is confronted by the social world that bursts in with its needs, its demands and its pains, as well as with its expecta-

tions, urgencies and lack of answers. This path taken in ‘The Practical’ gives way to a professional legal training with a strong focus on a massive community service related to the commitment of the public university, where a plurality of voices emerges, and a dialogic scene in diversity that will collaborate to deconstruct the hegemonic view of law.