

Clinical Legal Education as a Means to Reform Vietnamese Legal Education

Ai Nhan Ho

I. Introduction

This article presents and discusses the outcomes of an empirical research project on clinical legal education (CLE) in Vietnam. It aims to modernize Vietnamese clinical legal education by analyzing challenges and proposing reforms based on empirical evidence.

In addition to examining the practice and experience of other countries through the review of relevant literature, this article is based primarily on 138 semi-structured interviews with Vietnamese legal education stakeholders during earlier doctoral and follow-up research, referred to as the Vietnam Empirical Research (VER).¹ Interviewees include law school leaders, teachers, and students, practicing lawyers, judges, procurators (public prosecutors), court clerks, and other judicial officials such as notary officials and civil enforcement officials. These include thirty-five interviews conducted directly with clinical teachers and students of the eight existing law clinics nationwide. Three follow-

Ai Nhan Ho is a law lecturer at University of Law - Hue University in Vietnam. He has been teaching and conducting research at this law school since 2001. He can be reached by email: aihn@hul.edu.vn or hnhanoi@hueuni.edu.vn. The author would like to thank Associate Professor Ross Hyams and Professor Adrian Evans from Monash University Faculty of Law for the thoughtful comments and suggestions they offered on the first draft of a chapter of the author's Ph.D. thesis, from which this paper was significantly drawn. The author is grateful to the various participants who have contributed to the empirical research that created a significant foundation for this paper. The author would also like to thank the editor(s) of the *Journal of Legal Education* for their helpful comments on an earlier version of this article that helped revise and improve the paper.

1. Before this research, there were two primary research projects conducted on clinical legal education in Vietnam: Mark Sidel & Duy Nghia Pham, *Building Clinical Legal Education in Viet Nam*, UNDP VIETNAM (2010) and UNDP Vietnam, *Final Report—Assessment of Clinical Legal Education Program in Law Training Institution in Vietnam* (Sept. 2014) (on file with the author). The research by Sidel and Pham was conducted in 2010 as a survey on the conditions of Vietnamese law schools, aiming to ascertain whether CLE would work in Vietnam. Based on this, UNDP would decide whether to provide funding for CLE. Meanwhile, the UNDP Clinical Report was conducted by an independent expert to evaluate and assess the effectiveness of the 2010-2014 Clinical Project funded by UNDP. Neither of these research projects comprehensively explored how clinical approaches have been adopted and how they operate in the Vietnamese setting.

up discussion seminars were organized among some interviewees for further exchanges and insights.

Part II of this article discusses the historical development of Vietnamese CLE. In funding the Clinical Project (2010–2014), the United Nations Development Program (UNDP) played a significant role in launching and expanding clinical programs in Vietnamese law schools. This article then presents and discusses various CLE models currently implemented in Vietnamese law schools. Although CLE in Vietnam has primarily focused on community legal education, some law schools also use other models such as in-house legal consultancy and moot court. In addition, “community legal consultancy” has been delivered within CLE programs of other law schools in Vietnam.

Part III discusses how CLE fits into Vietnamese law schools’ curricula, followed by an analysis of supervision issues in clinical programs. The article then turns to the matter of financing CLE in Vietnam. Since first introduced into Vietnam, CLE has been nurtured mainly by external sources of funding from international organizations. External funding may be important for CLE to be initiated, especially in Vietnam, where the government and law schools may not be ready to provide financial support. However, international donors’ funding is only for the short term and, if law schools do not adequately prepare themselves, CLE is likely to face challenges of sustainability. The author argues in the paper that, in the long term, Vietnamese CLE must be funded and developed through Vietnamese resources to ensure sustainability. The article concludes that although CLE has gradually proved itself to be an innovative method of teaching law in Vietnam, there is still a long journey ahead. Challenges identified include limited understanding among Vietnamese law school leaders and teachers about CLE and its values to legal education, lack of qualified clinical teachers to provide quality supervision to students in various clinical programs, lack of a concrete source of funding to support clinical programs, and some regulatory barriers that prevent law teachers and students from practicing law and being involved in litigation. Unless these problems are successfully addressed, CLE will not have much opportunity to be successful and take root in Vietnam.

II. The Historical Development of Clinical Legal Education in Vietnam

Regionally, most Southeast Asian countries are newcomers in adopting a clinical approach for teaching law.² The exceptions are Thailand and the Philippines, where some CLE programs have been in place for some time.³ Two

2. See, e.g., Bruce A. Lasky & M.R.K. Prasad, *The Clinical Movement in Southeast Asia and India: A Comparative Perspective and Lessons to be Learned*, in *THE GLOBAL CLINICAL LEGAL EDUCATION MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE* 37, 38 (Frank S. Bloch ed., 2011); Bruce Avery Lasky & Shuvro Prosun Sarker, *Introduction: Clinical Legal Education and Its Asian Characteristics*, in *CLINICAL LEGAL EDUCATION IN ASIA: ACCESSING JUSTICE FOR THE UNDERPRIVILEGED* 1, 5–10 (Shuvro Prosun Sarker ed., 2015); RICHARD J. WILSON, *THE GLOBAL EVOLUTION OF CLINICAL LEGAL EDUCATION: MORE THAN A METHOD* 263–76 (2017).

3. Lasky & Prasad, *supra* note 2, at 38–43.

clinical conferences held in Phnom Penh, Cambodia, in 2005⁴ and Manila, the Philippines, in 2007⁵ played a significant role in developing clinical programs in other countries in the region.⁶ In addition, the Manila conference contributed to training many clinicians who later became key actors in fostering clinical programs in their home countries as well as in the region as a whole.⁷

A. The Introduction of CLE into Vietnam

In Vietnam, legal scholars first discussed using CLE as a teaching methodology in the late 1990s. In 1998, a legal consultancy center was established at Hanoi National University Faculty of Law—the Center for Legal Research and Services (LERES).⁸ Although LERES focused primarily on other forms of legal training and consultancy, it also brought law teachers and students together to assist low-income people, including through its own consultancy efforts and by facilitating students' required practical experience while at law school. With funding from the Canadian International Development Agency (CIDA), this center functioned partly as a legal clinic, with two primary missions: (1) providing legal services (both free and for a fee), and (2) helping law students practice law and conduct legal research.⁹

The UNDP has been the most important international organization in supporting legal education innovation and reform and promoting CLE in Vietnam. For years, the UNDP has focused on assisting Vietnam in judicial and administrative reform, strengthening access to justice and human rights protection. The UNDP has provided funding to law schools to develop clinical programs because it views CLE as an instrument to achieve these goals through building community capacity. By funding capacity-building for the Vietnamese Lawyers Association (VLA Project), the UNDP provided seed money to facilitate the establishment of legal clinics in two Vietnamese law schools: Ho Chi Minh City Law University (HCMCLU) in the south and National Economic University Faculty of Law (NEUFL) in the north of Vietnam.¹⁰

The early days of CLE in Vietnam also involved the nonprofit organization Bridges Across Borders Southeast Asia Clinical Legal Education Initiatives

4. *Id.* at 40–41.

5. *Id.*

6. *Id.*

7. Interview with Le Thi Chau, Dean, Trade Union University Faculty of Law, Hanoi, Vietnam (Dec. 15, 2014).

8. Interview with Hien Bui Thu, clinical teacher, National CLE Coordinator, Hanoi (Dec. 15, 2014); Interview with Tieu Phuong Thuy, clinical teacher, Hanoi National University School of Law Clinic, Hanoi (Dec. 14, 2014); Sidel & Pham, *supra* note 1, at 5–9.

9. Sidel & Pham, *supra* note 1, at 5–9.

10. This support was a part of the project Strengthening the Capacity of the Vietnamese Lawyers Association by UNDP to assist Vietnam in promoting judicial reform. *Strengthening the Capacity of the Vietnam Lawyers Association (VLA)*, UNDP (Jan. 17, 2010), <https://erc.undp.org/evaluation/evaluations/detail/1883?tab=info>.

(BABSEA CLE). Through its co-directors¹¹ facilitation of the training activities, BABSEA CLE provided technical assistance and enhanced awareness among various law schools about the nature of CLE and how to start a clinical program. In addition, other international organizations such as the Norwegian Centre for Human Rights (NCHR)¹² and JUSSBUSS–Justice on a Bus¹³ (a student-dominated clinical program established inside Oslo University Faculty of Law) have contributed to the development of CLE in Vietnam. Through funding from the Norwegian government, NCHR has been active in Vietnam for the past twenty years in facilitating a rule-of-law society, promoting human rights and democracy, and reforming law and the judiciary system.¹⁴

B. The UNDP Clinical Project—an Important Milestone of Vietnamese CLE

In 2008, recognizing the significance of legal education to judicial reform and strengthening a rule-of-law society, the UNDP increased its involvement in legal education reform and CLE in the country. To create a baseline and foundation for further legal education reform and the expansion of CLE in Vietnam, UNDP hired two scholars to conduct research to assess the current situation of Vietnamese legal education and to propose solutions for improvement: Professor Mark Sidel (then at the University of Iowa) and Professor Pham Duy Nghia (HCMC University of Economics Faculty of Law).¹⁵ These two professors wrote two significant reports, *Building Clinical Legal Education in Vietnam* (2009) and *Reforming and Strengthening Legal Education in Vietnam* (2010), which provided the basis for UNDP to continue to assist in reforming legal education and developing CLE in Vietnam.¹⁶ The 2009 report looked into the potential for building and developing CLE in Vietnam, whereas the 2010 report identified various challenges of the current Vietnamese legal education system and the demand for reform and proposed a number of reforms. Both reports endorsed CLE’s capacity for reforming and strengthening Vietnamese legal education.

11. Bruce Lasky and Wendy Morris are co-founders and co-directors of BABSEA CLE—one of the international organizations that has significant influence on the development of experiential legal education and on the clinical movement in the Southeast Asia region. BABSEA CLE, *BABSEACLE History*, <https://www.babseacle.org/babsea-cle-history/> (last visited May 8, 2023). See also WILSON, *supra* note 2, at 263-64.
12. UNIV. OF OSLO, *Norwegian Centre for Human Rights*, <https://www.jus.uio.no/smr/english/> (last visited May 8, 2023).
13. For more details about the organization and operation, JUSSBUS, *About Us, Contract Information* <http://foreninger.uio.no/jussbuss/english/about/> (last visited May 8, 2023); see also Wilson, *supra* note 2, at 320-22.
14. For more details about programs and activities delivered by the NCHR, see <https://www.jus.uio.no/smr/english/about/id/s-c-asia/vietnam/> (last visited July 20, 2023).
15. Interview with Hien Bui Thu, *supra* note 8; Interview with Duy Nghia Pham, Dean, Ho Chi Minh City University of Economics Faculty of Law, Ho Chi Minh City, Vietnam (Mar. 10, 2016).
16. *Id.*

Based on these two reports, UNDP funded a program named *Applied Research Piloting the Development of Clinical Legal Education in Vietnam* (hereinafter the UNDP Clinical Project or the Clinical Project).¹⁷ The overall objective of the Clinical Project was to “contribute to the enhancement of legal education in Vietnam and thus strengthen the access to justice and rule of law in Vietnam.”¹⁸

The Clinical Project established six more clinics, for a total of eight in “core partner” Vietnamese law schools.¹⁹ These law schools offer a diverse geographic representation throughout the Vietnamese legal education system. The schools worked together and with BABSEA CLE, which was appointed by UNDP to provide technical support and assistance, to facilitate the development of CLE in Vietnam.²⁰

Generally, Vietnamese CLE focuses on both a social justice mission and education. During the Clinical Project, thousands of people received legal education and assistance from CLE programs conducted by Vietnamese law schools through the participation of law students and teachers. These included ethnic minorities, people with disabilities, orphaned children, prisoners, immigration workers, high school students, low-income earners, and people with HIV.²¹ Legal assistance was delivered mainly through community legal education programs and in-house clinic activities. Students and teachers participating in these clinical programs have had valuable opportunities to learn law in context, practice various professional skills, and enrich their practical legal knowledge.²² Law school leaders and teachers are also beginning to acknowledge the values and potentials that CLE can bring to innovate in teaching and prepare students for the profession.

17. UNDP Final Report, *supra* note 1, at 4.

18. *Id.*

19. UNDP Final Report, *supra* note 1, at 4, n.10 (Hanoi Vietnam National University School of Law clinic, National Economics University Faculty of Law clinic, Trade Union University Faculty of Law clinic, Vinh University Faculty of Law clinic, Hue University School of Law clinic, Ho Chi Minh City Law University clinic, Ho Chi Minh City National University School of Economics and Law clinic, and Cantho University Faculty of Law clinic). Two other clinical programs were planning to launch at the Foreign Trade University Faculty of Law and the Judicial Academy. However, only the Foreign Trade University clinical program was started, as it received support from UNDP and BABSEA CLE. The Judicial Academy was unable to run its clinical program because of a lack of funding assistance. *Id.* at 7.

20. *Id.* at 4-7.

21. *Id.* at 11.

22. Interview with Le Thi Chau, *supra* note 7; Interview with Doan Duc Luong, Dean, Hue University School of Law, Hue, Vietnam (Nov. 10, 2014); Interview with Le Thi Nguyet Chau, Dean, Can Tho University Faculty of Law, Can Tho, Vietnam (Nov. 26, 2014); Interview with Le Huynh Phuong Chinh, clinical teacher, Law Clinic of Can Tho University Faculty of Law, Can Tho (Nov. 25, 2014); Interview with Duong Hoan, Deputy Director, Ho Chi Minh City Law University Law Clinic, Ho Chi Minh City (Nov. 28, 2014); Interview with Lam Ba Khanh Toan, clinician, Law Clinic of Can Tho University Faculty of Law, Can Tho (Nov. 25, 2014); Interview with Nguyen Thanh Tram, clinical teacher, Law Clinic of Vinh University Faculty of Law, Vinh, Vietnam (Dec. 5, 2014).

As part of the “Training the Trainers” program of the Clinical Project, many law teachers and students were trained in Vietnam by experienced foreign clinicians in the effective operation of a clinic. For example, in a two-week CLE summer school training course organized by UNDP in Cantho University Faculty of Law in 2012, clinicians from the United States, Australia, Thailand, and other countries were invited to deliver training to law teachers and students across Vietnam.²³ This format has since become a model to “familiarise Vietnamese law teachers and students with interactive teaching methods and can be used as a stepping stone to developing a fully established real-client clinic.”²⁴ In addition, some law teachers were placed at law schools with leading international clinical programs, such as Monash Faculty of Law, Griffith Faculty of Law, and Newcastle Faculty of Law in Australia; the CLE Foundation and BABSEA CLE and Chiang Mai Faculty of Law in Thailand; and Kwa-Zulu Natal Faculty of Law in South Africa.²⁵ These Vietnamese law teachers, since completing training programs at these selected clinics, have become key personnel in promoting and strengthening clinical programs at the core partners.

In short, the Clinical Project was successful in lighting the CLE flame among Vietnamese law schools. By opening a new chapter of legal education in Vietnam, this international community initiative has brought about a fresh and positive atmosphere among some law schools. Multiple legal education stakeholders, including law school leaders, teachers, and students, realized the benefits and values that CLE will bring to the teaching of law and the assistance it can provide law graduates in becoming more responsible and ethically minded.²⁶ Moreover, the Clinical Project has shown that CLE can offer a productive environment for experiential learning in which students are able to practice law, learn and sharpen professional skills, and prepare effectively for their future careers. The Clinical Project should therefore be seen as an important milestone in the historical development of legal clinics in Vietnam.

For many VER interviewees, however, what the Clinical Project contributed to CLE in Vietnam was only a first step.²⁷ The CLE flame in Vietnam was relatively small and it needed to be nurtured in order to expand. Whether CLE will develop, be sustained, and become the future of Vietnamese legal education remains to be seen. But before discussing the prospects of Vietnamese CLE,

23. Interview with Hien Bui Thu, *supra* note 8.

24. Hien Thu Bui et al., *Legal Education in Vietnam: An Overview and Future Strategic Vision*, in *LEGAL EDUCATION IN ASIA* 19, 30 (Shuvro Prosun Sarker ed., 2014).

25. *Id.*

26. Interview with Doan Duc Luong, *supra* note 22; Interview with Le Thi Nguyet Chau, *supra* note 22; Interview with Duong Hoan, *supra* note 22; Interview with Lam Ba Khanh Toan, *supra* note 22; Interview with Nguyen Thanh Tram, *supra* note 22.

27. Interview with Le Huynh Phuong Chinh, *supra* note 22; Interview with Vo Nguyen Hoang Phuc, clinical teacher, Law Clinic of Can Tho University Faculty of Law, Can Tho (Nov. 25, 2014); Interview with Nguyen Son Ha, law teacher, Hue University School of Law, Hue (Nov. 11, 2014); Interview with Dinh Ngoc Thang, Dean, Vinh University Faculty of Law, Vinh (Apr. 6, 2016); Interview with Tieu Phuong Thuy, *supra* note 8.

it is important to assess the current state of clinical initiatives in Vietnam, over two decades after its inception.

III. Taking Stock of CLE in Vietnam

A. Forms and Models for CLE

CLE has been implemented in Vietnam in the form of community legal education and legal consultancy (both in-house and within communities), and through moot court initiatives. All these forms are delivered to students on a voluntary basis, with no credit being awarded to participating students. In the Vietnamese setting, each of these models has shown its value in teaching students about professional knowledge and skills. However, challenges have also been identified as barriers that constrain the development of CLE.

I. Community Legal Education Programs

Known as street law in many countries,²⁸ community legal education is the most common form of CLE in Vietnam. Quite often, community legal education programs are designed and implemented by a group of students recruited by a law school to form a “clinic.” Clinical students work under the supervision of law teachers to choose a particular community, consult with the local authority if needed, prepare and deliver training lessons, and then evaluate and review the programs. In Vietnam, the target audiences or clients of community legal education programs are often vulnerable or marginalized groups who are commonly unable to afford legal services and are in need of assistance.²⁹

Working to assist these groups of people in legal matters was a part of the commitment that Vietnamese law schools made with UNDP in the Clinical Project. Through community legal education programs, these groups of people have received legal education and information to help protect their rights, such as the right to have a lawyer in a criminal trial, the right to be treated equally before the law, the right to make a complaint when they are not satisfied with public services, and more. This education in turn has helped to promote access to social justice and to strengthen democracy.

Topics selected for community legal education programs are based on the needs of each client group and agreement between law school clinics and communities; in some cases, consultation with local or relevant authorities is also needed. It typically takes several weeks for a clinic to prepare for a legal education “visit” to a community. The VER has found that although Vietnamese law school clinics work with different groups of clients, they have common approaches in conducting community legal education programs. The VER made clear the different steps to prepare and deliver legal education in communities,

28. See, e.g., David McQuoid-Mason, *Street Law as a Clinical Program: The South African Experience with Particular Reference to the University KwaZulu-Natal*, 17 GRIFFITH L. REV. 27 (2008); Peter A. Joy et al., *Building Clinical Legal Education Programs in a Country Without a Tradition of Graduate Professional Legal Education: Japan Educational Reform as a Case Study*, 13 CLINICAL L. REV. 417 (2006).

29. *Supra* note 21.

summarized in Table 1 below. The resulting methodology could be used as a template for the development of community legal education programs in other schools in Vietnam and in similarly situated countries.

Table 1—Steps to Prepare and Deliver Community Legal Education Programs

Steps	Activities	Actors
1	Contact and work with communities/ local authorities to agree on the topics, date and time	Students, clinical teachers, communities, and local authorities
2	Students prepare for legal education program (task allocation, lesson plan, evaluation and assessment, etc.) under close supervision of clinical teachers; clinical teachers prepare teaching and learning materials and facilities (bus hiring, foods/snacks, etc.)	Students and clinical teachers
3	Students practice their performance before their peers and clinical teachers (law school leaders sometime attend and provide feedback)	Clinical students, clinical teachers, other legal educators, and administrators
4	Travel to communities and deliver legal education as planned	Clinical students and teachers, local communities
5	Review, evaluate, and assess	Clinical students and teachers and law school leaders

Source: summarized and constructed by the author based on interviews with various clinicians and clinical students of the eight Vietnamese law school clinics.

2. Legal Consultancy

(a) Types of Legal Consultancy

Legal consultancy is another form of CLE delivered by Vietnamese law schools, to allow students to work individually or collectively under law teachers' supervision to provide legal advice to clients. Legal consultancy is delivered in two primary forms: in-house and in communities.³⁰

In-house legal consultancy is designed similarly to the live-client in-house clinic in many other countries.³¹ However, for reasons that will be discussed shortly, the Vietnamese legal consultancy model does not involve direct representation of clients. In this model, students provide legal advice and, in some cases, make referrals for further assistance. This in-house legal consultancy advice model can vary in quality and effectiveness, but it has been implemented by all eight Clinical Project core partners.³² Subject matters for legal advice and assistance are diverse, including land law, marriage and family law, civil law, criminal law, traffic law, and more.

Community legal consultancy is similar to in-house legal consultancy advice except that it is delivered directly in communities.³³ In Vietnam, community legal consultancy has often been deployed alongside community legal education activities to encourage more people from the community to attend legal education sessions. Hue University School of Law provides an example of this

30. Legal consultancy can also be delivered by telephone. Clinical students rotate to work at the clinic under the supervision of law teachers to receive calls from clients for legal assistance. Interview with Tieu Phuong Thuy, *supra* note 8; Interview with Le Thi Chau, *supra* note 7; Interview with Hien Bui Thu, *supra* note 8; Interview with Nguyen Thanh Tram, *supra* note 22; Interview with Le Thi Thao, clinical teacher, Hue University School of Law Clinic, Hue (July 12, 2021); Interview with Duong Hoan, *supra* note 22; Interview with Le Thi Nguyet Chau, *supra* note 22; Interview with Luu Minh Sang, clinical teacher, Ho Chi Minh City University of Economics and Law Clinic, Ho Chi Minh City (Nov. 29, 2014).
31. See, e.g., Elliott S. Milstein, *Clinical Legal Education in the United States: In-House Live Client Clinics, Externships, and Simulations* 51 J. LEGAL EDUC. 375 (2001).
32. Interview with Tieu Phuong Thuy, *supra* note 8; Interview with Le Thi Chau, *supra* note 7; Interview with Hien Bui Thu, *supra* note 8; Interview with Nguyen Thanh Tram, *supra* note 22; Interview with Le Thi Thao, *supra* note 32; Interview with Duong Hoan, *supra* note 22; Interview with Le Thi Nguyet Chau, *supra* note 22; Interview with Luu Minh Sang, *supra* note 32.
33. In India, community legal consultancy is also known as “legal aid camp” and is organized by law schools to allow their students to practice law. While participating in legal aid camps, students work under the supervision of law teachers and the Legal Aid Board to deliver legal advice to rural people to enable them to settle disputes among themselves without representation at court. Like those in Vietnam, legal aid camps are delivered alongside legal literacy camps in communities. See, e.g., Frank S. Bloch & Iqbal S. Ishaq, *Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States*, 12 MICH. J. INT’L L. 108, 114 (1990–1991).

approach. Legal education programs for prisoners at Binh Dien prison³⁴ always include a session for legal consultancy to allow prisoners to seek legal advice on various issues concerning them.³⁵ Similarly, clinical programs with prisoners implemented by HCMC Law University clinic have also encompassed various sessions for legal consultancy alongside legal education activities.³⁶ The practice of these clinical programs has shown that prisoners have a great interest in legal consultancy to address their legal problems.³⁷ Prisoners' legal matters and interests are often very diverse. Some are interested in knowing their rights as inmates while others would like to understand the process of community integration after they complete their sentences. In addition, prisoners sometimes need to settle various legal matters with people outside of prison, including family and marriage issues, company and shares problems, civil and inheritance matters, and more. Clinicians and students typically do not know ahead of the session the nature of the legal problems with which prisoners will seek assistance or advice. Therefore, law school clinics often bring law teachers and lawyers from different areas of expertise when making a community legal education visit.

(b) Challenges Facing the Vietnamese Legal Consultancy Model

In general, deployment of the legal consultancy model, both in-house and in communities, has been very limited. The VER found an overwhelming interest in developing and strengthening in-house legal consultancy activities.³⁸ Many interviewees believed that in-house legal consultancy is the most productive clinical model enabling students to study law in context and to learn and practice various skills necessary for their future careers. However, this model faces various challenges: students' capacity, law teachers' ability to practice law, law

34. Community legal education and consultancy programs working with prisoners were implemented at two law schools: HCMC Law University and Hue University School of Law. These programs were funded by the NCHR and technically supported by JUSSBUSS (Oslo University Faculty of Law) in an attempt to strengthen and expand CLE activities in Vietnam. Interview with Duong Hoan, *supra* note 22 and interview with Doan Duc Luong, *supra* note 22.
35. Interview with Doan Duc Luong, *supra* note 21; Interview with Nguyen Son Ha, *supra* note 27; Interview with Tran Viet Long, clinical teacher, Hue University School of Law Clinic, Hue (Nov. 19, 2014).
36. Interview with Duong Hoan, *supra* note 22.
37. Interview with Duong Hoan, *supra* note 22; Interview with Ly Nam Hai, clinical teacher, Hue University School of Law Clinic, Hue (Nov. 11, 2014).
38. Interview with Tieu Phuong Thuy, *supra* note 8; Interview with Le Thi Chau, *supra* note 7; Interview with Nguyen Thanh Tram, *supra* note 22; Interview with Le Thi Thao, *supra* note 32; Interview with Duong Hoan, *supra* note 22; Interview with Le Thi Nguyet Chau, *supra* note 22; Interview with Luu Minh Sang, *supra* note 32; Interview with Dinh Ngoc Thang, *supra* note 27; Interview with Pham Thi Huyen Sang, clinical teacher, Vinh University Faculty of Law Clinic, Vinh (Mar. 18, 2016); Interview with Nguyen Luong Sy, clinical student, Hue University School of Law Clinic, Hue (Apr. 14, 2016); Interview with Nguyen Thi My Huong, clinical teacher, Hue University School of Law Clinic, Hue (July 19, 2021); Interview with Duy Nghia Pham, *supra* note 14.

teachers' time commitment for CLE, clients' lack of trust, and the challenge of funding. These challenges are discussed further below.

A significant hurdle is students' legal competence. First and foremost, students' low legal competence has diminished the quality of service to clients. Educated in a passive learning environment with limited opportunities for learning and practicing professional skills,³⁹ students are often not competent enough to work in legal consultancy programs. Even though students are trained in professional knowledge and skills, it often is frustrating and challenging for them to go into the real world to deliver legal assistance to clients.⁴⁰

Another impediment is the lack of student practice rules in Vietnam. In a number of other countries, clinical students are often able to appear and represent their clients in court. In a clinical setting, their capacity to engage in civil litigation and criminal hearing procedures by appearing in court has been facilitated by student practice rules that have become an integral part of many CLE programs around the world.⁴¹ Obviously, practical experience is a significant factor in developing law students' advocacy skills and helping them to learn about the complexities of the profession in a court setting. Needless to say, students' appearance in court often affords greater opportunity to protect their clients' legitimate rights and interests than would be the case if they had no opportunity to appear. In Vietnam, however, it is almost impossible for law students to perform this role, as only those people admitted by the Vietnam Bar Federation can practice law and represent clients at court in legal matters. This even constrains law students' ability to access their clients' relevant legal documents and, in some cases, to access their clients.

Law teachers are not admitted to practice law in Vietnam, which creates another hurdle for the operation and development of the in-house clinic model.⁴²

39. See, e.g., Ai Nhan Ho, *Legal Education in Vietnam: The History, Current Situation and Challenges*, 26 *LEGAL EDUC. REV.* 69, 87–88 (2017).

40. Interview with Luu Minh Sang, *supra* note 32 (“Clinical students’ limited capacity is surely one of the most important challenges that has constrained the development of the in-house clinical model in Vietnam. In many cases, students do not have necessary professional skills and practical legal knowledge to provide a quality service to clients. This is quite understandable in Vietnam where the doctrinal education system dominates.”); Interview with Le Huynh Phuong Chinh, *supra* note 22 (“I have to admit that many of our clinical students lack professional skills and practical knowledge; therefore, legal advice and service delivered by them has been of a low standard. This has negatively affected trust from the community and our law school reputation as well. And this in turn has led us go back to the question of ‘how to teach our students.’ Obviously, the current system in Vietnam is not effective enough in preparing a law student for the profession.”).

41. See, e.g., Adrian Evans et al., *Best Practices: Australian Clinical Legal Education* 2012); Nina W. Tarr, *Current Issues in Clinical Legal Education*, 37 *HOWARD L.J.* 31 (1993); Milstein, *supra* note 31.

42. Interview with Tieu Phuong Thuy, *supra* note 8 (“It is a big challenge to the in-house clinical model in Vietnam when law teachers are not allowed to practice law. Because the most important consideration in an in-house clinic is to provide quality legal advice and assistance to our client, and this has to be practical, not theoretical. However, I believe that a big proportion of law teachers in Vietnam do not have much practical legal knowledge and skills because they do not practice”).

Unlike community legal education, the in-house clinic model requires clinical teachers to have good practical knowledge and skills in order to supervise their students. Importantly, their supervision plays a significant role in facilitating students' learning and helping disadvantaged people to access social justice.⁴³ It is questionable whether clinical teachers can teach students about advocacy skills and prepare them for the profession if they themselves do not have much professional practical knowledge and skills. Similarly, it is unreasonable and risky to require students to deliver a quality legal service if they are supervised by a clinician with limited professional knowledge and skills.⁴⁴

This regulatory and practical barrier has presented several significant challenges in establishing and maintaining CLE in Vietnam, particularly in local versions of the in-house clinic model. First, law teachers' involvement in clinics has to be limited to general advice in the nonlitigation context. As a result, Vietnamese law schools have placed more emphasis on the community legal education model because it does not require clients' direct representation. This limitation certainly helps to explain why community legal education is a common CLE model in Vietnam. In addition, law teachers' inability to participate in litigation and to represent clients in court will continue to limit the depth of their supervisory capacity in a CLE setting. Not being permitted to practice law also limits opportunities for law teachers to learn law in context and build up professional skills while also undermining their credibility in front of their students.⁴⁵ Further, if in-house clinic supervisors are not granted authority to act on their clients' behalf, their participation in CLE activities will also be limited. As a result, the educational objective and social justice mission of CLE will never be fully achieved. This problem could also limit law students' willingness to participate in clinic activities.

However, Australia seems to have a better legal framework for student practice. Although only admitted practitioners have the right to represent clients in court, every Australian court has inherent discretion to control its own proceedings and to permit unlicensed persons (those not meeting admission criteria), including law students, to appear on behalf of a litigant.⁴⁶ This precedent offers avenues for Vietnam to strengthen and develop the in-house clinical model.

Teachers' time commitment is another challenge that affects the operation of in-house legal consultancy programs. As shown in many other countries, in-house clinic activities are intense and demand extensive commitments of time

43. See, e.g., JEFF GIDDINGS, PROMOTING SOCIAL JUSTICE THROUGH CLINICAL LEGAL EDUCATION (2013); Evans et al., *supra* note 42, at 123-34.

44. Interview with Hien Bui Thu, *supra* note 8 ("Some law teachers do not have much practical legal knowledge and skills; therefore, I am not surprised if they do not know how to properly handle a case. How can they supervise students in in-house clinic and teach students to become good lawyers?").

45. Ho, *supra* note 41, at 85.

46. Susan Campbell & Alan Ray, *Specialist Clinical Legal Education: An Australian Model*, 3 INT'L J. CLINICAL LEGAL EDUC. 67, 71 (2003).

and effort by clinicians and students.⁴⁷ Most Vietnamese law teachers already have a significant teaching load and other law school commitments,⁴⁸ leaving limited time for clinical supervision.

A similar challenge faces many doctrinal law teachers who have become involved in clinical programs. Because most young clinicians have limited practical experience and professional skills, established doctrinal law teachers need to play a significant role in ensuring the quality of in-house clinic services.⁴⁹ For many doctrinal law teachers, however, teaching and research on doctrinal law subjects are their top priorities, because these affect their academic reputations and law school positions, as well as their livelihoods. Many of them even teach overtime

47. Because in-house clinic activities are intensive and time-consuming, students often must devote a lot of their time to clients: researching, preparing documents, and more. Also, for this reason, students taking an in-house clinic unit will often take one or two substantial law units in the same semester. Particularly in the United States, some students might spend a whole semester on clinical activities, including in-house clinic.
48. A Vietnamese law teacher can have more than 1000 teaching hours per academic year. Interview with Nguyen Ba Dien, Associate Professor, Hanoi National University School of Law, Hanoi (Dec. 18, 2014); Interview with Dinh Ngoc Thang, *supra* note 27; Interview with Nguyen Duy Phuong, Vice Dean, Hue University School of Law, Hue (July 20, 2021); Interview with Duy Nghia Pham, *supra* note 14; Interview with Dao Mong Diep, law teacher, Hue University School of Law, Hue, (July 17, 2021); Interview with Cao Nhat Linh, law teacher, Can Tho University Faculty of Law, Can Tho (Nov. 17, 2014). In addition, they have quite a lot of other law school commitments. These may include all-staff conferences held once a year, monthly key staff meetings, quarterly key staff meetings, monthly mandatory seminars organized by academic departments, activities organized by the Vietnamese Communist Party and Communist Youth Union, activities organized by the student association, and more. All of these take up a considerable amount of time for teachers and other staff. *See, e.g.*, Interview with Mr. Luu Minh Sang, *supra* note 32 (“We lack supervisors in order to supervise and guide clinical students in in-house clinical activities. Law teachers are extremely busy with their teaching and research commitments, leaving no time for them to supervise clinical students and follow a case. Sometimes, following a case requires teachers and students to come to the site for investigation and make consultation with other people, but it is almost impossible with many of our law teachers.”).
49. Interviews with Tieu Phuong Thuy, *supra* note 8; Interview with Le Thi Chau, *supra* note 7; Interview with Hien Bui Thu, *supra* note 8; Interview with Nguyen Thanh Tram, *supra* note 22; Interview with Le Thi Thao, *supra* note 32; Interview with Duong Hoan, *supra* note 22; Interview with Le Thi Nguyet Chau, *supra* note 22; Interview with Luu Minh Sang, *supra* note 32; Interview with Pham Thi Huyen Sang, *supra* note 38; Interview with Dao Mong Diep, *supra* note 48; Interview with Ngo Huu Phuoc, law teacher, Ho Chi Minh City Law University, Ho Chi Minh City (Nov. 26, 2014); Interview with Trinh Thi Hang, law teacher, Vinh University Faculty of Law, Vinh (July 22, 2021); Interview with Nguyen Anh Tuan, clinical student, Hue University School of Law Clinic, Hue (Nov. 21, 2014); Interview with Nguyen Minh Thuan, clinical student, Can Tho University Faculty of Law Clinic, Can Tho (Nov. 26, 2014); Interview with Nguyen Minh Hoa, clinical student, Trade Union University Faculty of Law Clinic, Hanoi (Dec. 14, 2014); Interview with Dang Le Thuy Trang, clinical student, Vinh University Faculty of Law Clinic, Vinh (Dec. 5, 2014); Interview with Le Thi Ly, clinical student, University of Economics and Law Clinic, Ho Chi Minh City (Nov. 27, 2014).

at their own schools or at other universities to ensure an adequate income.⁵⁰ This extra work has resulted in doctrinal law teachers not having enough time for clinical activities. Furthermore, many clinical activities are designed and delivered on a voluntary basis, which creates further disincentives for faculty.

Finances are another important challenge constraining the development of the in-house clinic model in Vietnam. In-house clinics are more expensive than other CLE models, as law schools have to invest in infrastructure, facilities, offices, staff salaries, and more. Because of their limited financial resources, most Vietnamese law schools are often unable to provide their clinics with a convenient office or any of the other facilities and equipment necessary for in-house clinical activities. In most cases, clinics have to share office space with other academic departments in a law school.⁵¹ In addition, financial constraints have left law schools unable to pay enough to hire qualified lawyers to supervise their students in in-house clinical activities.⁵² These factors, when combined, have greatly challenged the development of the in-house clinical model in Vietnam.

3. Moot Courts

In general, moot court is a form of experiential learning that gives students opportunities to learn and practice advocacy skills. As a form of simulation, moot court allows students to role-play different parts in a trial or hearing, thereby helping them practice and understand the knowledge and skills required for each role. If well designed and delivered, moot court can also create a productive environment for participating students to practice and sharpen their ability to think logically and critically, both of which are crucial for their future careers.⁵³

Moot courts have been implemented by some Vietnamese law schools under their clinical programs. Quite often, a group of clinical students is selected to

50. Most public universities and law schools in Vietnam are underfunded. This has resulted in various problems, including low salaries for teachers, large class sizes, faculty members working extra time and overtime, poor study materials in libraries, and poor infrastructure and learning facilities. Consequently, working extra time and overtime is very common among Vietnamese law teachers (and maybe teachers of other disciplines) to ensure their livelihoods. *See, e.g.*, interview with Duy Nghia Pham, *supra* note 14 (expressing concern about the low investment from the state budget in public universities. He believes that to the lack of a budget for public universities led the Ministry of Education and Training to agree to give fourteen universities in Vietnam the right of self-determination, including in relation to financial issues).
51. Interview with Tieu Phuong Thuy, *supra* note 8; Interview with Le Thi Chau, *supra* note 7; Interview with Doan Duc Luong, *supra* note 22; Interview with Nguyen Thanh Tram, *supra* note 22; Interview with Le Thi Thao, *supra* note 32; Interview with Duong Hoan, *supra* note 22; Interview with Le Thi Nguyet Chau, *supra* note 22; Interview with Luu Minh Sang, *supra* note 32; Interview with Le Huynh Phuong Chinh, *supra* note 22.
52. Interview with Le Thi Chau, *supra* note 7; Interview with Dinh Ngoc Thang, *supra* note 27; Interview with Nguyen Duy Phuong, Vice Dean, Hue University School of Law, Hue (Nov. 22, 2014); Interview with Le Minh Sang, *supra* note 32; Interview with Le Thi Nguyet Chau, *supra* note 22.
53. John T. Gaubatz, *Moot Court in the Modern Law School* 31 J. LEGAL EDUC. 87 (1981); Yvonne Marie Daly & Noelle Higgins, *The Place and Efficacy of Simulations in Legal Education: A Preliminary Examination*, 3 ALL IRELAND J. HIGHER EDUC. 58 (2011).

prepare and perform in moot courts under the supervision and support of law teachers and judicial officials such as judges, procurators and, possibly, practicing lawyers.⁵⁴ Depending on the learning objectives and the availability of resources, Vietnamese law schools typically offer moot courts from two to four times per academic year. For example, within Cantho Faculty of Law clinical programs, two or three moot courts are organized each year,⁵⁵ while four moot courts are commonly delivered by Hue School of Law CLE programs.⁵⁶

In addition, moot court competitions recently have been organized in Vietnam for law schools to compete with one another and with teams from other countries. These competitions have created a productive environment for developing and nurturing moot court as a CLE model in Vietnam.⁵⁷ Together with learning opportunities for students, many Vietnamese law schools now see moot court competitions as an opportunity to introduce themselves to the public and attract attention from potential students and their families.⁵⁸ Moot court is also considered to be a progressive teaching methodology in response to the demands for teaching innovation.⁵⁹

In practice, however, moot court as it is practiced in Vietnam tends to be a performance acted out by clinical students in accordance with a prepared script in which the case is already settled. Learning opportunities are often very limited, as students are not required to be creative or reflective during the moot court. Students need only focus on the roles they play in the moot court, giving limited or even no consideration to other objectives, as the final sentence

54. Interviews with Doan Duc Luong, *supra* note 22; Interview with Le Thi Chau, *supra* note 7; Interview with Dinh Ngoc Thang, *supra* note 27; Interview with Le Huynh Phuong Chinh, *supra* note 22; Interview with Duong Hoan, *supra* note 22; Interview with Le Thi Nguyet Chau, *supra* note 22; Interview with Luu Minh Sang, *supra* note 32; Interview with Ly Nam Hai, *supra* note 37; Interview with Tran Van Liem, law teacher, Vinh University Faculty of Law, Vinh (Dec. 2, 2014).
55. Interview with Le Thi Nguyet Chau, *supra* note 22.
56. Interview with Nguyen Son Ha, *supra* note 27; Interview with Tran Viet Long, *supra* note 35.
57. For example, some Vietnamese law schools have participated in the International Humanitarian Law Moot Court Competition organized by the International Committee of the Red Cross. This annual moot court competition attracts hundreds of participating teams throughout Asia. More details at <https://www.icrc.org/en/document/malaysia-19th-national-ihl-moot-court-competition-2022> (last visited 7/7/2023).
58. Interviews with Le Thi Chau, *supra* note 7; Interview with Dinh Ngoc Thang, *supra* note 27; Interview with Nguyen Thanh Tram, *supra* note 22; Interview with Le Thi Thao, *supra* note 32; Interview with Doan Duc Luong, *supra* note 22; Interview with Duong Hoan, *supra* note 22; Interview with Le Thi Nguyet Chau, *supra* note 22; Interview with Luu Minh Sang, *supra* note 32; Interview with Dao Mong Diep, *supra* note 48; Interview with Nguyen Son Hai, law teacher, Hue University School of Law, in Hue city (July 5, 2021); Interview with Nguyen Hung Cuong, law teacher, Hanoi National University School of Law, Hanoi (Apr. 15, 2021); Interview with Tran Thi Tuong Vi, law teacher, Sai Gon University Faculty of Law, Ho Chi Minh City (July 7, 2021).
59. Interview with Duy Nghia Pham, *supra* note 14.

or solution has been established beforehand.⁶⁰ Nevertheless, moot court is one of the most favored CLE activities among Vietnamese law schools.⁶¹

B. Contextualizing Clinical Programs in Vietnamese Law Schools' Curricula

As a new teaching methodology, CLE still struggles to find a way to survive and develop in Vietnamese law schools. CLE in Vietnam has been designed and delivered both on a volunteer basis and as an accredited unit.⁶² Quite often, law schools in Vietnam start their clinical programs as voluntary activities. However, the commitment made by some Vietnamese law schools with UNDP in the Clinical Project has motivated and encouraged law schools to design and include CLE in their curricula. The 2014 UNDP Clinical Report noted that, of the eight law school core partners, three included CLE in their curricula as a compulsory unit, four others offered CLE as an elective unit, and one still organized CLE as a volunteer activity.⁶³ In practice, however, each of these law schools (except Hanoi National University Faculty of Law) has a combination of credited and voluntary CLE activities.

1. CLE as a Volunteer Activity

The operation of eight law school clinics in Vietnam is based mainly on a team of clinical teachers and groups of volunteer students, subject to the availability of resources and student demand. The number of students selected differs from school to school. For example, Hue University School of Law commonly admits about fifty students per academic year to work in clinic.⁶⁴ At Vinh University

60. *Id.*

61. Interview with Le Thi Nguyet Chau, *supra* note 22; Interview with Duong Hoan, *supra* note 22; Interview with Doan Duc Luong, *supra* note 22; Interview with Nguyen Duy Phuong, *supra* note 52; Interview with Dinh Ngoc Thang, *supra* note 27; Interview with Le Thi Chau, *supra* note 7 (“From my observation, Vietnamese law students lack opportunities to be exposed to the practice of law application and learn about practical skills. We now try to fix this problem by organizing moot courts and other practical activities. I am confident that moot courts will help our students study law better and, more importantly, they can imagine what they are going to do in the future after law school.”); Interview with Le Huynh Phuong Chinh, *supra* note 22 (“From [the] Cantho Faculty of Law perspective, community legal education and moot court will still be our two main focuses in [the] near future in creating opportunities for students to learn practical knowledge and skills.”).

62. Interview with Le Thi Chau, *supra* note 7; Interview with Tieu Phuong Thuy, *supra* note 8; Interview with Nguyen Thanh Tram, *supra* note 22; Interview with Le Thi Thao, *supra* note 32; Interview with Luu Minh Sang, *supra* note 32; Interview with Duong Hoan, *supra* note 22; Interview with Le Huynh Phuong Chinh, *supra* note 22; Interview with Hien Bui Thu, *supra* note 8.

63. The UNDP Final Report, *supra* note 1, at 7 (noting that among eight law schools adopting a clinical approach, Hanoi National University Faculty of Law is still the only law school that struggles to find a way to include CLE in its curriculum. The other seven law schools have offered CLE as both voluntary and credited units.).

64. Interview with Nguyen Son Ha, *supra* note 27; Interview with Tran Viet Long, *supra* note 35.

Faculty of Law, the CLE team often has thirty to forty students.⁶⁵ Among eight law school clinics, HCMC Law University admits the largest number of students, with approximately 100 participating in its clinical programs,⁶⁶ whereas Cantho Faculty of Law has the lowest number of clinical students, at fifteen to twenty per academic year.⁶⁷

Volunteer students working in these clinics are responsible for a range of activities such as in-house legal consultancy, community legal education or consultancy, moot court, and other simulated activities. Sometimes they also represent their law schools in legal competitions (such as moot court competitions).⁶⁸ Students do not earn any academic credit for their participation in clinical activities designed outside of the formal curriculum. Nevertheless, the demand among students in Vietnamese law schools for this voluntary type of CLE is relatively high.⁶⁹

Various explanations are given for the high student demand for voluntary clinical activities. Primarily, for many Vietnamese law students, CLE is a new and interesting way to study law. Students otherwise have limited opportunities to interact with their peers and teachers, because a one-way podium communication style dominates. The passive education environment at law schools has bored students and made them less motivated.⁷⁰ CLE offers students opportunities to interact with their teachers and classmates and to participate in the real world of applied law. In a clinical setting, students often feel that they can express

65. Interview with Nguyen Thanh Tram, *supra* note 22.

66. Interview with Duong Hoan, *supra* note 22.

67. Interview with Lam ba Khanh Toan, *supra* note 22.

68. Interview with Le Huynh Phuong Chinh, *supra* note 22.

69. Interviews with Le Thi Nguyet Chau, *supra* note 22; Interview with Tieu Phuong Thuy, *supra* note 8; Interview with Nguyen Thanh Tram, *supra* note 22; Interview with Le Thi Thao, *supra* note 32; Interview with Luu Minh Sang, *supra* note 32; Interview with Duong Hoan, *supra* note 22; Interview with Le Huynh Phuong Chinh, *supra* note 22; Interview with Hien Bui Thu, *supra* note 8; Interview with Nguyen Anh Tuan, *supra* note 49; Interview with Nguyen Minh Thuan, *supra* note 49; Interview with Nguyen Minh Hoa, *supra* note 49; Interview with Dang Le Thuy Trang, *supra* note 49; Interview with Le Thi Ly, *supra* note 49; Interview with Le Thi Chau, *supra* note 7 (“Students at my school really hunger for CLE activities. I am not surprised about this because I understand CLE is fun, interesting, and beneficial to students. The only problem has been that our clinic is unable to take more students due to our poor facilities and limited human resources. Therefore, I hope Vietnam will invest more in the development and expansion of clinical programs among Vietnamese law schools so that more learning opportunities will be made available for students.”); Interview with Doan Duc Luong, *supra* note 22 (“It is a common situation in Vietnam that there is a big demand from students to participate in clinical activities. For example, in our last recruitment, there were 450 applications while we only had fifty spaces. Because of this, only a limited number of students have the opportunity to be exposed to clinical activities and become better in practical knowledge and skills.”).

70. Ho, *supra* note 39, at 87-88.

themselves, study more effectively and even stay away from quite often tedious lectures in many doctrinal law courses.⁷¹

Students' top priorities and concerns are their future prospect of employment. Therefore, they work hard to best prepare themselves for their future careers. Vietnamese law students hunger for professional knowledge and skills because law schools' curricula do not offer education and training in this area. Students also understand that professional knowledge and skills will help differentiate them in competing for employment. Consequently, many students are willing to pay extra tuition fees to take skills courses offered by law schools outside their curricula. These are often known as short-term skills courses, organized and offered by Centers for Legal Consultancy and Short-term Training.⁷² Some students choose to intern in law firms to observe and learn professional practice skills from practicing lawyers.⁷³ This has often been done through individual arrangements between students and law firms.

Finally, some students prefer to learn professional knowledge and skills in a nonassessed environment, such as voluntary CLE. Working on a voluntary basis, many students have chosen to stay with the clinics for several years to maximize their clinical participation and learning opportunities. Some law graduates also come back to work in the clinic after they have found a job to continue building practical skills; at the same time they are able to help new clinical students learn and grow professionally and ethically. Here is the voice of a clinical law graduate at Cantho University Faculty of Law:

I used be a student working in Cantho Faculty of Law CLE Team. You could say that I was the first generation of Cantho clinical students when CLE was introduced into Vietnam. My experience with CLE was great, as I learned a lot of valuable practical knowledge and skills that have helped me in my current job. Now I decide to go back to work at Cantho Faculty of Law clinic in order to continue to learn more, but, more importantly, to help younger generations of clinical students.⁷⁴

71. See, e.g., Ai Nhan Ho, *Reforming the Vietnamese Legal Education System: Possibilities and Perspective*, 23 INT'L J. CLINICAL LEGAL EDUC. 48, 66-70 (2016).
72. Interview with Nguyen Ba Binh, head of Department of International Trade Law, Hanoi Law University, Hanoi (Apr. 14, 2016); Interview with Nguyen Trung, lawyer, Trung Nguyen Law Firm, Hanoi (Apr. 14, 2016); Interview with Le Tuan Khanh, lawyer, Tuan Khanh Law Firm, Can Tho (Apr. 17, 2016); Interview with Dang Thi Ngoc Hanh, lawyer, Ngoc Hanh and Associates Law Firm, Hue (Mar. 19, 2016); Interview with Ngo Huu Phuoc, *supra* note 53; Interview with Hoang Ngoc Thanh, lawyer, Thua Thien Hue Lawyer Association, Hue (Mar. 19, 2016); Interview with Le Van Cao, lawyer, FDVN Law Firm, Da Nang, Vietnam (Mar. 22, 2016).
73. Interview with Nguyen Thi Thuy Hang, law teacher, Hue University School of Law, Hue (Mar. 18, 2016).
74. Interview with Nguyen Minh Thuan, *supra* note 49.

2. Incorporating CLE into the Law Curriculum

CLE has begun to be included as elective or mandatory units for credit at some Vietnamese law schools (see Table 2 below).⁷⁵ Accrediting and including CLE in the legal education process might be one solution for Vietnamese law schools to address challenges facing the development of CLE, including financial problems. However, adopting and incorporating CLE into law school curricula is not a simple mission in the heavily doctrinal Vietnamese legal education system. Students are required to study a large volume of substantive law and nonlaw politically ideological units,⁷⁶ leaving only limited for-credit space for experiential learning activities like CLE. The doctrinal legal education system has also affected the design and delivery of CLE units in Vietnamese law schools.

Table 2—Summary of Clinical Legal Education Programs Offered as Accredited (for Credit) Units by Vietnamese Law Schools

#	Law School	Name of CLE unit	Accredited			Students	
			Required	Elective	Number of credits	Number of students	Year of student
1	Trade Union University Faculty of Law	Lawyering Practice Skills	X		2	200	1 st
2	National Economic University Faculty of Law	Legal Practice for Law Graduated Program		X	2	100-120	2 nd
3	Vinh University Faculty of Law	Legal Practice Training		X	3	1000	1 st
4	Hue University School of Law	Professional Practice	X		2	800	4 th
5	HCMC Law University	Lawyering Practice Skills	X		2	1400-1500	4 th

75. UNDP Final Report, *supra* note 1.

76. Ho, *supra* note 39, at 79-81.

6	HCMC National University School of Economics and Law	Lawyering Practice Skills		X	2	300	2 nd
7	Cantho University Faculty of Law	Legal Practice		X	2	400	3 rd

Source: UNDP Clinical Report and data collected by the author.

In general, CLE units offered by Vietnamese law schools tend to be theoretically oriented, with a lot of learning done through conventional lectures.⁷⁷ Despite their name, these units have created only limited “real-world” opportunities for students to practice law. For example, the Legal Practice unit offered by Cantho Faculty of Law has been designed to encompass three sections. Section one teaches students about knowledge and skills and delivering legal education in communities. In section two, students learn about the knowledge and skills necessary to work in an in-house legal consultancy program. In handling these first two sections, teachers often employ a range of interactive teaching methodologies, including brainstorming, role-playing, gaming, question-and-answer, and lecture. In fact, these two sections account for two-thirds of the total credit hours of the unit and are relatively similar to doctrinal law units in which students learn *about* skills, not the skills themselves. It is not until the third section of the unit that students are given some opportunities to practice the knowledge and skills they have learned from the first two sections. Even then, most of the practice occurs in class with simulated cases and clients, with students playing different roles in a case. Sometimes, the practice section happens either in the clinic with real cases (subject to the availability of clients) or in communities during law schools’ community legal education and consultancy programs.⁷⁸

77. Interview with Le Thi Chau, *supra* note 7; Interview with Nguyen Thanh Tram, *supra* note 22; Interview with Ly Nam Hai, *supra* note 37; Interview with Nguyen Son Ha, *supra* note 27; Interview with Luu Minh Sang, *supra* note 32; Interview with Duong Hoan, *supra* note 22; Interview with Vo Nguyen Hoang Phuc, *supra* note 27; Interview with Nguyen Anh Tuan, *supra* note 49; Interview with Nguyen Thi Ly, *supra* note 49; Interview with Nguyen Phuong Thao, clinical student, Ho Chi Minh City Law University Clinic, Ho Chi Minh City (Apr. 17, 2016).

78. Second interview with Le Huynh Phuong Chinh, clinical teacher, Can Tho University Faculty of Law Clinic, Can Tho (Mar. 14, 2016). The situation is very similar in Hue University School of Law Clinic and in Trade Union University Clinic. Interviews with Ly Nam Hai, *supra* note 37; Interview with Le Thi Chau, *supra* note 7. Vinh University Faculty of Law offers CLE as an elective unit within its curriculum, with a relatively large number of students. In this law school, the CLE unit has also been designed to include two parts: theoretical education and practical training. Second interview with Nguyen Thanh Tram, clinical teacher, Vinh University Faculty of Law Clinic, Vinh (Feb. 24, 2016).

By contrast, HCMC Law University has incorporated CLE into its curriculum as a mandatory unit. Designed as a two-credit course and titled Lawyering Practice Skills,⁷⁹ the unit teaches students knowledge about various CLE forms, including community legal education and consultancy, in-house legal consultancy, simulations, and externships. Students also have opportunities to learn and practice different skills necessary for a legal career, such as client interviewing, communication, legal research and writing, public speaking, and more.⁸⁰ However, one of the major challenges of HCMC Law University is the vast number of students the clinic must accommodate. Because of this, the CLE unit of HCMC Law University has to focus on theoretical (or doctrinal) education rather than practical and professional training.⁸¹ As a result, this program is not really a clinic at all.

In short, some Vietnamese law schools have made significant efforts to include CLE in their curricula as either a compulsory or elective component. However, law schools and their faculty members remain heavily influenced by the dominance of doctrinal education. Consequently, the design and delivery of the so-called CLE courses in Vietnamese law schools are not yet completely aligned with international experience and standards. So-called clinical courses (or units) offered by Vietnamese law schools are, in essence, a more embryonic form of CLE as commonly understood elsewhere in the world. Students participating in these courses have not been exposed to fully developed CLE and, therefore, their learning opportunities have been limited.

In such countries as the United States, Australia, South Africa and India, taking a clinical unit often means that a student spends most of the time working in the clinic to deliver legal services to clients under the close supervision of clinicians (the in-house live-client clinic); or the student works at a law firm or relevant agency under the supervision of practicing lawyers (the externship model). Clinical experience will help expose students to the real world of law and help them practice professional skills and develop modes of ethical behavior. In Vietnam, however, clinical students are primarily taught about the theory of skills and knowledge about relevant legal professions. For example, different modules were designed to teach students skills necessary for client interviewing, legal reasoning, legal writing or legal advice giving and consulting. However, these modules are typically delivered in a lecture-based manner, and students do not have much opportunity to really “act” and practice what they have learned in order understand and master the skills.

Furthermore, Vietnamese law schools and their faculty members have limited exposure to international CLE, particularly the in-house clinic model. To many clinicians and doctrinal law teachers, community legal education or street law

79. Interview with Duong Hoan, *supra* note 22.

80. Interview with Nguyen Thi Ly, *supra* note 49; Interview with Nguyen Phuong Thao, *supra* note 77.

81. Interview with Nguyen Thi Ly, *supra* note 49; Interview with Nguyen Phuong Thao, *supra* note 77.

seems to be the best representation of CLE. It is not surprising, therefore, that some of the people interviewed equated CLE with community legal education, and nothing more. This is truly a misconception, as CLE embraces different forms of activities. Clinicians around the globe agree that in-house live-client clinic is the best model of CLE in terms of teaching students the law in context and promoting social justice.⁸² The misconception about clinical pedagogy also demonstrates that Vietnamese CLE is still at a very early stage of development.

C. CLE Supervision and the Status of Clinicians in Vietnamese Law Schools

Despite the introduction of clinical methodology into Vietnam in the late 1990s, there still is no teacher specialization in CLE. Not one single Vietnamese law teacher teaches only CLE. Instead, clinicians are originally doctrinal law teachers. Quite often, law schools choose some doctrinal law teachers (most of whom are young and enthusiastic) and give them some training in CLE before they begin to teach and supervise students in clinical programs. Correlatively, Vietnamese clinicians never consider teaching in clinics as their primary focus. Teaching and research in doctrinal law subjects remains their priority, with CLE being a secondary or auxiliary activity. To some degree, this affects clinical supervision and CLE in Vietnam as a whole. The literature shows that supervision plays a key role in the success of a clinical program.⁸³ If clinicians do not invest a considerable amount of their time and effort in supervising students, that will likely harm the success of clinical programs.⁸⁴

Another issue is the involvement of doctrinal law teachers in clinical supervision. In many Vietnamese CLE programs in law schools, particularly in-house and community legal consultancy, doctrinal law teachers still play an important role.⁸⁵ This involvement is valuable in the sense that clinical students and clients can benefit from doctrinal law teachers' in-depth legal knowledge. In many cases, doctrinal law teachers' participation can help address clients' legal problems effectively. However, the involvement of doctrinal law teachers sometimes creates delays, as clinicians and students have to wait for legal advice from doctrinal law teachers in order to help clients solve their problems. Given that doctrinal law teachers often have very heavy teaching loads and other law school commitments, their availability for clinical supervision is limited.

82. See, e.g., Evans et al., *supra* note 41; Milstein, *supra* note 31; Nina, *supra* note 41; Rodney J. Uphoff, *Why in-House Live Client Clinics Won't Work in Romania: Confessions of a Clinician Educator*, 6 *CLINICAL L. REV.* 315 (1999).

83. Evans et al., *supra* note 41, at 123-34.

84. *Id.*

85. Interview with Le Thi Chau, *supra* note 7; Interview with Nguyen Thanh Tram, *supra* note 78; Interview with Dinh Ngoc Thang, *supra* note 27; Interview with Ly Nam Hai, *supra* note 37; Interview with Nguyen Son Ha, *supra* note 27; Interview with Doan Duc Luong, *supra* note 22; Interview with Luu Minh Sang, *supra* note 32; Interview with Duong Hoan, *supra* note 22; Interview with Vo Nguyen Hoang Phuc, *supra* note 27; Interview with Hien Bui Thu, *supra* note 8.

Since CLE has not yet become an integral part of the legal education process, the position of “clinician” is not recognized or tenured in law schools. It seems that many law schools have included CLE in their curricula because they want to try a new teaching pedagogy that has proved effective in many other countries. Equally importantly, these trials have been funded and supported by international organizations that have experience in helping to develop clinical programs. To many law school leaders, the success and future of CLE in Vietnam is uncertain. Their experimentation with CLE may not be that important because they have “nothing to lose.”

D. Financing Vietnamese Clinical Programs

CLE was brought into Vietnam by international organizations with the aim of strengthening legal education and promoting access to social justice. For nearly 15 years, CLE has survived in Vietnam on external financial support, most notably from CIDA, UNDP, BABSEA CLE and the NCHR. Vietnam is not unique in its initial reliance on external funding, as many other countries have also depended on external funding sources for starting up their clinical programs. Most clinical programs outside of the United States started with foreign donor funding.⁸⁶ This is because law schools and governments are rarely willing to commit funds for the development of CLE.⁸⁷ In Vietnam, while these sources of funding have proved to be significant for establishing clinical programs in law schools, sustainability is a major concern.

Quite often, funding from international organizations provides start-up financial support as a means of breaking new ground, but this money is not available indefinitely.⁸⁸ It is important, therefore, that Vietnamese law schools use this funding wisely, maximize the benefits, and prepare well for sustainable clinical programs into the future.

The UNDP Clinical Project ended in November 2014; law school clinical programs have since struggled to develop and to become sustainable. Most law schools that were formerly core partners in the Clinical Project⁸⁹ have had to shrink their clinical programs owing to financial shortfalls.⁹⁰ Fortunately, some law school leaders have recognized the value of CLE and are willing to

86. Richard J. Wilson, *Training for Justice: The Global Reach of Clinical Legal Education*, 22 PENN. STATE INT'L L. REV. 421, 424 (2004).

87. *Id.*

88. *Id.* at 424-27.

89. These include Vinh University Faculty of Law, Hue University School of Law, HCMC School of Economics and Law, HCMC Law University and Cantho University Faculty of Law.

90. Interview with Le Thi Nguyet Chau, *supra* note 22; Interview with Lam Ba Khanh Toan, *supra* note 22; Interview with Luu Minh Sang, *supra* note 32; Interview with Duong Hoan, *supra* note 22; Interview with Ly Nam Hai, *supra* note 37; Interview with Nguyen Thanh Tram, *supra* note 78; Interview with Tieu Phuong Thuy, *supra* note 78; Interview with Le Thi Chau, *supra* note 7.

provide some limited funding to maintain some clinical activities.⁹¹ However, even with this limited funding, law schools still have had to cut their clinical programs considerably. For example, rather than planning for four to five visits to communities for legal education, a law school in central Vietnam can now only afford one visit per semester.⁹² And in-house legal consultancies have sometimes been limited to advice only, with an add-on referral service.⁹³

These realities have forced Vietnamese law schools to seek alternative sources of funding and delivery approaches. Hanoi National University Faculty of Law clinic (LERES) is probably a special case, as it did not receive funding for clinical activities from the law school.⁹⁴ After the Clinical Project, in order to maintain its programs, LERES had to integrate clinical activities into other projects. For example, a legal education component to enhance women's legal awareness and understanding of their rights has been added to a project expanding opportunities for women in remote areas. A group of clinical students was recruited to participate in this project. They were trained by LERES before being brought to the community to deliver legal education to women. The whole process was conducted in a manner similar to earlier community legal education programs.⁹⁵

A similar approach has been employed by HCMC School of Economics and Law Clinic (HCMCSEL Clinic). Since the end of the Clinical Project, HCMCSEL Clinic has been involved in projects providing legal assistance to immigrants from other provinces to Ho Chi Minh City. This involvement has given clinicians and students of HCMCSEL Clinic opportunities to maintain their clinical programs.⁹⁶ For them, incorporating clinical activities into other projects has helped to address the shortage of funding and thereby maintaining and developing CLE.

In short, although some law schools have allocated limited budgets for maintaining some clinical activities, this support is so minimal that few people believe clinical programs in Vietnam can continue to develop and be sustained. Even limited law school clinical funding is critical to prevent CLE from vanishing, but it may come under pressure in the near future. Vietnamese CLE will

91. Some Vietnamese law schools have started to provide funding to operate and maintain their CLE programs after the completion of the UNDP Clinical Project. For example, Cantho University Faculty of Law provides approximately US \$3000 per academic year; HCMC Law University provides US \$5000; HCMC School of Economics and Law and Hue University School of Law each provide US \$3000; and Vinh University Faculty of Law provides about US \$2000. Interview with Le Thi Nguyet Chau, *supra* note 22; Interview with Duong Hoan, *supra* note 22; Interview with Luu Minh Sang, *supra* note 32; Interview with Ly Nam Hai, *supra* note 37; Interview with Nguyen Thanh Tram, *supra* note 78.

92. *Id.*

93. *Id.*

94. Interview with Tieu Phuong Thuy, *supra* note 78.

95. *Id.*

96. Interview with Luu Minh Sang, *supra* note 32.

then face an existential challenge, and it may come to an end. Vietnamese law schools may have to wait for another external source of funding.

IV. Conclusion

Introduced into Vietnam only recently, CLE has gradually proved to be a productive pedagogy for teaching law and has shown its potential for the reform of Vietnamese legal education. Based on this experience, CLE has received positive reactions from various Vietnamese legal stakeholders, including law school leaders, teachers and students, practicing lawyers, and judicial officials. However, CLE remains in a very early stage of development in Vietnam, and there are serious barriers to its development and sustainability. Therefore, Vietnamese CLE still has a long and difficult way ahead before it is successfully incorporated in the country's legal education system. Overall, the future success of CLE in Vietnam is uncertain.