

# LEGAL EDUCATION IN PERU: ARE WE READY FOR INTEGRATION AND GLOBALIZATION?

Ana Cecilia Mac Lean\*

## I. INTRODUCTION

**D**URING the sixties, higher education was mainly given by public universities. There were twenty-one public and ten private universities.<sup>1</sup> Growth in education went from 2.3 percent in 1961 to 4.4 percent in 1972, and jumped to 9.9 percent in 1981.<sup>2</sup>

After the Washington Consensus, economic policies were given to foster growth in Latin American countries.<sup>3</sup> In Peru, less state economic intervention gave way to more flexibility in private investments, especially in education. A law was enacted by which the conditions and warranties were established to promote investment in education in order to contribute in the modernizing of the education system, widening the offer and coverage of education.<sup>4</sup> As of January 2013, there are 137 universities: fifty-one are public (37 percent) and eighty-six are private (63 percent).<sup>5</sup>

Investment in education has also widened the offer and coverage of law schools. As a point of reference, in 1997, thirty-three law schools were registered with the National Assembly of University Presidents (Asamblea Nacional de Rectores – ANR). As of January 2013, there are sev-

---

\* Ana Cecilia holds a J.D. from Georgetown University. She is the Director of Academic Quality Management at Universidad Peruana de Ciencias Aplicadas Graduate School. She was Chair of the Law Academic Department at Universidad del Pacífico Law School, a professor of Business Law and Introduction to Law, and former Legal Counsel and Product Manager of fiduciary services at BNP Paribas in Lima, Peru. She was Assistant Dean of the Law School of Universidad Peruana de Ciencias Aplicadas where she was a professor of Legal Skills and International Conflict of Laws, and was an international relations specialist at the Organization of American States.

1. Hugo L. Nava, *Evaluación Y Acreditación De La Educación Superior: El Caso Del Peru*, PERU MINISTRY EDUC. 1 (Mar. 10, 2013 7:26 PM), [http://disde.minedu.gob.pe/xtras/Informe\\_Acreditacin\\_-\\_Per\\_-\\_Resumen.pdf](http://disde.minedu.gob.pe/xtras/Informe_Acreditacin_-_Per_-_Resumen.pdf).

2. Juan José Díaz, *Educación superior en el Perú: tendencias de la demanda y la oferta*, in ANÁLISIS DE PROGRAMAS, PROCESOS Y RESULTADOS EDUCATIVOS EN EL PERÚ: CONTRIBUCIONES EMPÍRICAS PARA EL DEBATE 85 (Martín Benavides ed., 2009), available at <http://www.grade.org.pe/download/pubs/analisis-2.pdf>.

3. See John Williamson, *What Washington Means by Policy Reform*, in LATIN AM. ADJUSTMENT: HOW MUCH HAS HAPPENED? 5 (John Williamson ed., 1990).

4. Nava, *supra* note 1, at 1.

5. ASAMBLEA NACIONAL DE RECTORES, [NATIONAL ASSEMBLY OF RECTORS], <http://www.anr.edu.pe/> (last visited May 16, 2013).

enty-six law schools: nineteen are public universities (25 percent) and fifty-seven are private universities (75 percent).<sup>6</sup>

Growth and modernization mean change, but change does not happen overnight. Change has come in a context of globalization and integration, and taking in new ideas and new ways to view education. As Herbert Spenser said, “the great aim of education is not knowledge but action.”<sup>7</sup>

This article will examine traditional and modern legal education, the role a lawyer must assume in this new globalized and technological era, and the impact of this change on legal education in Peru.

## II. TRADITIONAL LEGAL EDUCATION

In the book *Lawyering Skills and the Legal Process*, Caroline Maughan and Julian Webb brilliantly reflect in a cartoon what traditional legal education represents for students when they go out into the real world.<sup>8</sup> Scholarly work is done high up above, while students fall into a swamp, which represents the real world. It is undeniable that there is a divorce between what happens in the classroom and what a recent graduate lawyer must face in the professional field. In effect, many feel they sink because they lack the tools to face these challenges.<sup>9</sup>

The main reason for this is that traditional legal education is knowledge-based. In other words, it develops knowledge of both the law and the interpretations that some lawyers give to it. The professor, and education in general, favors the informative role and focuses the formative development, not even doing it well, on the capacity of confrontation through the use of concepts.<sup>10</sup>

The methodology used in the classroom is primarily lectures. The professor comes to class and assumes that students do not know anything, and that he must release all his wisdom so they can learn. In a vertical culture, students do not dare question what the professor tells them or asks them to read, and generally have to take all for granted. They are taught to know instead of learning how to learn.<sup>11</sup>

What is the problem with traditional education? The main problem is that there can be new situations that don't fit the logical formulas students learned to apply. If they are not prepared to question or to think critically, then they will do anything to try to adapt the new situation into

---

6. *Id.*

7. *Knowledge and Education*, POWERFUL INFO. GRASSROOTS INT'L DEV. (Mar. 2, 2013 3:10 PM), <http://www.powerfulinformation.org/page.cfm?pageid=pi-knowledgequotes>.

8. See CAROLINE MAUGHAN & JULIAN S. WEBB, *LAWYERING SKILLS AND THE LEGAL PROCESS* (1995).

9. *Id.* at 1.

10. Owen Fiss, *El Derecho Según Yale*, in *LA ENSEÑANZA DEL DERECHO Y EL EJERCICIO DE LA ABOGACÍA* (Martín Böhmer ed., 1999).

11. See Ana Cecilia Mac Lean, *Rethinking Legal Education in Latin America*, 12 *LAW & BUS. REV. AM.* 504-505 (2007).

the existing molds, even when they are not alike, even if this means disregarding ethical issues.

If we compare how the different systems deal with the same problem, we see an enormous difference. For these situations, the civil law system has a very slow response, while the common law system responds by making their decisions based on the facts of the case instead of on right. It is necessary to prepare lawyers to learn to live in reality where situations may vary over time and be prepared to face them.<sup>12</sup>

### III. MODERN EDUCATION

Competency-based education is an organizing principle for education worldwide. In Peru, many universities are applying this model, mainly private universities. But, what is competence? It is the sum of knowledge and skills. Competence added to the right attitude equals performance.<sup>13</sup>

It's about learning to live in the real world. It is giving the students the necessary skills to create their own strategies, and allowing them to anticipate and face, as best as possible, the problems they will find, so they can achieve success in personal and professional areas.<sup>14</sup>

Acquiring competence involves learning to know, learning to do, and learning to be. Competence, defined this way, becomes a guide for orientation. This guidance is becoming more necessary because of the constant changes professionals have to face due to globalization and technological development. What one learned in college is no longer enough; it is imperative that we learn to learn in order to develop successfully in the labor market.<sup>15</sup>

### IV. HAS THE ROLE OF THE LAWYER CHANGED?

Maybe what has changed is the way that lawyers perceive themselves, or want to be perceived. But, additionally, the labor market has changed regarding what employers are looking for to fill jobs.

Talent shortage survey research, carried out by Manpower Group, shows problems employers face when trying to fill jobs. The following charts show the percentage of employers having difficulty filling jobs, the reasons for difficulty filling jobs, and the top ten jobs employers have difficulty filling.

---

12. See Alfredo Bullard and Ana Cecilia Mac Lean, *La Enseñanza del Derecho: ¿Cofradía o Archicofradía?*, in SEMINARIO EN LATINO AMÉRICA 3 (2002).

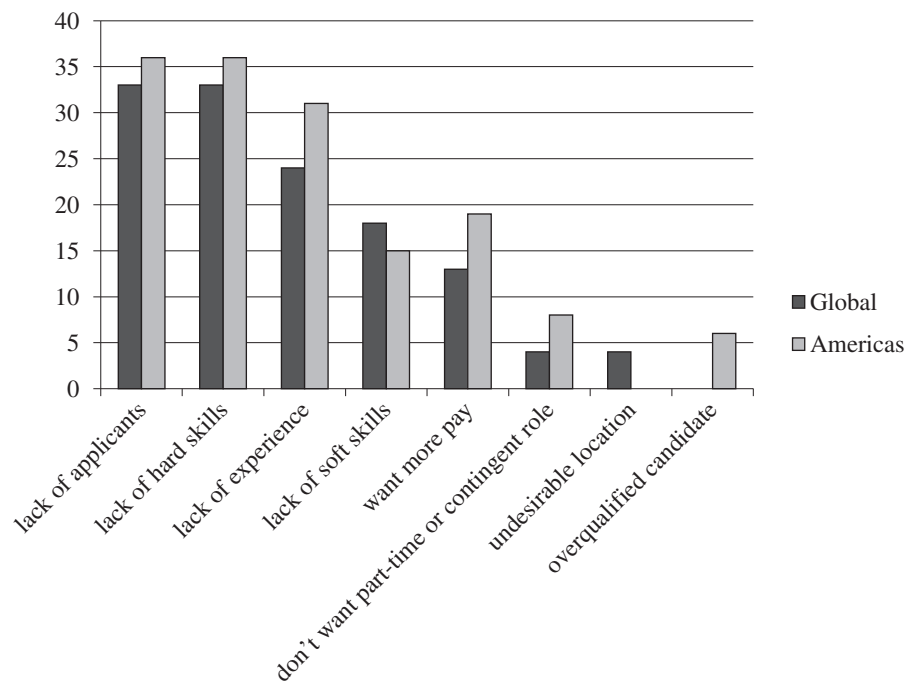
13. See Donald Clark, *Introduction to Competencies*, MGMT. CLASS, <http://finnt-rack.co.uk/leadership/compet1.html> (last visited Apr. 13, 2013).

14. See SERGIO TOBÓN, *LA FORMACIÓN BASADA EN COMPETENCIAS EN LA EDUCACIÓN SUPERIOR: EL ENFOQUE COMPLEJO* (2008), available at <http://www.conalep-fresnillo.com/images/stories/conalep/Formaci%C3%B3n%20basada%20en%20competencias.%20Sergio%20Tob%C3%B3n.pdf>.

15. See Christine Cnossen and Veronica M. Smith, *New Technology – Implications for Legal Research Methodology*, 12TH BILETA CONF. (Mar. 24–25, 1997), <http://www.bileta.ac.uk/97papers/97-6.html>.

Table 1. Percent of employers having difficulty filling jobs<sup>16</sup>

Reasons	Global	Americas
lack of applicants	33	36
lack of hard skills	33	36
lack of experience	24	31
lack of soft skills	18	15
want more pay	13	19
don't want part-time or contingent role	4	8
undesirable location	4	0
overqualified candidate	0	6

Figure 1. Reasons for Difficulty Filling Jobs<sup>17</sup>

16. *2012 Talent Shortage Survey Research Results*, MANPOWER GROUP 4, 11 (2012), [http://www.manpowergroup.us/campaigns/talent-shortage-2012/pdf/2012\\_Talent\\_Shortage\\_Survey\\_Results\\_US\\_FINALFINAL.pdf](http://www.manpowergroup.us/campaigns/talent-shortage-2012/pdf/2012_Talent_Shortage_Survey_Results_US_FINALFINAL.pdf).

17. *Id.* at 8, 13, 28.

Table 2. Top Ten Jobs Employers have Difficulty Filling<sup>18</sup>

	<b>Global</b>	<b>America</b>	<b>Peru</b>
1	Skilled Trades Workers	Engineers	Customer Service Representative & Customer Support
2	Engineers	Technicians	Technicians
3	Sales Representatives	Sales Representatives	Secretaries, PAs, Administrative Assistants & Office Support staff
4	Technicians	Skilled Trades Workers	Production Operators
5	IT Staff	Production Operators	Laborers
6	Accounting & Finance Staff	Secretaries, PAs, Administrative Assistants & Office Support Staff	Teachers
7	Drivers	Accounting & Finance Staff	Management/Executives
8	Management/Executives	Drivers	Receptionists
9	Laborers	IT Staff	Machinists/Machine Operators
10	Secretaries, PAs, Administrative Assistants & Office Support Staff	Laborers	Engineers

Even though lawyers are not found in the top ten jobs employers have difficulty filling, that doesn't mean that lawyers might not have difficulty getting a job or grow within their jobs. This is especially so now that it is evident that employers are focusing not so much on knowledge but on soft skills, attitudes, and values, such as creativity, learning to learn, adaptability, coping with uncertainty, tolerance, responsibility, communication, decision making, self-motivation, and ethics, among others.<sup>19</sup>

It is important to understand that the essence of the legal profession now is service, extending its field of action not only to post-conflict circumstances as adviser/counselor, advocate, or judge, but also as a pre-conflict adviser, not to avoid conflict, but rather to minimize the impact to customers and society. In that sense, a lawyer needs to have a solid legal training, comprehensive and interdisciplinary with a strong work ethic and values. But these are no longer enough; lawyers must also develop the legal skills that will enable them to have a good performance at the national and international level.

18. *Id.* at 7, 12, 28.

19. *What Employers are Looking For?*, PERU MINISTRY EDUC., <http://orientate.peru.edu.edu.pe/?q=node/6> (last visited Apr. 13, 2013).

In sum, what society and the internal market really need is a multifunctional lawyer who not only knows the laws and rules, but who also takes into account other aspects such as the facts, customer needs, costs, and ethics.<sup>20</sup>

## V. INTERDISCIPLINARY EDUCATION

Lawyers are usually known for their inability to understand the world outside of their own discipline. This is too often reflected in the curriculum of traditional law schools in Peru. A Peruvian law student may graduate from university at twenty-four years old, only having had law courses and pre-professional experience in law firms surrounded only by lawyers. Their ability to communicate and understand effectively with their clients and other professionals is a difficult challenge.

More modern law schools include technical and scientific analysis in their curriculum. This is the case of law and economics, finance, accounting, modern techniques in business administration, and management and information technology, among others.<sup>21</sup> But what almost all law schools disregard is the need to develop what employers call soft skills.

## VI. LEGAL SKILLS

The constant change of laws and the high number of rules and regulations approved by the different institutions have made it necessary for lawyers to specialize in practice. When specialization became fundamental to lawyers, the knowledge of fundamental legal principles, philosophies, and skills that are the basis of a lawyer who adapts easily to change, became primordial in legal education.

The challenge law schools face when they include legal skills is that the method involves a lot of time and effort by the professor. This is particularly hard in Latin America, where most professors are professionals with only part-time dedication to teaching.

The traditional legal skills in lawyer's training taken from the U.S. legal education system are: reasoning and research, oral communication, interviews and written communication, legal drafting, defense and argument, and negotiation. The development of these skills is based on simulated situations in which students learn by executing, not only by listening.<sup>22</sup>

---

20. Maughan & Webb, *supra* note 8, at 80.

21. See Avron Sherr, *Legal Education, Legal Competence and Little Bo Peep* (Univ. of London, Working Paper, 1997), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1883514](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1883514).

22. See Ana Cecilia Mac Lean, *Destrezas Legales Adecuadas para la Realidad del Derecho en el Perú*, UNIVERSIDAD PERUANA DE CIENCIAS APLICADAS (Apr. 2011), available at <http://www3.upc.edu.pe/bolsongei/bol/29/755/DESTREZAS%20LEGALES%20PARA%20LA%20REALIDAD%20DEL%20DERECHO%20EN%20EL%20PER%20C3%9A.pdf>.

### 1. Reasoning and Research

This skill is the backbone of the work of a lawyer. Law requires good logical reasoning; it is important for the student to know how to apply this skill from the beginning of a legal career. With the development of this legal skill, the student will understand the process that leads to the result.<sup>23</sup> In Peru, most law schools have adapted this skill as a theoretical course, rather than an applied, practical course.

### 2. Oral Communication–Interview

Interviewing skills involve a process of communication between the lawyer and another person, whether a client, a judge, a witness, the opposite lawyer, or any other person with whom they need to talk to during the process of research and the implementation of a case. Traditionally-trained lawyers inform the client of their actions without worrying if the client understands or will be satisfied with his service. This barrier extends to other persons, preventing the lawyer from fulfilling his objectives and role. Almost all law schools in Peru have a course in communication but as a theoretical course of linguistics rather than to develop the skills mentioned here.

### 3. Written Communication–Legal Drafting

Lawyers have always drafted legal documents using models found in some file. This maintains the classic writing and communication mistakes for which lawyers are so well known.

When drafting a legal document, the lawyer should consider his purpose and the target audience, so that he can use the variety and style appropriate to get the message across. Drafting also requires working on a crucial aspect: organization.

As the lawyer assumes different roles, so must his writing. All documents seek to convey a message and clarify ideas. For this purpose, it is necessary that the lawyer know how to communicate what he has researched and interpreted in each case.<sup>24</sup>

A few law schools in Peru are starting to understand the benefits of including a course in legal writing, even as an elective course. Many still think that the problem can be addressed through a linguistics course.

### 4. Advocacy

Advocacy includes both oral and written communication, and in both cases it is essential to the capacity of the lawyer to argue his position in a clear, concise, reasonable, and logical way. In this manner, he will be able to convince the authority that his reasoning is right.

---

23. Shoschana Zusman, *Primero ordenar, después imaginar: ¿Cómo se resuelve un problema legal? [First Sort, Then Imagine: How to Solve a Legal Problem?]*, 35 IUS ET VERITAS 1, 442 (2007) (Peru).

24. HELENE S. SHAPO ET AL., *WRITING AND ANALYSIS IN THE LAW* (2nd ed. 1991).

The traditional lawyer uses arguments that only he understands; his defense is an endless repetition of legislative and doctrinal sources without a clear rationale. The consequence of this behavior is the lack of interest of the intended public and the impact on the client's interests.

To develop the legal skill of advocacy, the student must experience case analysis, drafting, and presenting oral arguments on different legal documents, assuming the roles assigned.<sup>25</sup> This is another case where law schools that have included a course on advocacy have done so by adapting the skill as a theoretical course, rather than an applied, practical course.

### 5. *Negotiation*

A lawyer should know, and efficiently use, the available means of conflict resolution, including negotiation. A lawyer should be familiar not only with the structure of each of the means of conflict resolution, but also with the techniques used in each to find a solution that fully meets the interests of the parties.

To develop this legal skill, the student must analyze the negotiation process and its ethical implications. The student should work to increase the ability to examine creative strategies of negotiation, and distinguish the strategy that is appropriate for each situation.<sup>26</sup> In the case of negotiation, law schools in Peru, which have included this course in the curriculum, have maintained a practical approach. But they have more impact on graduate curriculum than undergraduate curriculum and not exclusively for lawyers.

A challenge law schools face in Peru is the way the curriculum has changed and how they have incorporated legal skills courses into their curriculum in recent years. While there is a slight change, it is still very small, and tends to work, as I mentioned before, only as theoretical aspects of legal skills. The following chart shows how public and private law schools have been incorporating legal skills and if it is a compulsory or an elective course.

Table 3. Legal Skills Courses in Public and Private Law Schools<sup>27</sup>

Law Faculty		Reasoning and Research	Legal Drafting	Interview	Advocacy	Negotiation	Law Clinic
PUBLIC (19)	C	10	1	0	1	0	0
	E	1	0	0	1	2	4
PRIVATE (57)	C	38	8	2	8	9	1
	E	0	2	0	8	5	5

25. MAUGHAN & WEBB, *supra* note 8, at 305.

26. *Id.* at 266.

27. The author consulted various ANR and law school websites in compiling the data in this table.



## VII. LEGAL CLINICS

Legal clinics emerged in the United States as an alternative to traditional legal education. The clinic develops a holistic perspective: knowledge, skills, and attitudes that a lawyer should have. The idea of the clinic is to work on the basis of substantive law courses, including the development of basic legal skills, both in simulations and in real cases; it works as law in action.<sup>28</sup> In Peru, many law schools have tried to implement legal clinics, but not many have succeeded.

Some critical aspects of the legal clinic are that it needs to be concrete, complex, and aligned to public interest. The methodology used is problem-based learning, critical analysis, and self-evaluation to learn from personal experience through simulated cases and real cases.

Students develop legal skills beyond the basic studies of the regular curriculum. When they are exposed to reality, they face the fact of not knowing how to work several aspects, such as: investigation of the facts, the constant reformation of the legal system because of political instability, the highly corrupt nature of the legal system, linguistic diversity causing communication problems with the client,<sup>29</sup> and the management of the case.

The idea is to work in teams under the supervision of a professor who coordinates regular meetings to discuss specific problems of the cases. Additionally, there should be theoretical and weekly group meetings to discuss ethical, tactical, legal, and institutional problems that may appear on different issues of each team. It is a customer-centric model.

What are the challenges that law schools face to implement a legal clinic in Latin America? The clinics are not part of the curriculum, and if they are, it is at best a one semester-long elective course. Judicial processes are very long, so a student, although they could stay in the clinic for a year, will not be able to see the whole process but only part of it. The litigation system is essentially written. This is slowly changing. There is a tendency towards doing it orally, but change is still distant, and the need to develop the ability is latent.

The clinics need a supervisor who works at least part time to balance the academic and administrative work. This professor has a great burden of responsibility—getting students to link theory and legal practice—and

---

28. Victor E. Abramovich, *La enseñanza del Derecho en las clínicas legales de interés público. Materiales para una Agenda Temática* [Legal Education in Public Interest Law Clinics. Materials for an Agenda], 9 CUADERNO DE ANÁLISIS JURÍDICO 61 (1999), available at [http://www.udp.cl/descargas/facultades\\_carreras/derecho/pdf/investigaciones/Cuadernos\\_de\\_analisis\\_Coleccion\\_Derecho\\_Privado/especiales/CAJ\\_n09\\_Serie\\_Publicaciones\\_Especiales.pdf](http://www.udp.cl/descargas/facultades_carreras/derecho/pdf/investigaciones/Cuadernos_de_analisis_Coleccion_Derecho_Privado/especiales/CAJ_n09_Serie_Publicaciones_Especiales.pdf).

29. For example, in Peru there are almost four million people whose first language is Quechua, hindering communication, while universities still promote students to study English, and only one law school requires its students to study Quechua. Law students all over Peru still think their only possible clients might speak a foreign language. This is reinforced by a requirement the universities impose of knowledge of a second language before graduating. It could be any language, even Quechua, but, surely enough, most people choose English.

is also required to participate without replacing the student in making decisions on the case. It must be a professor who also has experience in litigation.<sup>30</sup> In a law school with traditional legal education, this task is very burdensome and does not pay very much compared to professional practice so it is very difficult to find the right person.

I think the main challenge is to try emulating exactly the American model of clinics, not taking into account that our education and legal systems are very different. The next chart shows the basic, but important, differences between education systems; in Peru, law is an undergraduate career, while in the United States it is a professional doctorate that requires the candidate to have a degree in any career before applying.

Peru	United States
<ul style="list-style-type: none"> <li>• Bachelor's Degree</li> <li>• License to practice given by university after presentation of two case studies in front of jury or thesis</li> <li>• Must register at bar association as a mere procedure</li> </ul>	<ul style="list-style-type: none"> <li>• Juris Doctor – Graduate program</li> <li>• Previous Bachelor's Degree needed</li> <li>• License to practice given by individual state bar associations after exam</li> <li>• Must be an accredited law school to be able to sit for the bar exam</li> </ul>

31

#### VIII. HOW SOME LEGAL CLINICS WORK IN PERU?<sup>32</sup>

While there are not many law schools that have established legal clinics, and some that were created are no longer operating, at present there are about nine legal clinics in operation for which I could find information. Following is a brief description of some of them to see how they have adapted the concept and practice of a law clinic to the reality of Peru and their institution.

##### A. PONTIFICIA UNIVERSIDAD CATÓLICA DEL PERÚ: SECTION ON STRATEGIC LITIGATION ON INDIGENOUS RIGHTS<sup>33</sup>

The objective of this clinic is to provide better university training by trying to instill in the students the concept of professional social responsi-

30. See, *Análisis de Clínicas Jurídicas De Facultades de Abogacía* [Analysis of Legal Clinics in Advocacy Faculties], PROBONO, [http://www.probono.org.ar/downloads/158\\_download.pdf](http://www.probono.org.ar/downloads/158_download.pdf) (last visited May 16, 2013).

31. ASAMBLEA NACIONAL DE RECTORES [NATIONAL ASSEMBLY OF RECTORS], [www.anr.edu.pe/](http://www.anr.edu.pe/) (last visited May 16, 2013); COLEGIO DE ABOGADOS DE LIMA [LIMA BAR ASSOCIATION], <http://www.cal.org.pe/> (last visited May 16, 2013); AMERICAN BAR ASSOCIATION, <http://www.americanbar.org/aba.html> (last visited May 16, 2013).

32. Thanks to Juan Carlos Gonzáles Ciudad for his assistance in gathering information on how some legal clinics in Peru have been implemented.

33. Interview with Zulma Villa, Professor of the Course "Sección de Litigio Estratégico en Derechos Indígenas" of the Clínica Jurídica Pontificia Universidad Católica del Perú, Law School (Jan. 2013).

bility through public interest litigation on behalf of vulnerable groups that otherwise would not be defended. The clinic is organized by a team of professors from the Department of Law who are selected depending on the specialties decided for the semester. The course is structured in thematic sections on the number that has been considered necessary, each consisting of a maximum of twelve students.

A coordinator joins the efforts of all the thematic sections, allowing transversal actions developed as a team. The clinic is implemented through an elective course, included in the curriculum of the law school of the university, in which students can enroll from the middle of their career.

The case is work from the legal clinic as a joint venture between the law school and an NGO. The course lasts only one semester, but cases continue because time is short. Therefore, it is possible that four different groups of students might have contributed to a case. Each semester, students are taken to the communities where they can observe the processes locally. Students help in the administrative processes, and in this way, they are instructed on strategic litigation about indigenous subjects.

The course is divided into two parts: a theoretical part and a practical part. The theoretical introduction is necessary so they can know the indigenous rights, their sources, and what their international framework is. The second part is procedural, and they learn how to deal with strategic litigation as well as take part in it.

In the communities, the students are divided in groups, each one with specific tasks that will contribute to the case. Fieldwork lasts a week and a half. Finally, litigation is developed by the institution, not by students. The students help prepare cases.

The main weakness of the clinic is that it would be necessary to have a previous theoretical course so the students could be ready to enter directly into the litigation of the clinic. In addition, the course should not last a semester, it should be yearlong.

#### B. UNIVERSIDAD SAN MARCOS<sup>34</sup>

San Marcos has a course within the curriculum called Legal Clinic. The course was included as an elective last year. The clinic, as an institution, has been working for several years but did not have much activity.

The clinic has a strategic litigation approach. This approach does not refer to the litigation of any case in particular because it is not looking to solve a specific problem. The objective is, by solving a case, to change social structure. The clinic is organized according to the preference and interest of each student giving them the correspondent advice. Topics can be criminal, environmental, and general topics. There are no restrictions

---

34. Interview with Luis Zavaleta, General Coordinator of the Legal Clinic "ACTUAR" Law School, University of San Marcos (Jan. 2013).

on areas, only to find a social structure that can be modified. The vulnerable populations always have preference. Most cases go by the media or by an acquaintance.

In San Marcos, courses last one year. To study the elective course of the legal clinic, the student must be in fourth, fifth, or sixth year. Last year, the course was attended by twenty-two students.

The course is directed by the Director of the Judicial Academy. He directs the course of Legal Clinic and also directs the clinic as an institution. There are assistants who are law graduates that support the work by advising the students in their cases. These assistants help students by leading them in their cases and advising what strategies to use, among other things. The work of the advisor is to focus on each case. Students handle the case, but the legal presentation is performed by the advisors who are the graduates.

The difference between the clinic as an institution and the clinic as a course is that the clinic began as an institution since 2008, but there was a time when graduating students did not continue with the activities that the clinic had performed; for this reason it closed in one year. Last year, students who were graduating decided to restart the project, and also the clinic was established as a course.

The weakness of the clinic is that it has just been established and lacks organization. There are also problems of commitment because some students leave without finishing the case. Besides this, it is also necessary to establish links with other schools because it requires a multidisciplinary approach to analyze certain cases.

### C. UNIVERSIDAD PERUANA DE CIENCIAS APLICADAS<sup>35</sup>

“Laws in Action, Citizen Promotion and Participation Program” was a program from the law school created by the students in 2005 with the support of a professor. Its purpose was to promote rights through teaching them to secondary level students. This was considered a great step to the learning process to empower citizens in the exercise of their rights.

During its term (2005–2008), up to nine modules were created on topics such as the right to personal liberty and habeas corpus, the right to equality and protective actions, and the pernicious gang and its consequences, among others. The Peruvian DEA does not work cases but researches the permitted modules for spreading information about rights or other topics, such as youth gangs in 2008.

---

35. Interview with Renzo Arrasco and Augusto Medina, Undergraduate Students at UPC Law School (Jan. 2013).

D. UNIVERSIDAD CATÓLICA LOS RACCONTENTIOUS PROCEEDINGS,  
ADMINISTRATIVE, LABOR, CRIMINAL,  
AND CONSTITUTIONAL<sup>36</sup>

The course methodology responds to the study regimen “blended learning,” virtual and distance, according to the pedagogical paradigm of meaningful learning, collaborative, and systemic with a comprehensive understanding of whole reality through the world with the guidance of the social doctrine of the Church.<sup>37</sup>

Educational settings where the course will develop are those set by the University, such as modern classroom attendance, distance classroom, and virtual classroom. The methodology will be implemented through activities and cases that link content with reality to prepare students in the development of intelligence and training. By nature of the subject, it will use inductive and deductive methods and be analytical-critical of the doctrine and the applicable law to the resolution of specific cases.<sup>38</sup>

The specific content development is done through activities planned by the professor, and the students will be active in their learning; the professor acts as a facilitator. The methods, procedures, and techniques used in the course must be active, promote learning, and advance organization relying on multimedia content.<sup>39</sup>

The evaluation of the subject is comprehensive and holistic, integrated to each learning unit. The average grade for each learning unit is obtained as follows: practical activities and resolution of case problems of the course, problematic activities of formative research, problematic activities of social responsibility, and written exam.<sup>40</sup>

## IX. CONCLUSION

After a quick analysis of the legal education in Peru, we can say it has evolved in the last two decades, mainly influenced by the U.S. legal education system as opposed to its traditional and more natural influence from Europe. Still, this evolution has been slow and on occasions ended up a mere imitation of a foreign practice, which is probably not appropriate for the Peruvian legal and education system.

Times are changing fast, and the world is more globalized and integrated than it was a few years ago. The education system has always responded slowly to change, but reality requires a different response. “In a time of drastic change it is the learners who inherit the future. The learned usually find themselves equipped to live in a world that no longer

---

36. UNIVERSIDAD CATÓLICA LOS ÁNGELES DE CHIMBOTE, <http://derecho.uladech.edu.pe/en/escuela-profesional/sobre-la-organizacion/plan-curricular/plan-de-estudios> (last visited May 16, 2013).

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

exists.”<sup>41</sup>

The only way to achieve this goal is for the State to continue to promote investment in education in order to further contribute to the modernizing of the education system.

---

41. ERIC HOFFER, *Reflections on the Human Condition* 22 (1973).

# **Comment**

