

SLAVE LABOR AND HUMAN TRAFFICKING CLINIC AT UFMG IN THE EMERGENCE OF LEGAL CLINICS IN BRAZIL

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Legal clinics have gained favor in the teaching of law worldwide, not only due to their educational impact but also because of the benefits they impart to civil society. However, the use of legal clinics as a teaching methodology in Brazil is infrequent in law schools. The near absence of any academic discussion on the subject is noteworthy. Following the American model of clinical legal education, the UFMG Law School's Slave Labor and Human Trafficking Clinic (Clínica de Trabalho Escravo e Tráfico de Pessoas - CTETP) is part of a pioneering effort to integrate legal clinics into Brazilian legal education. The article's main goal is to analyze the role of CTETP in the teaching of law in Brazil and its social impact on providing free legal assistance to needy people. In order to contextualize CTETPs work, the article also offers some considerations about slave labor and human trafficking in Brazil.

INTRODUCTION

According to Bloomberg Business, published in 2015, law schools are in crisis: enrollment is plummeting, bar exam pass rates are declining, and the employment rate for fresh graduates is abysmal. Students have graduated with a degree they do not use and with a debt they cannot afford.¹ Despite the increase in law school applicants in recent years, which came to be known as the “Trump Bump,”² the volume of traditional lawyering jobs is likely to continue to contract. Challenges to federal and state funding for legal services constrains the number of public service and public interest jobs available. Technology also continues to reshape the practice of law.³

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¹ Akane Otani, *The Highest-Paid Professors in the U.S.*, BLOOMBERG (Mar. 17, 2015), <https://www.bloomberg.com/news/articles/2015-03-17/the-highest-paid-professors-in-the-u-s->.

² Derek Hawkins, *Did Law School Applications Get a ‘Trump Bump’? Maybe.*, WASH. POST, Feb. 23, 2018, <https://www.washingtonpost.com/news/morning-mix/wp/2018/02/23/did-law-school-applications-get-a-trump-bump-maybe/>.

³ Stephanie Francis Ward, *More People Are Applying to Law School, But It's Not Like*

In Brazil, legal education is still a growing industry. The proliferation of law schools in recent decades has grown exponentially. In 2011, there were an astounding number of law schools: 1,149.⁴ By comparison, the United States has 236 law schools.⁵ There are also qualitative differences between the countries, related to the teaching methodologies applied in Brazil, which allow for the large numbers of law schools. In America, the case method remains an efficient pedagogical approach,⁶ with legal clinics integrated into the law school program. Latin American legal education has been characterized by the presentation of the law as an exercise of memorizing legal rules inside a wide range of legal codes,⁷ with some meritorious exceptions.

In most Brazilian law schools, the predominant teaching method consists almost entirely of lectures. Different techniques or methodologies have been rare. The professor gives a lecture in a classroom, which is full of outdated technicalities and arbitrariness. It is neither theory nor practice. Usually, it is only a repetition of axioms of little or no utility.⁸ The students are conditioned to be passive agents of the learning process and take this type of behavior with them to their professional life.

In the United States, legal education is far from being generalist, theoretical and dissociated from reality. Law clinics focus on stimulating logical thinking to solve real problems, working specific themes and linking them to the social context.⁹ The focus of clinical legal education is on practical skills rather than on theory. In short, the way law is taught has direct repercussions on the way law is practiced.¹⁰

Last Year's 'Trump Bump,' ABA J. (Aug. 7, 2019), <https://www.abajournal.com/news/article/more-people-applying-to-law-school-but-its-not-like-last-years-trump-bump#:~:text=law%20school%20enrollment%20data%20for,people%20applying%20to%20law%20school>.

⁴ FGV PROJETOS, EXAME DA ORDEM EM NÚMEROS, VOL. 3, 38 (2016).

⁵ There are 205 ABA-approved law schools and about 31 non-ABA approved law schools. *List of ABA-Approved Law Schools*, ABA, https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/ (last visited July 10, 2020); Non-ABA Approved Law Schools, LSAC, <https://www.lsac.org/choosing-law-school/find-law-school/non-aba-approved-law-schools> (last visited July 10, 2020).

⁶ Henry J. Steiner, *Meio Século Depois: Um Olhar Sobre as Mudanças na Educação Jurídica Brasileira e Americana*, in AVENTURA E LEGADO NO ENSINO JURÍDICO 117, 129 (Gabriel Larceda, Joaquim Falcão & Tânia Rangel eds., 2012).

⁷ Arturo J. Carrillo & Nicolas Espejo Yaksic, *Re-Imagining the Human Rights Law Clinic*, 26 MD. J. INT'L L. 80, 88 (2011).

⁸ See Roberto Mangabeira Unger, *Uma Nova Faculdade de Direito no Brasil*, 243 R.D.A. 113, 116 (2006).

⁹ GERALD F. HESS & STEVEN FRIEDLAND, *TECHNIQUES FOR TEACHING LAW* 33 (1999).

¹⁰ See Carlos Henrique Borlido Haddad, *A Visão de um Brasileiro Sobre o Ensino Jurídico Americano*, CONSULTOR JURÍDICO (Jan. 10, 2016), <http://www.conjur.com.br/2016-jan-10/segunda-leitura-visao-brasileiro-ensino-juridico-americano?imprimir=1>.

In this context, legal clinics have gained room in the programs of American law schools. Practical professional development was a part of the curriculum of nearly all law schools. In the 1990s, the great majority of schools were offering a variety of skills-based courses over the entire three-year curriculum.¹¹ Multiple studies among lawyers indicate the need for hands-on professional skills that can be obtained in law schools through legal clinics and externships.¹² In Brazil, the emergence of legal clinics has only happened recently, and it is likely that they are not well known to most students.

This article's main goal is to analyze the role of legal clinics in the teaching of law in Brazil and to demonstrate the social importance they have. In Part I, it will be shown when and how legal clinics appeared. The conception of what a legal clinic is will be introduced in Part II and, from there, Part III will show how the Slave Labor and Human Trafficking clinic at the Universidade Federal de Minas Gerais (UFMG)¹³ fits into this category. Lastly, the benefits, both educational and related to the civil society, will be explored.

I. EMERGENCE OF LEGAL CLINICS IN BRAZIL

It is not an exaggeration to conclude that clinical legal education represents the most significant reform in American legal education since Christopher Langdell's invention of the case method at Harvard a century earlier.¹⁴ The same country where the case method flourished has developed clinical education. There is little doubt that the most sophisticated and extensive clinical legal education programs, and the most highly developed literature on teaching skills and theories of practice, are in the United States and Canada.¹⁵ While early litigation clinics represented clients with respect to criminal defense, welfare rights and public entitlements, domestic relations and landlord and tenant cases, today's clinics represent immigrants and refugees, domestic violence and human trafficking survivors, and persons wrongfully convicted of crimes.¹⁶ According to Roy Stuckey, "It is

¹¹ Norman Fell, *Development of a Criminal Law Clinic: A Blended Approach*, 44 CLEV. ST. L. REV. 275, 276 (1996); Richard J. Wilson, *Training for Justice: The Global Reach of Clinical Legal Education*, 22 PENN ST. L. REV. 421, 421 (2004).

¹² See LEXISNEXIS, *Hiring Partners Reveal New Attorney Readiness for Real World Practice* (2015), available at https://www.lexisnexis.com/documents/pdf/20150325064926_large.pdf.

¹³ Federal University of Minas Gerais.

¹⁴ Stephen Wizner, *The Law School Clinic: Legal Education in the Interests of Justice*, 70 FORDHAM L. REV. 1929, 1934 (2002).

¹⁵ Wilson, *supra* note 11, at 421.

¹⁶ Janet Thompson Jackson & Susan R. Jones, *Law and Entrepreneurship in Global Clinical Education*, 25 INT. J. CLIN. LEG. EDUC. 85, 89 (2018). See also Philip G. Schrag, *Constructing a Clinic*, 3 CLIN. L. REV. 175, 177 n.8 (1996) ("Most American law school

only in the in-house clinics and some externships where students' decisions and actions can have real consequences and where students' values and practical wisdom can be tested and shaped before they begin law practice."¹⁷ Legal clinics are currently the best opportunity to bridge the gap that often exists between theoretical training and the actual practice of the profession.¹⁸

The use of legal clinics as a teaching methodology in Brazil appears infrequently at law schools and the near absence of any academic discussion on the subject is noteworthy.¹⁹ There have been many possible explanations for Brazil's "childhood state" in terms of legal clinics. One of them was the attempt (not very successful) to implement a legal system similar to the American system.

Particularly in Latin America during the late 1960s and early 1970s, law school clinics began operating at about the same time clinical education expanded significantly in the United States.²⁰ In fact, what was conceived of as a legal clinic was the Legal Aid Office, which had a different purpose from today's clinics. According to Henry Steiner, the provision of free legal services had an element of *noblesse oblige*: the law school's obligation as a powerful elite institution to assist the less fortunate. Students' learning and experiences in the office had no significant effects on the academic curriculum. Students who worked in the office were not encouraged to or shown how to relate their *pro bono* work to what was being taught in class or make it the subject of a research project. The office was not part of the school's education program.²¹

At that time, the Ford Foundation offered grants for the modernization of the legal system in several Latin American countries, including Brazil. America's legal experts encouraged the use of the case method, widely applied in the United States, for students' legal education. The support from the Ford Foundation created opportunities that allowed law professors and students in the Southern Cone to

clinics do so, but some clinics work in altogether different ways. For example, some clinics offer tax counseling, comment on proposed federal or state legislation, help to incorporate small businesses or to turn rental housing into cooperatives, or otherwise deviate from the standard 'case' model"). According to the author, however, questions about the size of and relationships among the teaching staff, community relationships, and grading systems, also arise with respect to these less orthodox clinics.

¹⁷ ROY STUCKEY AND OTHERS, BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP 114 (Clinical Legal Education Association 2007).

¹⁸ John S. Bradway, *New Developments in the Legal Clinic Field*, 13 ST. LOUIS U. PUB. L. REV. 122, 132 (1928).

¹⁹ JOSÉ GARCEZ GHIRARDI, MÉTODOS DE ENSINO EM DIREITO – CONCEITOS PARA UM DEBATE 1 (2009).

²⁰ Wilson, *supra* note 11, at 422.

²¹ Steiner, *supra* note 6, at 136.

study at American law schools or to participate in summer programs.²² Great efforts and financial investments have also been made to establish public interest law in Chile, Argentina, and Peru.²³ According to Richard Wilson, this movement was most evident in Chile.²⁴

Foreign support persisted in the 1990s, with a focus on promoting the rights of women and other vulnerable groups, as well as the right to a clean environment. Often, foreign donors collaborated to create new dynamics of change. For example, Diego Portales University coordinated a consortium of public interest clinics at universities in Chile and Peru.²⁵ The program established a network of law school clinics involving litigation, clinical exchange and research. Professors and students worked in each country and also interacted in regional meetings with their colleagues from other states. The professors who have run these clinics are encouraged to spend three to four weeks in an American law school's legal clinic with extensive experience in the public interest.²⁶

In Brazil, in the early days, the idea had been to create a course for lawyers, aimed at corporations, which would spearhead the attack on traditional methods of teaching law. The work started with the Centro de Estudos e Pesquisas no Ensino de Direito²⁷ (CEPED), located in Rio de Janeiro.²⁸ Peter Bell, an American involved in the project, expressed his concern to the Ford Foundation in 1969, recognizing that the CEPED project was several steps behind the changes initiated in Chile's system of legal education. He questioned, albeit indirectly, whether CEPED would develop sufficiently to boost the Brazilian educational system.²⁹

The course existed for six years, but American supporters after that time found it more profitable to drive resources toward other purposes. Foreign aid was suspended, without all the original money being spent. CEPED postponed its activities until a restructuring oc-

²² Hugo Fröling, *From Dictatorship to Democracy: Law and Social Change in the Andean Region and the Southern Cone of South America*, in *MANY ROADS TO JUSTICE – THE LAW-RELATED WORK OF FORD FOUNDATION GRANTEES AROUND THE WORLD* 55, 56 (Mary McClymont & Stephen Golub eds., 2000).

²³ Wilson, *supra* note 11, at 425.

²⁴ *Id.* at 515. See also JAMES A. GARDNER, *LEGAL IMPERIALISM: AMERICAN LAWYERS AND FOREIGN AID IN LATIN AMERICA* 145 (1980).

²⁵ Fröling, *supra* note 22, at 72.

²⁶ *Id.* at 77.

²⁷ Center for Studies and Research in Law Education

²⁸ Steiner, *supra* note 6, at 117.

²⁹ Gabriel Lacerda, *CEPED – Um Debate que Dura Há Quase Meio Século*, in *AVENTURA E LEGADO NO ENSINO JURÍDICO* 7, 33 (Gabriel Lacerda, Joaquim Falcão & Tânia Rangel eds., 2012).

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curred more than a quarter of a century later. Today it functions as an autonomous entity, subordinate to the Universidade do Estado do Rio de Janeiro (Rio de Janeiro's State University).³⁰

CEPED was not successful in stimulating sustained changes in classroom methods or the academic curriculum. Traditional law schools were left at the same point where CEPED had found them.³¹ According to Gardner, the American pedagogical and educational models were swallowed up in the structure of traditional Brazilian legal education, leaving behind a legacy of reform ideas and frustrated reform attempts.³² Just as the “case method” did not have a wide impact in Brazil, neither did legal clinics, which have, on the other hand, developed significantly in the United States in recent decades.

Nowadays in Brazil, the word “clinic” means different types of outreach projects involving various themes, with a greater or lesser degree of law students' participation. That is not what they should be.³³ The clinical method, due to the institutional peculiarities of law schools, ended up in the form of outreach projects.

A simple internet search shows that there are some clinics – at least under that name – that operate in Brazil: (1) Maria Augusta Thomas's Human Rights Clinic PUC-SP; (2) Luiz Gama's Human Rights Clinic; (3) UERJ Law Clinic; (4) UFMG Human Rights Clinic; (5) Human Rights Clinic of CEUB; and (6) Amazon's Human Rights Clinic.³⁴ Regardless of how they are structured, Luiz Augusto Rutis

³⁰ *Id.* at 48.

³¹ Steiner, *supra* note 6, at 120.

³² GARDNER, *supra* note 24, at 89.

³³ Luiz Augusto Rutis, *O Método Clínico e o Déficit Social e Pedagógico do Ensino Jurídico Brasileiro*, in *CLÍNICAS DE DIREITOS HUMANOS E ENSINO JURÍDICO NO BRASIL – DA CRÍTICA À PRÁTICA JURÍDICA QUE RENOVA 1*, 1 (Fabiana Carvalho ed., 2017).

³⁴ (1) **Maria Augusta Thomaz Human Rights Clinic – PUC/SP** is an interdisciplinary program aimed at consolidating and promoting human rights. In order to produce impacts and changes in social reality, it promotes legal activities of a theoretical and practical nature with direct student participation. Its main purpose is to provide a space to train legal operators and professionals from non-legal areas in human rights, capable of acting in national and international forums. It also aims to provide a new study and learning methodology, with the interaction of teaching, research and outreach activities. The Clinic's activities involve readings, debates and academic research as well as the legal monitoring of paradigmatic cases of human rights violations. See Ana Clara Toscano, Ana Catharina Machado Normanton & Felipe Daier, *Clínica de Direitos Humanos PUC-SP “Maria Augusta Thomaz”: Formação de Defensores de Direitos Humanos Através da Educação Emancipadora*, in *CLÍNICAS DE DIREITOS HUMANOS E ENSINO JURÍDICO NO BRASIL – DA CRÍTICA À PRÁTICA JURÍDICA QUE RENOVA 18*, 22 (Fabiana Carvalho ed., 2017). (2) **Luiz Gama Human Rights Clinic – USP**. The several groups at Luiz Gama Clinic prepare projects focused on popular education and training, listening to the homeless population through a Community Ombudsmen, and active evaluations and discussions on public policies for this population. In addition, they formed a network with social movements, researchers and professionals in the area, giving visibility to the theme and agency to these protagonists. The clinic proposes to offer critical training in human rights. For that purpose,

states: outreach projects in which the main focus is, for example, strategic litigation on human rights may not be the best pedagogical experience for the law student and do not follow the clinical method.³⁵ Therefore, in his view, they should not be considered legal clinics.³⁶

students rely on new pedagogical methods and classes, alternatives to the law school's mandatory curriculum. See CLÍNICA DE DIREITOS HUMANOS LUIZ GAMA, <https://cdhluiz-gama.com.br/> (last visited June 9, 2020). (3) The mission of the **UERJ Law Clinic** is to promote the engagement of students and professors of UERJ Law School in the defense of fundamental rights in Brazil, notably through the provision of specialized legal advice and procedural representation of civil society entities. Thus, the legal clinic seeks to bring pressing issues of the Brazilian socio-political scene into the Academy. Its methodology consists of organizing and conducting classes, debates, seminars, courses and lectures on topics related to fundamental rights. See CLÍNICA DE DIREITOS FUNDAMENTAIS DA FACULDADE DA UERJ, <http://uerjdireitos.com.br/a-clinica/quem-somos/> (last visited June 9, 2020). (4) **UFMG Human Rights Clinic** handles individual or collective paradigmatic cases, aims to defend and promote human rights, from a critical and transdisciplinary perspective. To this end, it uses the method of strategic advocacy in both the judicial and extrajudicial fields. The clinic's activities consist of transdisciplinary strategies; articulation in human rights protection networks; development of theoretical and empirical research on related topics; preparation of technical documents, studies, and appearances as amici curiae; filing complaints at the national and international level; promotion and organization of academic events, and mobilization through communication resources. See CLÍNICA DE DIREITOS HUMANOS DA UNIVERSIDADE FEDERAL DE MINAS GERAIS, <https://clini-cadh.direito.ufmg.br/index.php/a-clinica/> (last visited June 9, 2020). (5) **CEUB Human Rights Clinic** is an outreach project in which students and professors work to protect rights related to health, adequate housing and criminal policy. The clinic has three components: I - Legal Projects, II - Intervention Projects and III - Seminars. Through the Legal Projects, the Clinic deals with United Nations thematic reports, including the submission of cases on human rights violations. Also, within the scope of the Legal Projects, the Human Rights Clinic proposes to prepare CEUB students to participate in a mock trial competition of the Inter-American Court of Human Rights. The Intervention Projects aim to bring professors and students closer to real situations of human rights violations that have occurred in the Federal District. These interventions would include disseminating information to victims of human rights violations on how to access the different mechanisms of the United Nations for the protection of rights. Thematic Seminars handle transversal themes, such as studies based on reports by United Nations. See UNICEUB EDUCAÇÃO SUPERIOR CLÍNICA DE DIREITOS HUMANOS, <https://www.uniceub.br/clinica-de-direitos-humanos> (last visited June 9, 2020). (6) **Amazon Human Rights Clinic** currently has two specific focuses, but they are interconnected. The first is agro-environmental research and promotion of public policies related to territorial planning, agroforestry management, land tenure regularization (small, medium and large properties), recognition of traditional populations, demarcation of indigenous areas and creation of conservation units. The second is international, including the training of students to engage, together with non-governmental organizations and social movements, in the International Protection Systems, in paradigmatic cases of human rights violations. Students receive theoretical guidance on cases involving human rights violations, for later selection of paradigmatic cases in partnership with social movements, non-governmental organizations and the State. See CIDHA CLÍNICA DE DIREITOS HUMANOS DA AMAZÔNIA, <http://www.cidh.ufpa.br> (last visited June 9, 2020).

³⁵ Rutis, *supra* note 33, at 4.

³⁶ *Id.* However, strategic litigation's relevance is recognized. Those who dedicate themselves to this area have played an active role in consolidating the conception of rule of law in Latin America, a task essentially associated with the defense of civil and political rights. By promoting strategic disputes in the field of social rights, environmental rights and the legal representation of local communities generally excluded from access to political and

Every clinic should have a classroom component, even if it is only focused on traditional skills, in which supervisors might consider writing a syllabus that tracks, to the extent possible, students' use of certain skills in the clinic's cases.³⁷ However, not all of the Brazilian clinics listed above have a form of classroom instruction.

If outreach projects cannot be considered legal clinics, what are the essential elements that characterize the clinical method in Brazil?

II. WHAT ARE LEGAL CLINICS?

The emergence of clinical legal education is explained by two different arguments: to provide students with experiences in real-life lawyering competencies and as an instrument to strengthen access to the court to achieve social justice.³⁸ In some American law schools, client service was, in the beginning, the clinics' primary goal. This purpose, however, has been replaced by educational goals, when external financial resources for clinical education decreased and law schools' enthusiasm to serve the poor waned.³⁹ The educational institutions wanted to be assured that teaching was the central concern of the clinical programs.⁴⁰ As a result, the educational aspect became the priority, the *raison d'être* of the clinical method.

Clinical courses bring a new dimension in learning to legal education. Clinical fieldwork experiments provide real-world experience. No other pedagogical method offers students the opportunity to learn by personal involvement, action, discovery and reflection.⁴¹ Through this experience students are required to confront social and economic injustice and to provide legal assistance to those who cannot afford to pay for it.⁴² "They need to learn not only about the importance of legal representation, but also about the maldistribution of legal services in the society, and the resulting lack of access to justice which then leads to the perpetuation of social inequality."⁴³ In Brazil, where

judicial systems, these attorneys have also contributed to consolidating substantial conceptions of the rule of law, establishing necessary connections between law, social justice and democracy. See Carrillo & Yaskic, *supra* note 7, at 90.

³⁷ Schrag, *supra* note 16, at 238.

³⁸ Edgar S. Cahn & Christine Gray, *Clinical Legal Education: Where Next? Clients as Co-Producers of System Change*, 24 CLIN. L. REV. 171, 172 (2018). See also Wizner, *supra* note 14, at 35.

³⁹ Minna J. Kotkin, *Reconsidering Role Assumption in Clinical Education*, 19 N.M. LAW REV. 185, 192 (1989).

⁴⁰ *Id.*

⁴¹ Roger S. Haydock, *Clinical Legal Education: The History and Development of a Law Clinic*, 9 WM. MITCHELL L. REV. 101, 121, (1983).

⁴² Wizner, *supra* note 14, at 1935.

⁴³ *Id.* at 1936.

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the highest concentration of income is found in the top 1%,⁴⁴ clinical education seems to be a tool to confront persistent problems of social inequality.

A law school clinical program, according to Richard Wilson, should have six components. First, it must be created through a law school with the intent that it be totally linked to the institution's academic program. Second, students, usually in the later years of their legal education, learn experientially by providing legal services or advice to real clients who qualify for the legal clinic's representation. Third, those students should be closely supervised by someone, preferably a law professor or a private practitioner, who shares the legal clinic's pedagogical goals. Fourth, the clients served by the clinical program generally cannot afford to hire private counsel and come from marginalized sectors of the community. Fifth, supervised case representation by students has to be preceded or accompanied by a pedagogical program that prepares students with theories of the practice of law. This would include components of substantive doctrine, skills, ethics, and values of legal practice, and would be taught by a professor who knows the students' cases and who will integrate their experience in the clinic classroom. Sixth, the students would receive academic credit, especially because of the cases conducted and of the classroom work they undertake as part of the clinic experience.⁴⁵

Currently there would probably be no legal clinic in Brazil that fits the above model primarily because law clinics have usually been outreach projects and are not integrated into the regular curriculum. Legal aid services are not unheard of in Brazil, but they lack one or more of the six components of the legal clinic model. The UFMG Law School has one sector of legal assistance for less fortunate people (Divisão de Assistência Jurídica – DAJ), which was founded in 1958 as a result of the pioneering effort of professors and students. It is considered to be one of the first of its kind created in the country.⁴⁶ Since the DAJ was founded, it has provided legal assistance to the needy

⁴⁴ In the view of experts, Brazil still ensures many privileges to minorities that are paid with public money and a high level of corruption. All this is added to the problems it has had from the start. These include the legacy of a system based on slavery, which still maintains blacks in the lower socio-economic levels; regional domination patterns; a patrimonial system that makes a point of seizing state resources; social policies that benefit those who least have need of them; and a backward tax structure that charges proportionally much more from those who earn less. See Fernando Canzian & Fernanda Mena, *Brazil's Super-Rich Lead Global Income Concentration*, FOLHA DE SÃO PAULO (Aug. 19, 2019), <https://temas.folha.uol.com.br/global-inequality/brazil/brazils-super-rich-lead-global-income-concentration.shtml>.

⁴⁵ Wilson, *supra* note 11, at 423.

⁴⁶ See *História*, UFMG, https://daj.direito.ufmg.br/?page_id=355 (last visited June 9, 2020).

population of Belo Horizonte, the capital of Minas Gerais. Although the DAJ is recognizably important, it is disconnected from theory, although the clinic aims to apply theory in the practical circumstances of real cases and real people. Considering that the activities of the DAJ focus on low-income people, the utilitarian aspect of teaching is emphasized, with less concern for the theoretical knowledge that represents the basis of legal education.⁴⁷ The DAJ does not have the characteristics of a legal clinic. Nonetheless, it is able to perform its two essential purposes: legal assistance to the downtrodden and students' professional training.

The UFMG Law School's Slave Labor and Human Trafficking Clinic has tried, in recent years, to implement a teaching methodology similar to that practiced in the United States. Although it does not adopt Wilson's six components, it represents an approximate translation of the clinical method applied to Brazilian law school clinic.

III. SLAVE LABOR AND HUMAN TRAFFICKING CLINIC

The UFMG Law School's Slave Labor and Human Trafficking Clinic (Clínica de Trabalho Escravo e Tráfico de Pessoas - CTETP), following the American model, is part of a worldwide pioneering effort to connect human trafficking legal clinics together.

The clinic is part of an initiative that began at the University of Michigan Law School's Human Trafficking Clinic. The latter was founded in 2009. In 2015, it launched *Clinnect HTS (Clinnect Human Trafficking and Slavery)*, a global network devoted to combating human trafficking and slavery through advocacy-based exchange.⁴⁸ Since the Brazilian clinic opened in March 2015, it has provided a range of services to survivors of slavery and human trafficking, regardless of age, gender or national origin.

Law school clinics, such as the one in Michigan and ours in Minas Gerais, do something remarkable: (1) provide free legal representation to such survivors; (2) educate law students on this important issue by equipping them with a skill set; and (3) instill in them a *pro bono* ethos. This will serve them well when they continue to advance human rights as practicing lawyers. These clinics, in other words, meet an immediate global need and train students to provide creative, long-term

⁴⁷ For a more expansive view, see GARDNER, *supra* note 24, at 216. Many of the legal aid programs can have a tendency to become "band-aid" programs. They are grounded in the notion that law is a social good, and that individuals should be given legal services and "access" to the legal system. Too often these programs do not offer a critical perspective of problems in the law, nor do they offer a creative approach to collective group and community legal problems.

⁴⁸ See *Human Trafficking Clinic*, MICHIGAN LAW SCHOOL, <https://www.law.umich.edu/clinical/humantraffickingclinic/Pages/default.aspx> (last visited June 9, 2020).

solutions.

Before talking about the clinic itself, it is important to offer some information about slave labor and human trafficking in Brazil as a way to contextualize CTETP. Actually, in order to understand how survivors get legal assistance, it is indispensable to illustrate how the Brazilian justice system works.

A. Subject

Slave labor and human trafficking are different crimes under Brazilian law, but both of them are inserted into the chapter of crimes against personal freedom (Articles 149 and 149-A of the Penal Code). These two articles are the raw material of the Slave Labor and Human Trafficking Clinic, whose main goal is to provide legal assistance to survivors of those felonies.

In the last twenty years, Brazil has made concerted efforts to identify and prosecute cases of contemporary slavery and, on a smaller scale, cases of human trafficking.

Once informed of the practice of slave labor, inspectors from the quondam Ministry of Labor and labor prosecutors, accompanied by agents from the Federal Police and the Federal Highway Police, go to the location to ascertain the facts. They try to arrive without warning and move quickly onto the property, with the police closing off exit routes and sometimes cutting off communications between units of the enterprise. The inspectors work fast in order to identify conditions that may be deemed to be *in flagrante* and to prevent the destruction of evidence. If they believe the work conditions pose an immediate risk to health and safety, they can proceed directly to a *resgate* (translation: rescue), removing the workers from the workplace altogether and arranging their lodging in hotels nearby.⁴⁹ Under the supervision of the inspectors, the labor contracts are cancelled, employers are charged for back pay and “unemployment insurance payments” are provided.⁵⁰ They take statements from the workers, photograph and film the crime scene and prepare a report, which will form the basis of the charges in criminal and civil cases.⁵¹

Usually, crimes are investigated by the police. Prosecutors re-

⁴⁹ Rebecca J. Scott, Leonardo A. de Andrade Barbosa & Carlos H. B. Haddad, *How Does the Law Put a Historical Analogy to Work?: Defining the Imposition of “A Condition Analogous to That of a Slave” in Modern Brazil*, 13 DUKE J. CONST. L. & POL’Y 1, 17 (2017).

⁵⁰ ORGANIZAÇÃO INTERNACIONAL DO TRABALHO, AS BOAS PRÁTICAS DA INSPEÇÃO DO TRABALHO NO BRASIL: A ERRADICAÇÃO DO TRABALHO ANÁLOGO AO DE ESCRAVO 14 (2010).

⁵¹ MINISTÉRIO DO TRABALHO, MANUAL DE COMBATE AO TRABALHO EM CONDIÇÕES ANÁLOGAS ÀS DE ESCRAVO 43 (2011).

ceive the police investigation and the criminal prosecution begins. But in cases of slave labor, it is different. The labor inspectors prepare the report, which replaces the police investigation, and send the report to prosecutors. Criminal investigation, when performed by the police, has bureaucratic proceedings that are detrimental to the inquiry.⁵² The police investigation is a slow process compared to the one done by the labor inspectors. Shortly after the raid, prosecutors can file criminal charges. If the investigation is done by the police, it can take years for that to happen.⁵³

The Brazilian legal system has a double track because the country has a specialized judicial branch called Labor Justice where it is common for employees to sue employers who violate labor rights. Labor Justice is not criminal justice, but it enables workers to get compensation. Labor inspectors send the report to Federal Prosecutors and to Labor Prosecutors. On this basis, Federal Prosecutors initiate criminal proceedings in the Federal Court and Labor Prosecutors do the same with a collective action mechanism,⁵⁴ to protect so-called diffuse, collective and individual homogeneous rights, seeking collective damages in labor courts. The survivors may also hire a lawyer to ask for wages and individual damages for pain and suffering in labor courts or to act as an assistant to Federal Prosecutors in criminal proceedings. The Slave Labor and Human Trafficking Clinic in Brazil plays this role. Once a formal prosecution in the labor courts has been initiated, private lawyers (or advocates from the law school legal clinic) can also sue for additional damages for an individual client before those same labor courts. The two proceedings can go forward simultaneously alongside a criminal prosecution.

Labor inspections made it clear to the Brazilian government that a more sophisticated approach and a greater range of administrative responses were required to address contemporary slavery. Since its enactment in 1940, the original text of Article 149 of the Brazilian Penal Code simply labeled “reducing someone to a condition analo-

⁵² José Luiz Ratton, Valéria Torres & Camila Bastos, *Inquérito Policial, Sistema de Justiça Criminal e Políticas Públicas de Segurança: Dilemas e Limites da Governança*. 26 R. SOC. ESTADO 29, 53 (2011).

⁵³ CARLOS H. B. HADDAD & LÍVIA MENDES MOREIRA MIRAGLIA, *TRABALHO ESCRAVO: ENTRE OS ACHADOS DA FISCALIZAÇÃO E AS RESPOSTAS JUDICIAIS* (2017). A study prepared by the Slave Labor and Human Trafficking Clinic of the UFMG, based on the analyses of 371 reports of labor inspections in the state of Minas Gerais between 2004 and 2017 detected that criminal prosecution is almost four times slower than labor prosecution.

⁵⁴ Analogous to the class-action lawsuit. See Luciano Da Ros & Matthew M. Taylor, *Opening the Black Box: Three Decades of Reforms to Brazil's Judicial System* 9 (American Univ. School of Int'l Serv., Working Paper Series, No. 3, 2017), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3028731.

gous to that of a slave” as a crime.⁵⁵ The laconic style rendered the rule vague and uncertain, which is generally considered to be unacceptable in criminal law matters.⁵⁶ And yet, apart from occasionally being referenced by criminal law commentators, this was a forgotten provision.⁵⁷ In 2003, however, Congress passed a statute that clarified the article’s meaning.⁵⁸ The reform stemmed from the experiences of the labor inspector teams and their partners inside and outside the government. Now it is a crime to reduce someone to a condition analogous to that of a slave by submitting them to: (1) degrading work conditions; (2) debilitating workdays; (3) forced labor, or (4) restricted freedom of movement for any reason. With the 2003 amendments, Article 149 now reads:

Reducing someone to a condition analogous to that of a slave: I - submitting a person to forced labor, debilitating workdays, or degrading conditions of labor; restricting, by any means, a person’s freedom of movement under the guise of a debt undertaken with the employer or with someone entrusted to act on his/her behalf; II - restricting a worker’s access to proper transportation, with the intent of keeping him or her at the workplace; III - or by maintaining guards at the workplace or retaining documents or personal belongings of a worker in order to keep him or her at the workplace. Penalty - imprisonment from two to eight years and a fine.⁵⁹

This approach rejects the idea that “real” slavery requires control of the body, which would be primarily an offense against individual liberty.⁶⁰ Thus we have a definition of slavery that does not necessarily require forced labor and does not always involve the concept of locks and chains. We do not know if it is a definition that is at the forefront, but it has worked for Brazil for more than 16 years. The change in the criminal law was clearly intended to attack the serious and very common problem of slavery on remote farms and in parts of urban centers in Brazil. Workers are subjected to degrading work and living conditions, usually do not receive the minimum wage stipulated by law, and are without the benefits of labor legislation.⁶¹

⁵⁵ Decreto-Lei No. 2.848, de 7 de Dezembro de 1940, DIÁRIO OFICIAL DA UNIÃO [D.O.U.] de 31.12.1940 (Braz.).

⁵⁶ FRANCISCO DE ASSIS TOLEDO, PRINCÍPIOS BÁSICOS DE DIREITO PENAL 29 (8th ed. 1994).

⁵⁷ NÉLSON HUNGRIA, COMENTÁRIOS AO CÓDIGO PENAL, VOL. 6, 200 (5th ed. 1980).

⁵⁸ Lei No. 10.803, de 11 de Dezembro de 2003, DIÁRIO OFICIAL DA UNIÃO [D.O.U.] de 12.12.2003 (Braz.) (providing the current wording of Article 149).

⁵⁹ *Id.*

⁶⁰ See Carlos H. B. Haddad, *Do Paradigma da Propriedade à Concepção da Liberdade de Escolha: Definindo o Trabalho Escravo para Fins Penais*, in *TRABALHO ESCRAVO: ESTUDOS SOB AS PERSPECTIVAS TRABALHISTA E PENAL* 180, 187 (Daniela Murada Reis, Lília Carvalho Finelli, Livia Mendes Moreira Miraglia eds., 2015).

⁶¹ See RICARDO R. FIGUEIRA, *PISANDO FORA DA PRÓPRIA SOMBRA: A ESCRAVIDÃO*

In 2004, a year after the amendment of the Criminal Code, a list was organized by the government to publicize the names of companies determined to be exploiting workers under conditions analogous to slavery. It is called the “dirty list.”⁶² When a corporation’s name is on the list, it cannot receive loans from federal banks. It opens them up to lawsuits, international trade restrictions and reputational damage on the national and international market. It is an effort to promote social responsibility. The dirty list is a controversial name-and-shame strategy with the intent of eliminating slavery from major industries.

To increase the impact of the dirty list, the Brazilian Pact to Eradicate Slave Labor was created in 2005. It aims to implement policies so that the corporate sector and Brazilian society avoid dealing with suppliers that have made use of slave labor.⁶³ Nobody wants to partner with companies that use labor similar to slavery. If charcoal producers are listed, for example, large car companies and appliance companies can ensure that the steel that they consume does not use the product from those providers. The initiative already includes 140 Brazilian companies, commercial associations and social organizations, which are responsible for an annual gross income equivalent to more than 20% of Brazil’s gross national product.⁶⁴

Six years ago, Congress passed a Constitutional Amendment, which expropriates urban or farm real estate, without compensation, where slave labor has occurred.⁶⁵ Proceeds from the sale of such real estate and other property used in the commitment of this crime is to be applied to urban or agrarian reform or to support anti-slavery efforts.

But the most recent achievement in Brazil is a piece of legisla-

POR DÍVIDA NO BRASIL CONTEMPORÂNEO 35 (2004).

⁶² The dirty list was created by Portaria No. 540, de 15 de Outubro de 2004, Diário Oficial da União [D.O.U.] de 19.10.2004 (Braz.). It is considered as an example of good practice, according to the United Nations (UN), and one of the main instruments to combat slave labor in Brazil. See Fabio Teixeira, *Brazil to Issue “Dirty List” of Employers Using Slave Labor Based on Court Findings*, REUTERS (July 2, 2019, 7:24 PM), <https://www.reuters.com/article/us-brazil-trafficking-dirtylist/brazil-to-issue-dirty-list-of-employers-using-slave-labor-based-on-court-findings-idUSKCN1TX30L>. The list identifies, after proper administrative procedure, employers who submit workers to conditions similar to that of a slave.

⁶³ See NATIONAL PACT FOR THE ERADICATION OF SLAVE LABOUR IN BRAZIL (2005), available at https://www.ilo.org/washington/events/WCMS_189835/lang—en/index.htm.

⁶⁴ See *Pacto Nacional pela Erradicação do Trabalho Escravo Completa Três Anos*, ILO (May 20, 2008), https://www.ilo.org/global/topics/forced-labour/news/WCMS_097929/lang—es/index.htm (last visited June 9, 2020).

⁶⁵ The amendment was inserted into Article 243 of the Constitution, alongside an earlier provision for expropriation of land on which illegal drugs, including marijuana, had been cultivated. Emenda Constitucional No. 81, de 5 de junho de 2014, DIÁRIO OFICIAL DA UNIÃO [D.O.U.] de 06.06.2014 (Braz.).

tion, Law n. 13.344 of 2016.⁶⁶ The new law was edited to harmonize the definition of trafficking with the 2000 United Nations Trafficking in Persons Protocol. The new law has three main axes: prevention, repression and attention to the survivors. The two most important issues are the protection of victims and new crime creation:

Article 149-A – Brokering, enticing, recruiting, transporting, transferring, purchasing, harboring or receiving a person by means of serious threat, violence, coercion, deception or abuse, in order to: I - remove organs, tissues or body parts; II - submit one to work in conditions analogous to slavery; III - subject one to any kind of servitude; IV - illegal adoption; or V - sexual exploitation. Penalty - imprisonment for four to eight years and a fine.

US laws and international law combine sexual and labor exploitation/trafficking into the term human trafficking. Brazilian legislation does the same, including illegal adoption and organ removal, but there is also the possibility to be charged with the two felonies: human trafficking and reduction of someone to a condition analogous to that of a slave.

CTETP is delving into these matters. The focus on a specific field of work has many benefits, one of which is to teach students about an unusual legal area. Some clinics deal with general civil or criminal practices, but many specialize in one or two areas and, among other objectives, hope to familiarize students with doctrines, institutions, procedures, conflicts, mores and ethics that are unique to that field.⁶⁷ Specialization also allows professors to offer better supervision because they do not need to spread their knowledge across multiple fields. Perhaps the most important thing is that expertise promotes the clinical method's cohesion and educational sharing, allowing students to comment, with some degree of specialization, on others' cases. Thus, an individual's work will potentially be useful to all the others in the clinic.

B. Location

The Slave Labor and Human Trafficking Clinic is located in Belo Horizonte, the capital of Minas Gerais, a state where, in 2019, the most cases of slave labor in Brazil were documented.⁶⁸ According to

⁶⁶ Lei No. 13.344, de 11 de Dezembro de 2003, DIÁRIO OFICIAL DA UNIÃO [D.O.U.] de 7.10.2016, 1 (Braz.).

⁶⁷ Schrag, *supra* note 16, at 180.

⁶⁸ See Lucas Negrisoni, *Metade dos Trabalhadores Escravizados no País Foi Encontrada em Minas em 2019*, OTEMPO (Jan. 28, 2020), <https://www.otempo.com.br/economia/subscription-required-7.5927739?aId=1.2289829>. In 2019, 1,054 people were found in a situation analogous to slavery in Brazil, of which 468 were in Minas Gerais - which represents 44.4% of the occurrences. At the operational level, mobile teams of inspectors and prose-

the Brazilian Institute of Geography and Statistics (IBGE),⁶⁹ Belo Horizonte's estimated population is 2,512,070, making it the 6th most populous city in the country.⁷⁰ It's located in the Southeast region of Brazil, along with Esp rito Santo, Rio de Janeiro and S o Paulo.

UFMG is a free public higher education institution and the oldest university in the state of Minas Gerais. It was founded on September 7, 1927. Altogether, UFMG has 20 academic units, three special units, three administrative units, two hospitals and 25 libraries. The university offers 77 undergraduate majors, 80 graduate programs and 68 continuing education programs, with more than 40,000 students enrolled and more than 750 research centers.⁷¹

The law school stands out as among the oldest. In Minas Gerais, the first institution of higher education, the School of Pharmacy in Ouro Preto, was founded in 1839. In 1875, the School of Mining was created and, in 1892 under the Republican regime, the Law School was established in the former capital of the state, even before the creation of UFMG, into which it was later incorporated.⁷² The law school currently has approximately 2,000 students and 14 outreach projects, including the Slave Labor and Human Trafficking Clinic.⁷³

C. Governance

In line with the tripod of Brazilian higher education, CTETP has three components:

1. **Outreach.** Through the outreach component, we provide free legal assistance to victims. The "we" primarily refers to students; here, it is students who are responsible for working directly with victims to address their legal needs, which, in some cases, might lead them to revealing further human rights violations.
2. **Teaching.** Every semester, the clinic's directors teach law students about slave labor and human trafficking in a classroom setting. Class lectures, exercises, activities, and simulations empower

cutors have intervened in thousands of work sites, and labor prosecutors have obtained hundreds of consent agreements and convictions in the labor courts, a civil branch of the judiciary. Between the mid-1990s and the end of 2016, some 51,000 workers were administratively *resgatados* ("rescued") from rural and urban workplaces in which inspectors determined that they had been reduced to a condition analogous to slavery. *Cf.* Scott et al., *supra* note 49, at. 2.

⁶⁹ BELO HORIZONTE-PANORAMA, IBGE, <https://cidades.ibge.gov.br/brasil/mg/belo-horizonte/panorama> (last visited June 9, 2020).

⁷⁰ Beatriz Souza, *As 200 Cidades Mais Populosas do Brasil*, EXAME (Aug. 28, 2014), <https://exame.abril.com.br/brasil/as-200-cidades-mais-populosas-do-brasil/>.

⁷¹ *A Universidade*, UFMG, <https://ufmg.br/a-universidade> (last visited June 9, 2020).

⁷² *This Is UFMG*, UFMG, <https://www.ufmg.br/english/conheca/index.shtml> (last visited June 9, 2020).

⁷³ *Faculdade de Direito da UFMG*, UFMG, https://www.direito.ufmg.br/?page_id=8415 (last visited June 9, 2020).

the students to develop an important set of skills they will use as professionals in private practice, government or the nonprofit sector.

3. Research. Students enrolled in the clinic also conduct research. Participating students write papers and organize, promote and attend seminars.

The day-to-day work of the Clinic is conducted by its core administrative staff: the two directors, Carlos Haddad and Lívia Miraglia. We are professors of law (Criminal Law and Labor Law, respectively) at UFMG and we dedicate part of our time to clinic work. We decide the strategic goals of the clinic, design its plans, represent it within the University and beyond, conduct fundraising activities, and ensure proper implementation of the work plan. Ideally, a clinic should work with at least two instructors. Teaching the clinic involves new problems and can be stressful to the point where a clinic professor needs another colleague to share daily difficulties.⁷⁴

Adopting Wilson's concept of a legal clinic, CTETP is not part of the law school's academic program. As was previously said, it is an outreach project, revealing that the clinical method did not undergo the same incorporation into law schools as was done in other countries. In other aspects, however, CTETP is similar to American legal clinics. About 15 students volunteer each year to learn experientially by providing legal services or counseling real clients who qualify for the clinic's representation. These volunteers provide technical support to the clinic's staff, including assistance with the organization of workshops, publications and legal advice. The clinic has previously had two paid internships, on a project funded by UFMG, but currently all students participate voluntarily. They are supervised by four lawyers, some of them members of the UFMG postgraduate program, who share the clinic's pedagogical objectives. The lawyers receive guidance from the professors who coordinate the project.

Both lawyers and students, in addition to receiving specific guidance in the management of cases, undergo specific training when joining CTETP related to victim care, conducting interviews, concepts of procedural law, and more. Before the skills can be taught systematically, however, there is some "emergency work" to be done. Unless clinics require a certain course as a prerequisite, most students arrive with almost no knowledge about the law or institutions relevant to the field in which they will start practicing within days, if not hours. They need to receive minimal guidance immediately, so they can provide legal help for clients. Slave labor and human trafficking victims, who

⁷⁴ Schrag, *supra* note 16, at 186.

are vulnerable and poor, cannot afford the costs of hiring private lawyers. To assist them, specific training is needed both in the judicial and extrajudicial fields.

In most jurisdictions in the United States, legal clinic students are generally allowed to undertake full representation of clients before trial judges and courts of appeals, as long as the client understands that the representative is a law student and the student is supervised by a lawyer connected to the clinic.⁷⁵ In Brazil, however, neither law students nor legal clinics, as legal entities, are permitted to represent clients in courts. Only lawyers licensed by the Brazilian Bar Association (OAB – Ordem dos Advogados do Brasil) are allowed to practice law in judicial contexts. In order for the student to be recognized as an intern by the OAB, it requires that he/she be enrolled in at least their fourth year of law school.⁷⁶ Some students start activities at CTETP earlier, believing that student selection processes should not exclude students with poor skills⁷⁷ or those who have not reached the later stages in their legal education. With that policy, CTETP usually has more applications than available slots.

In reality, there is little harm in working with students prior to their 4th year. The activities they can perform before then, however, are limited. This work involves picking the case file documents up from the notary, obtaining records of ongoing or concluded cases and signing petitions for gathering documents to judicial or administrative proceedings. For all other activities, the student must be accompanied by a lawyer. Faced with this situation, CTETP encourages students to participate in the elaboration of petitions with supervision; out-of-court client services; and hearings in the company of the lawyers, bringing them closer to professional-life experiences. The students can do much of the work associated with a legal matter, including preparing written petitions, conducting legal research, and drafting letters

⁷⁵ *Id.* at 204.

⁷⁶ Unlike in the United States, Brazil trains all lawyers at the national level so that once they complete their studies, they can practice the law in any part of the country. After high school, people interested in becoming lawyers must first be admitted to the law school. Students go directly from high schools to study law, typically at 18 years of age. To do so, they need to be approved in a public exam called ENEM. Law school in Brazil is a five-year program and is considered an undergraduate degree. These degrees can be offered either by public or private schools, as long as they are authorized by the National Commission of Legal Education of the Brazilian Bar Association. After obtaining a degree, candidates must complete the Brazilian Bar Examination. Once they have passed the bar exam, they are lawyers and are allowed to practice any area of law they choose. See *Diretrizes Curriculares do Curso de Direito*, GUIA DA CARREIRA, <https://www.guiadacarreira.com.br/cursos/curso-direito/> (last visited June 9, 2020).

⁷⁷ Deborah N. Archer, *Open to Justice: the Importance of Student Selection Decisions in Law School Clinics*, 21 CLIN. L. REV. 1, 9 (2017).

and notifications, while the formal appearance is made by the clinic's lawyer.⁷⁸

Once a month, the whole CTETP team schedules "management meetings" to discuss the main issues involving the clinic's activities. At the meetings, participants are able to identify the human and material resource needs of the clinic; identify and analyze problems in the clinic's administration; evaluate and organize workflows and case flows; distribute tasks according to the workflows and profiles of students and lawyers; manage materials and goods; establish indicators, goals, and priorities; manage people, lead teams, and delegate responsibilities; evaluate individual performance; give and receive feedback; propose innovative solutions for complex situations; and promote, participate in, and collaborate with institutional activities. In these meetings, every lawyer provides an update about the cases assigned to his/her team, the next steps to be taken, and shares useful information to the whole group. Ideas, strategies and decisions find a good environment to flourish in order to accomplish CTETP goals.

Considering CTETP is an outreach project, there is no budget available. Lately, federal universities in Brazil have been struggling to make ends meet amid budget cuts. With limited funding, some have reached the point of being unable to pay for some bills, cleaning staff, and needed construction.⁷⁹ In order to develop the activities of the CTETP, it is necessary to raise funds for research and providing assistance to the survivors.

A nonprofit organization was created to overcome the problem of lack of funds. It acts as the financial arm of the clinic. Through this institution, the clinic has been able to obtain financial resources to continue its activities. Part of the funds have come from the Public Ministry of Labor (MPT), an executive office independent of the regular judiciary whose task is to bring cases to the labor courts. Attorneys from the Public Ministry of Labor may choose to prosecute or to encourage consensual settlements when a slave-labor situation has been identified. After the initial administrative action on-site, the state attorneys may propose a consent agreement or take the case to trial in the labor courts (*Justiça do Trabalho*).⁸⁰ Substantial monetary penalties can be imposed, including punitive amounts paid to the state

⁷⁸ That situation is similar to what happens in Palestine's justice system. See Mutaz M. Qafisheh, *The Role of Legal Clinics in Leading Legal Education: The Model from the Middle East*, 22 LEG. EDUC. REV. 177, 196 (2012).

⁷⁹ See The Brazilian Report, *Brazil Wants to Open up Universities to Private Money* Wilson Center (July 24, 2019), <https://www.wilsoncenter.org/blog-post/brazil-wants-to-open-universities-to-private-money>.

⁸⁰ Scott et al., *supra* note 49, at 17.

for what are called “collective moral damages.”⁸¹ Part of the monetary penalties can be allocated to entities whose main objective is to protect and provide assistance to rescued workers. That is the source of funds which helps CTETP to stay alive.

In addition to the funds provided by the Public Ministry of Labor, CTETP offers courses to companies that have been caught using slave labor. The training helps them to steer clear of engaging in illicit activities in the future. With the support of the company’s leaders, CTETP helps to identify risks and how they can be avoided in the matter of slave labor and human trafficking. The risks to be prevented are not the same in construction companies as they are in banks or technology corporations. To address these peculiarities in the design of compliance programs, risk analysis is used, and the company must focus its prevention on predictable risks.⁸² The courses are paid for by the companies and the revenue allows the nonprofit organization to fund the clinic’s work.

The most recent efforts to get funds for CTETP is an online course. The course was prepared by the CTETP team and is available for students at UFMG – for free – and to the public at large upon payment. The course provides access to educational materials, which we hope will give this issue greater attention and allow interested parties around the country to learn about slave labor and human trafficking. It is necessary to be creative in Brazil if you want to keep a project self-sustainable!

D. *Pro Bono Legal Aid*

The work in CTETP consists of assisting slave labor and human trafficking victims through free legal assistance. Given the vulnerable situation of survivors, students are often motivated to do for them what victims are unable to do for themselves.⁸³ The role at the clinic stimulates students’ confidence in their own abilities and gives them a sense of satisfaction in helping society. They are able to see how what they learned in the classroom really works in real life and have the opportunity to benefit from the professors’ practical experience.⁸⁴ The

⁸¹ On the concept of collective moral damages, see Leonardo Barbosa, *Constitutional Law and the Fight against Contemporary Slavery in Brazil: Putting Property on the Line* (Sept. 15, 2014) (unpublished manuscript) (on file with Duke Journal of Constitutional Law and Public Policy).

⁸² See ADÁN NIETO MARTÍN, *PROBLEMAS FUNDAMENTALES DEL CUMPLIMIENTO NORMATIVO EN EL DERECHO* 195 (2013).

⁸³ Neil Gold, *Clinic Is the Basis for a Complete Legal Education: Quality Assurance, Learning Outcomes and the Clinical Method*, 22 INT’L J. CLIN. LEG. EDUC. 1, 33 (2015).

⁸⁴ Nisreen Mahasneh & Kimberly Thomas, *Learning from the Unique and Common Challenges: Clinical Legal Education in Jordan*, 5 BERKELEY J. MIDDLE E. & ISLAMIC L. 1,

development of *pro bono* advocacy is improved as crime victims receive legal representation, counsel and guidance on how the judicial system works. This contribution serves to encourage the exercise of rights by victims and the administration of justice.

Clients are sometimes referred to the Clinic by relevant government institutions and civil society bodies. The Public Ministry of Labor (MPT), for example, directed one of the most striking cases in the history of the clinic.⁸⁵

The MPT has its activities directly related to the protection of the diffuse, collective and individual homogeneous rights, as established in Article 81, paragraphs I to III, of Law n. 8,078/90. In turn, Article 83, paragraph III, of Complementary Law n. 75/93 (Organic Law of the Public Prosecutor's Office), provides the MPT with the authority to file a public civil action with Labor Justice, to defend collective interests when social rights are violated.

In spite of the important role of the aforementioned body, there is a gap to be filled in the protection of survivors. Labor inspectors supervise work relations; the MPT acts in the area of collective labor protection. Criminal prosecutors handle the criminal field. The individual protection of survivors is, in a way, neglected. One of the clearest gaps occurs when there is a single person in a situation analogous to that of a slave. In this case, the labor inspectors can do their job, but the MPT is not entitled to act in defense of the worker's interest, since it is an individual right. Thus, it is necessary to have the support of civil society in assisting the victimized worker. Another gap can be observed in the fact that the MPT's performance is restricted to the collective scope, mainly to the filing of public civil actions that, in most cases, require the immediate interruption of the practice of slave labor and the payment of collective damages. It is clear, however, that the practice of slave labor also generates individual damages.

In addition to the question of individual damages, the victimized worker will be entitled to receive wages, especially extra payment for overtime, hazardous work and night hours. In order to claim such funds of a purely individual nature, the worker would have, in principle, as his or her options: the exercise of the *jus postulandi* (*pro se* litigation), to seek support from a union or hire a private lawyer. The fourth option is the role of CTETP, which provides for free legal services.

14 (2012).

⁸⁵ See Amadeu: *Conheça a História de um Trabalhador que Viveu como Escravo no Brasil Atual*, CLÍNICA DE TRABALHO ESCRAVO (Oct. 18, 2017), <https://www.clinicatrabalhoescravo.com/single-post/2017/10/19/Amadeu-conheça-a-história-de-um-trabalhador-que-viveu-como-escravo-no-Brasil-atual>.

First, it is important to highlight that the possibility of making a personal claim before the Labor Court was enshrined in Article 791 of the Labor Laws Consolidation (Consolidação das Leis do Trabalho – CLT). A personal claim was created in the first half of the twentieth century, a time when Labor Justice had just left the administrative sphere and become part of the Brazilian Judiciary. In this context, the *pro se* litigant could be effective, considering that most labor lawsuits did not involve much technical complexity. Therefore, *pro se* litigation provided a way of trying to guarantee minimum access to justice.⁸⁶

Currently, *pro se* litigation has proved to be ineffective, given the increasing technical complexity of labor cases. Regarding slave labor, the worker subject to these conditions does not even have awareness that he/she is able to represent him/herself in the court. In addition, issues related to contemporary slavery are highly complex and require professional assistance. Thus, *pro se* litigation should not be an option for workers submitted to conditions analogous to slavery.

Unions, on the other hand, do not exist or are not strong in all places where the Labor Courts operate, generating insufficient legal assistance.⁸⁷ Most of them are not able to give support in combating slave labor. Furthermore, the majority of enslaved workers are unsurprisingly not union members, so they are not entitled to make use of the union's services.

Therefore, there is an evident lack of real access to justice for workers submitted to conditions analogous to that of a slave. Hiring a private lawyer or seeking services of free legal assistance are the only available paths for enslaved workers.

The legal assistance needed by victimized workers is sweeping in that it involves addressing protection in the labor, civil and criminal fields. In the criminal area, in the event of charges filed against the exploiting agent, survivors may qualify as an assistant to the prosecution according to Article 268 of the Penal Procedure Code. Although it is a secondary and contingent role, the prosecution's assistant reinforces the charges and supports the Public Prosecutor's Office in order to safeguard the victim's interests and to get civil compensation for harm caused by the crime.

Nevertheless, the clinic has adopted specific criteria for case ad-

⁸⁶ José Rafael Costa Santo, *Jus Postulandi das Partes na Justiça do Trabalho*, JUS (Nov. 2014), <http://jus.com.br/artigos/33880/jus-postulandi-das-partes-na-justica-do-trabalho#ixzz3XFdxAAu5>.

⁸⁷ The statement does not seem to match Brazilian reality because there are more than 17,000 unions registered. Most of them were sustained by compulsory payments from Brazilian workers whose amount, in 2016, reached R\$3.5 billion. See Metro Jornal, *Número de Sindicatos no Brasil já Passa dos 17 Mil*, BAND (Aug. 21, 2017), <https://noticias.band.uol.com.br/noticias/100000872172/numero-de-sindicatos-no-brasil-ja-passa-de-17-mil.html>.

mission. The clients should be survivors of slave labor and human trafficking or people whose vulnerability could put them in the position of being a victim of slave labor or human trafficking. Thus, even if a person has not been exploited by human traffickers, CTETP can provide legal assistance by, for instance, helping migrants or refugees to regularize their migratory status. On the other hand, issues related to labor law unconnected to slave labor, such as non-payment of wages, are directed to DAJ.⁸⁸

From 2015 to December 2019, CTETP had provided legal counsel for more than 100 people. Almost 60 lawsuits were filed before the Labor Courts, and another two cases were decided in Federal Court, one of them being a criminal matter. In several cases, the employer was obliged to pay damages for pain and suffering to workers subjected to slave labor in the form of degrading conditions and debilitating workdays.

One important factor that influences the future of legal clinics is the attitude of practicing lawyers towards clinics. Many lawyers could perceive clinics as a threat and a source of competition because clinics provide a free service, which might turn clients away from law offices and towards universities.⁸⁹ However, CTETP has never found resistance against its work. One possible explanation is that CTETP normally handles small-scale cases that lawyers would not profit from and assists vulnerable people who could not afford legal services elsewhere.

What weakens CTETP's main goal is the sluggishness of the Brazilian judicial system. Often, the disposition time of the cases exceeds the time in which the students remain in the clinic. In 2018, for example, a lawsuit was filed in Labor Court claiming moral damages and unpaid wages. The first hearing was scheduled for December 15, 2020.⁹⁰ While we are already in 2020, the wait time for the first hearing has been longer than two years. It is necessary for the student who prepared the case to take part in CTETP for almost the entirety of law school to realize the outcome of the process. It is possible to replace students in order to continue tracking the case, but the pedagogical gain for the learner is substantially lost because he/she is not able to see the result from the initial effort.

⁸⁸ See Part II.

⁸⁹ Qafisheh, *supra* note 78, at 196.

⁹⁰ After the clinic lawyers' request, the first hearing was rescheduled to January 28, 2020. TRT-3, Recl. Trab. No. 0010391-82.2018.5.03.0031 Contagem, Relator: Fabiana Alves Marra, 10.02.2020, DIÁRIO DA JUSTIÇA ELETRÔNICO [D.J.e.], 18.02.2020 (Braz.).

E. Partnerships

The Clinic is committed to advancing anti-trafficking policy through interdisciplinary collaboration at the local, national, and international level. The goal is to produce anti-trafficking plans of action at the local level and, through improved legal assistance and education, to reduce the risk of re-trafficking throughout the region.

CTETP had established a partnership with Centro Zanmi, a non-profit organization that provides assistance to migrants and refugees. With Centro Zanmi's help, the clinic was able to focus in particular on helping migrants and refugees from Haiti, a population especially vulnerable to slavery and trafficking given that country's dire economic condition. This partnership gave CTETP a great opportunity to work with a specific population, although changes in the direction of the organization made it no longer possible to maintain the partnership.

CTETP has also started a partnership with the Federal Public Defender's Office. The Public Defender's Office is in charge of providing legal assistance to enslaved workers. Through an agreement, CTETP is able to assist the Public Defender's Office in facilitating access to justice for victims of slave labor and human trafficking. One of the advantages of the partnership is the possibility of having extended deadlines for representing the survivors in court. The Civil Procedure Code grants public defenders a double time limit for all procedural statements (Article 186). That provision applies to the legal practice offices of law schools and to organizations that provide free legal assistance, since they sign agreements with the Public Defender's Office.

Every year CTETP promotes a national seminar in partnership with the Labor Court in Belo Horizonte, in which themes related to slave labor are discussed. The subject of the first seminar was "Contemporary Slave Labor: Challenges and Perspectives."⁹¹ In the second seminar, the central theme was "Contemporary Slave Labor: Governance, Compliance and Due Diligence."⁹² The third seminar, held in 2019, brought debates about "Invisible People, Apparent Challenges: New Realities of Human Trafficking" and "Control of Conventionality: Protection Mechanism of Contemporary Slave Labor." Several works are presented during the events and each year a collection of the best articles is published.⁹³ Through its seminars, CTETP brings

⁹¹ Escola Judicial do TRT-3ª Região, *Congresso "Trabalho Escravo Contemporâneo: Desafios e Perspectivas"* (2017), https://www.trt3.jus.br/escola/avisos/2017/d_av_220617a.htm (last visited June 9, 2020).

⁹² Escola Judicial do TRT-3ª Região, *2º Congresso "Trabalho Escravo Contemporâneo: Governança, Compliance e Due Dilligence"* (2018), https://www.trt3.jus.br/escola/avisos/2018/d_av_190618.htm (last visited June 9, 2020).

⁹³ ADRIANA AUGUSTA DE MOURA SOUZA ET AL., *TRABALHO ESCRAVO CONTEMPORÂNEO: DESAFIOS E PERSPECTIVAS* (2017); ANA CLARA MATIAS BRASILEIRO ET AL., *TRA-*

lawyers, judges, prosecutors, professors and students together and contributes to the development of research and theory at the University. Such events have added national and regional dimensions to the clinic, transformed its outlook, and reinforced its ambition.

The Public Ministry of Labor, the Federal Public Ministry, Labor Inspectors and the Center for Confronting Trafficking in Persons in the State of Minas Gerais, among others, are also entities that work with CTETP in order to collect data and form a domestic network of partners. This partnership allows a constant exchange of information between on-the-ground actors, essential for combating illicit practices. In turn, it will help give the hundreds of thousands of slaves in Brazil what they deserve: a voice.

F. Teaching Component

Ordinarily, clinics offer a small fraction of a semester's credit for handling the cases, but a few offer a student full academic credit for an entire semester, or half credit for an entire year. Often, a clinic's credits are fairly arbitrary, reflecting outdated thinking, suspicion about the value of clinics from professors who have never taught in them, or political bargaining within a faculty.⁹⁴ As CTETP is not part of the law school's curriculum, students do not receive graded academic credits.

Actually, at the UFMG Law School, in addition to 3,285 hours or 219 academic credits in the classroom, students have to accomplish 150 hours or 10 credits in complementary undergraduate activities (ACG). Those activities provide relevant knowledge for the teaching-learning process in law, following interdisciplinary criteria and curricular flexibility.⁹⁵ They must also take 360 hours or 24 credits of externship programs, in which students work in government agencies, private law offices and other law offices for academic credit. The work developed by students at CTETP can be considered as ACG or as externship hours.

Nevertheless, CTETP decided to offer a class for students to receive academic credit for classroom hours. In the United States, most clinics incorporate a classroom component. Even in 1980, only 11% of clinics did not include a classroom component, recognizing that discussions and group exercise can powerfully enrich learning, especially when dealing with specific cases.⁹⁶

BALHO ESCRAVO CONTEMPORÂNEO – GOVERNANÇA E COMPLIANCE (2019).

⁹⁴ Schrag, *supra* note 16, at 198.

⁹⁵ COLGRAD, RESOLUÇÃO N. 15, DE 20 DE MARÇO DE 2012, available at <https://colgrad.direito.ufmg.br/wp-content/uploads/2019/05/ACG-2012-RESOLUCAO.pdf>.

⁹⁶ Schrag, *supra* note 16, at 237.

All students who take part of CTETP must participate in the class, offered every semester for approximately 30 people. Other students who are interested in the subject may also attend the classes. Students receive training to work on the clinic's cases through classes held twice a week, which, in addition to the theoretical teaching of the theme, involve the discussion of real cases. The training seeks to promote a critical view of the cases so that students can be able to identify the elements of the crimes of slave labor and human trafficking. The course goals are to present the legal framework of slave labor and human trafficking in domestic and international contexts; to introduce topics of criminal law, criminal procedure and labor law and their application to slavery and human trafficking; to develop the abilities of students to analyze criminal cases, hypothetical or real, to find the most appropriate legal remedy; to develop students' oral and written communication skills; to develop the critical thinking of students to go beyond mere dogmatic analysis of crimes; and to bring legal education closer to legal practice. In this training process, among other active teaching methodologies, interview and interrogation techniques are discussed, preparation of procedural documents is taught, cases are studied and discussed and simulated trials take place.

Along with classroom lessons, there is an on-line educational component.⁹⁷ On-line courses and web-based materials can be particularly helpful in delivering training and education to law students. Materials available on-line are distributed widely and can be quickly and regularly updated. The course is offered using a variety of formats: audio-video classes and web-casting, two-way text communications, video resources, quiz and electronic database tools. The on-line course was structured basically in seven units: (1) introduction, (2) historical perspective, (3) institutions which are on the front lines, (4) slave labor in criminal law, (5) slave labor in labor law, (6) human trafficking, and (7) international perspectives. The online course is a way to reinforce classroom learning.

Through the classroom and on-line components, students can reflect on how what they learned in the classroom works in the real world and have the opportunity to benefit from the professors' practical experience.⁹⁸

⁹⁷ UFMG authorizes that up to 20% of the course workload can be completed by on-line courses. UFMG, RESOLUÇÃO N° 13/2018, DE 11 DE SETEMBRO DE 2018, *available at* <https://www.ufmg.br/ead/wp-content/uploads/ResoluçãO-CEPE-UFMG-n.13-2018.pdf>.

⁹⁸ Mahasneh & Thomas, *supra* note 84, at 13.

G. Research Component

In addition to the teaching work, members of CTETP carry out research. This research aims at elaborating and consolidating theoretical and legal bases of slave labor and human trafficking, with the objective of analyzing data and judicial decisions that demonstrate the real situation in Brazil. All material is available for consultation, being compiled, updated and constantly analyzed by students.

Research activities have so far produced the publication of one book: *Trabalho Escravo: Entre os Achados da Fiscalização e as Respostas Judiciais (Slave Labor: Between the Findings of the Inspection and the Judicial Responses)*.⁹⁹

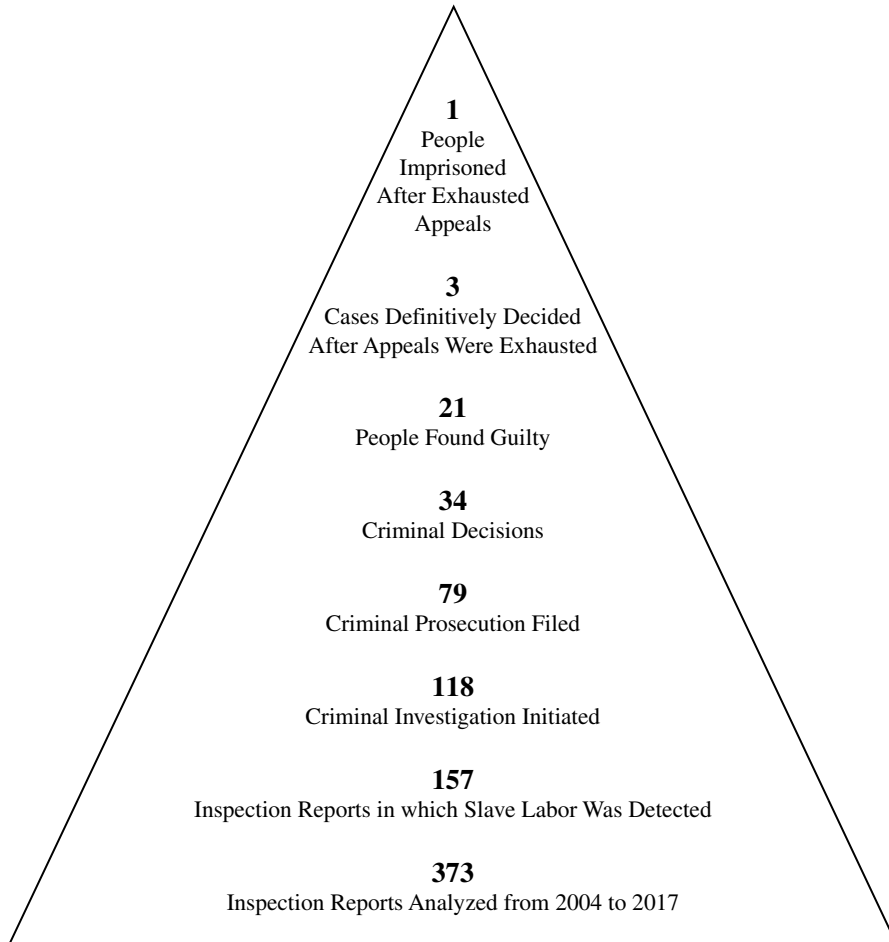
The book analyzed 373 inspection reports carried out by teams of labor inspectors in Minas Gerais, from 2004 to 2017. The practice of slave labor was found in 157 inspections (42.09% of cases), while 216 “complaints” were not confirmed (57.91%). The main findings are:

- The vast majority, 94.90%, of labor inspections found the existence of degrading work conditions.
- The trio of degrading work conditions, according to reports, is based on precarious housing conditions, lack of sanitary facilities and lack of water for drinking.
- The most common amount of compensation for collective moral damages for the practice of slave labor was R\$200,000.00.¹⁰⁰
- The highest compensation for collective moral damages imposed by the Labor Court was R\$12,206,018.00, and the lowest, R\$5,000.00.
- Labor judges take an average time of 374 days to render a decision after the filing of the lawsuit, whereas, in the Criminal Court, the average time is 991 days.
- Most of the criminal decisions highlighted that the crime of article 149 of the Penal Code does not require physical coercion because degrading work conditions and debilitating workdays are enough to find someone guilty. But some criminal judges demand coercion, constraint or suppression of freedom of choice to characterize degrading work conditions. A few still require restrictions on freedom of movement.

The most impressive finding is related to the Pyramid of Impunity in the criminal field, as we see below:

⁹⁹ HADDAD & MIRAGLIA, *supra* note 53.

¹⁰⁰ 1 US\$ = R\$4.94 (exchange rate on June 10, 2020).



After being chosen in a public selection done by the United Nations Development Programme (UNDP) and the Ministry of Women, Family and Human Rights, CTETP is currently preparing another piece of research. It will analyze approximately 2,400 criminal and labor judicial cases throughout Brazil. This new study intends to serve as a basis for assessing the impunity of crimes related to slave labor and consequently to provide information to elaborate more effective public policies. The information collected through this study will also be used to monitor the Second National Plan for Eradication of Slave Labor, which has 66 goals, and as a basis for the formulation of the Third National Plan for the Eradication of Slave Labor.

Research carried out by CTETP is connected to the educational experience and, therefore, can have a huge impact on students' lives. Knowledge generated by research will be useful not only for public policies and for students but also to ensure widespread benefits for

those who dedicate their time and effort to combating slave labor. Participating in this set of research activities helps to provide CTETP's students with more complex and robust knowledge of legal practice and greater activism in the defense of human rights.

H. Social Media

The legal assistance provided by CTETP depends a lot on people being aware of its existence, which means survivors need to know about the clinic's role so that they can get help. It is very rare for someone to knock on the clinic's door and say that he/she has been victim of slave labor and/or human trafficking. In reality, most survivors do not see themselves as victims of a crime. When I judged dozens of criminal cases involving charges for reducing someone to a condition analogous to that of a slave, I saw personally that victims did not see themselves as victims because they accepted as usual their condition of slavery or human trafficking.

As discussed above, survivors are usually sent by other institutions to the clinic. Yet it is important that the population be aware of the clinic's existence for two reasons: to direct complaints of crime and to have better knowledge of contemporary slave labor.

Advertising is the soul of business. Though the Code of Ethics of the Brazilian Bar Association forbids advertising with the objective of increasing profit, advertising, with the objective of disseminating information in a restricted and discreet way, is allowed.¹⁰¹ The services provided by CTETP are free of charge and it is not its intention to profit at the expense of the clients. Thus, advertising is something customary at CTETP, although we do not use billboards, newspapers or magazines to publicize the name and activities of the clinic.

For widespread knowledge, CTETP has a YouTube channel¹⁰² where one can find several videos prepared by students and professors. The themes are diverse, ranging from "The Profile of Survivors" and "Slave Labor in the Fashion Industry" to "Slave Labor on Sugar Cane Plantations" and "The Truth about the Meat Industry." The videos are available in Portuguese, but it is possible to insert subtitles in numerous languages.

CTETP also has a Facebook page¹⁰³ and an Instagram¹⁰⁴ account, with 3,048 followers and 589 publications. More people are joining on

¹⁰¹ CODE OF ETHICS OF THE BRAZILIAN BAR ASS'N art. 28.

¹⁰² *Clínica de Trabalho Escravo e Tráfico de Pessoas*, YOUTUBE, <https://www.youtube.com/channel/UCeRPsOt38jAXm66l07DGckw> (last visited July 13, 2020).

¹⁰³ *Clínica de Trabalho Escravo e Tráfico de Pessoas da UFMG*, FACEBOOK, <https://www.facebook.com/clinicatrabalhoescravoufmg/> (last visited July 13, 2020).

¹⁰⁴ *Clínica de Trabalho Escravo e Tráfico de Pessoas*, INSTAGRAM, <https://instagram.com/clinicatrabalhoescravo?igshid=1t6of32vjgc3a> (last visited July 13, 2020).

social media every day. Instagram allows you have access to a wider audience of people with whom to engage and pitch CTETP's services. Instagram started initially as a platform for sharing photos, but now it is a gateway to promote brands, people and products. In order to reach the goal of accessing a large audience, CTETP uses images of contemporary slavery. A picture is worth a thousand words!

Lastly, CTETP has built a website¹⁰⁵ where people are able to make online claims, have access to the Clinic's hotline and be informed about the latest news concerning slave labor and human trafficking.

Every business can benefit from understanding social media's importance when it comes to reaching their audience and strengthening their brand, name and services. With social media, CTETP has the opportunity to highlight all the best aspects of its activities while also creating a low-cost way to market the clinic's name. As a result, more people can utilize CTETP's legal assistance offered at no cost.

CONCLUSION

An important aspect of Brazilian legal clinics, as is the case with CTETP, is the establishment of tight links to society. Besides being transformative, it has a social impact. A law school's clinic must be associated with research and teaching and ought to be structured to disseminate academic knowledge throughout society, learn from the community, and provide services. It is a movement called by many "bidirectional," because it affects both the student's education and broader society as well.¹⁰⁶

Legal clinics should occupy a privileged academic position in the construction of university policies because they contribute to the production of knowledge and enhance the social relevance of the university itself. It is precisely through programs like these and the way they respond to the issues and challenges proposed by society that the public university distinguishes itself from other social institutions.

Legal clinics appear to be better suited to conducting effective legal advocacy than any other institution. This is because their work carries an "academic seal of legitimacy" that, in most societies, has an influence that is not easily replicated by other non-governmental organizations.¹⁰⁷ Despite the role played by clinics, they are still viewed as

¹⁰⁵ CLÍNICA DE TRABALHO ESCRAVO E TRÁFICO DE PESSOAS, <https://www.clinicatrabalhoescravo.com/> (last visited July 13, 2020).

¹⁰⁶ This is the current thought of the UFMG division that coordinates all outreach projects - PROEX. See *Extensão de Si Mesma* 11, 5 REVISTA DA UFMG (May 2007), available at <https://www.ufmg.br/diversa/11/sociedade.html>.

¹⁰⁷ Carrillo & Yaskic, *supra* note 7, at 110.

temporary projects in Brazil. Indeed, universities must be encouraged to integrate clinics within the administrative structures of the law schools, giving clinics status similar to research centers, laboratories or other academic programs (e.g. masters or doctorate programs).¹⁰⁸

This objective, however, seems distant. Legal clinics are highly individualized, requiring very low student-teacher ratios and are, therefore, relatively expensive.¹⁰⁹ Where do the resources come from for their expansion? The scenario becomes worse when we consider that there are more than 1,100 law schools in Brazil whose educational quality seems questionable and whose existence is based precisely on the low costs of their creation and maintenance. It may take many years for legal clinics to take firm root in the framework of legal education and professional training in Brazil. Notwithstanding, one can imagine a myriad of solutions to the problems of society. Without a doubt, however, incorporating clinical courses into the mandatory curriculum of law schools is one that deserves serious consideration.

¹⁰⁸ Qafisheh, *supra* note 78, at 196.

¹⁰⁹ Anthony G. Amsterdam, *Clinical Legal Education - A 21st Century Perspective*, 34 J. LEGAL EDUC. 612, 617 (1984).

