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# The Cambodian Law Faculty: Blueprint for a Curriculum Rich in Research and Experiential Education

Stephen A. Rosenbaum

Golden Gate University School of Law, [srosenbaum@ggu.edu](mailto:srosenbaum@ggu.edu)

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# **The Cambodian Law Faculty: Blueprint for a Curriculum Rich in Research and Experiential Education**

**Stephen A. Rosenbaum<sup>1</sup>**

## **Introduction**

Experiential education. Rigorous research and writing. Scholarly engagement. A window onto the ASEAN<sup>2</sup> nations and beyond. These should be the hallmarks of today's law faculty in Cambodia. The objective is to provide a professional education for the future thinkers and leaders of a nation in the throes of rapid development.

In addition to their intrinsic importance, the above features can distinguish a university from others in the country and from competitor schools in the ASEAN region. The law school must offer courses and co-curricular activities that are appropriate for graduates at home or abroad in a variety of private and public employment settings.

Other desirable attributes: skills-based curriculum and professional and scholarly pursuits and networks outside the classroom. This will also require frequent and more substantive communication with students (and parents) as well as development of a faculty *esprit de corps*, intellectual community and engagement.

## **Foundational Law Courses**

The importance of offering a bijural or polyjural education in Cambodia is readily justified on pragmatic and/or intellectual grounds. The country's legal system remains largely rooted in civil law, notwithstanding new areas of specialized legal practice that rely on common law or international law doctrines. However, "the tendency to

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<sup>1</sup> Associate Professor, Golden Gate University School of Law; John & Elizabeth Boalt Lecturer, University of California, Berkeley School of Law. In 2015, the author had an appointment as Professor of Law at American University of Phnom Penh.

<sup>2</sup> Association of South East Asian Nations.

see a bijural curriculum merely as a ticket to a globalized career should be countered with a stronger message. The university should say in unequivocal terms that a legal education in which the common law and the civil law are in dialog is best understood as a liberal one.”<sup>3</sup>

Within a three- or four-year period, students need to be introduced to subjects such as international business transactions, commercial arbitration and labor conciliation and arbitration —plus a good dose of writing, research and professional skills.

They should also be exposed to the burgeoning areas of alterative dispute resolution and business transactions; ASEAN and international private and public forums; and to current Cambodian issues in organized labor, land, environmental and human rights law.<sup>4</sup> Lastly, a legal ethics class (that preferably incorporates Buddhist ethics) cannot be emphasized enough for young Cambodians.

The University should consider offering a number of interdisciplinary courses. These might even be team-taught. Use of independent study can also meet student demand for subject matter where there is an insufficient number of enrollees to warrant a regular course. Co-teaching, interdisciplinary subjects and independent study will all be innovations that set the school apart from peer law schools.

The law faculty can expand its array of courses and also enrich students’ learning experience by developing relationships with other law schools in Phnom Penh, ASEAN nations, greater Austro-Asia and

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<sup>3</sup> Nicholas Kasirer, *Bijuralism in Law’s Empire and in Law’s Cosmos*, 52 J. LEGAL EDUC. 29, 30-31 (2002). With the co-habitation of common law and civil law systems in Canada, a bijural or “transsystemic” approach to studying law would appear to be obvious. Leery of a hegemonic framework favoring common law, Justice Kasirer reminds us that “[a] complementary explanation for teaching comparatively, and in particular for devoting classroom time and energy to understanding the civil law tradition, is the decision to situate legal traditions not just in Law’s *empire*, but in Law’s *cosmos*.” *Id.* at 35-36 (emphasis added). The former Quebec-based law professor adds: “Whatever the merits of seeing a transsystemic legal education as an open door on the world—and it is at least that—this instrumentalized view somehow trivializes the study of law as an intellectual endeavor in that it detaches the discipline from its more natural place in the university among the social sciences and humanities.” *Id.* at 31.

<sup>4</sup> A primer that should be required reading for every law student is INTRODUCTION TO CAMBODIAN LAW (Hor Peng, Kong Phallack & Jörg Menzel, eds., 2012).

elsewhere.<sup>5</sup> This could evolve into institutional partnerships facilitating short-term student exchanges.

The law program should avoid an excessive focus on traditional commercial private practice or international law firm needs. Courses and extracurricular activities for those who will engage in development, public welfare or social justice advocacy in non-governmental organizations (NGOs), international governmental organizations (IGOs) or even perhaps government ministries, must also be included.

### **Research & Writing**

Referring to the typical Cambodian higher education student, RUPP's Director of the Graduate Program in Education asserts that "[e]ven if students want to do research, there is no professor to help them because most faculty members have never done any research or had papers published...."<sup>6</sup> A law faculty can distinguish itself by providing quality research and writing opportunities. Students will benefit from a tremendous amount of practice and feedback in legal research and writing, with a focus on analysis, organization, clarity and brevity and grammar—and second language proficiency.

At least two research and writing courses should be required, affording students a variety of written exercises, including a substantial writing requirement. The writing formats should be relevant to local law office, ministry, ASEAN law firm, NGO, and IGO settings. A capstone course<sup>7</sup> is another opportunity for substantial writing, as well as an opportunity for teamwork and possibly working across disciplines.

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<sup>5</sup> See, e.g., National University of Management (NUM), *Strategic Plan, Strategic Plan 2014-2018* (2014), Objective 1.4 (develop partnerships with other national and international universities).

<sup>6</sup> Dy Sam Sideth, *Higher Education-Trends, Issues and Policy Options*, in CAMBODIA EDUCATION 2015: EMPLOYMENT AND EMPOWERMENT pp. 41-2 (Khieng Sothy, Srinivasa Madhur & Chhem Rethy eds., CDRI, 2015). Moreover, there are few incentives and rewards for publishing, and those professors who *are* highly qualified are over-extended because they are teaching too many classes. *Ibid.*, pp. 42, 47.

<sup>7</sup> A capstone course is a course offered as part of an academic major, bringing together major aspects of related academic discipline(s). See, Marcus Peter Ford, *BEYOND THE MODERN UNIVERSITY: TOWARD A CAPSTONE* (2006).

A more ambitious project—that has cachet and could greatly enhance student writing and research skills—is to establish a law review or journal. To save costs, the journal could be published on-line, which is a common trend among academic journals. A manageable publication schedule of only one or two issues a year could be set. The journal could be devoted exclusively to student submissions—or could also solicit articles from academics and practitioners. Another option is a multi-disciplinary journal with articles on law, global affairs, business, policy and other social sciences.

There are several permutations to help distribute the editorial tasks and supervision, defray costs and benefit from expertise of schools with a longer publication history: The law faculty could publish its own journal; it could publish jointly with other (law) faculties in Phnom Penh;<sup>8</sup> or it could co-publish jointly with other (law) faculties in the United States, United Kingdom, Australia, Singapore, Indonesia, Philippines or Japan. Student time devoted to the journal (cite-checking, research or authorship) would most likely be done as an extra-curricular activity, unless deemed an advanced writing course. Either way, the work will need faculty supervision. If no full-time or adjunct faculty member is available, this would be a perfect (*pro bono*) activity for a Phnom Penh-based legal professional.

### **Experiential Education & Professional Skills**

A lecture-based curriculum in legal education is passé. The law faculty should incentivize teachers to develop lesson plans that incorporate interactive, case-based methods of learning.<sup>9</sup> And, to ensure that the school will be in the Cambodian vanguard, and in sync with best practices in Global North (and a large number of Global South) schools, the curriculum must be infused with professional skills.

It is no longer a luxury to offer simulations and moot competitions, to be sure. Internships, practica and in-house legal clinics are now important law school features. One of the higher education policy strategies of the Ministry of Education Youth and Sports (MOEYS) is

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<sup>8</sup> See, e.g., NUM, *Strategic Plan, op.cit.*, Objectives 2.1, 2.2, 2.3 (promote research activities and publication and active partnerships with other universities/institutions).

<sup>9</sup> Interactive teaching is not yet the norm in Cambodia. One former USAID consultant has observed that “local law professors claim to be interactive and case-based, but it often only amounts to Q&A at the end of a lecture.” (Email from S.A. to author (26 March 2015)).

to make certain that “all graduates are equipped with knowledge and skills that allow them to contribute fully to national development in a rapidly changing environment.”<sup>10</sup>

In the legal academy, “experiential learning” generally refers to “any activity, whether for academic credit or not, in which a law student performs legal tasks on behalf of a real client,” including supervised *pro bono* work, externship courses supervised by an attorney not formally affiliated with the law school, and clinical courses in which the supervising attorney is also a professor.<sup>11</sup> Moreover, students are very keen on practical application of the law and real world experience.

At a minimum, every law class should have a professional skills component in the form of simulations. In addition, an easily administered non-classroom learning activity is to require students to enroll in a one-credit course or extra-curricular activity devoted to observation of proceedings in Cambodian municipal, provincial or appellate courts, ADR proceedings and/or the Extraordinary Chambers of the Courts of Cambodia.<sup>12</sup> Students would be required to write reflective observation notes, to be shared with a peer and/or full-time or adjunct instructor.

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<sup>10</sup> MOEYS, *Policy on Higher Education: Vision 2030* (2014) p.4, <https://docs.google.com/file/d/0B1ekqZE5ZIUJSVhjN2E2UFJBQVU/edit>. This is accomplished in part by “ensur[ing] that courses and skills development programs, within the curriculum of all departments, will include practical applications which relate to market needs” and “lifelong continuing education programs ...for both personal and professional development.” *Ibid*.

<sup>11</sup> Carrie Hempel, *Writing on a Blank Slate: Creating a Blueprint for Experiential Learning at the University of California, Irvine School of Law*, 1 UC IRVINE L. REV. 146, pp. 146-7, n. 1. (2011). For more on the Southeast Asian debate on theoretical vs. practical or vocational legal education, *see generally*, Stephen A. Rosenbaum, *Beyond the Fakultas’ Four Walls: Linking Legal Education, Practice and the Legal Profession*, 23 PAC. RIM J. L. & POL’Y 395, pp. 395-98, 401-13, 420-21 (2014).

<sup>12</sup> *See, e.g.*, Emily Hughes, *Taking First-Year Students to Court: Disorienting Moments as Catalysts for Change*, 28 WASH. U. J. L. & POL’Y 11 (2008) (explaining that students could attend perhaps be provided a checklist and after their observation and note-taking they could be required to conduct a peer review with one or more classmates.). In addition to the domestic courts, students could observe the proceedings of Cambodia’s unique labor arbitration council ([www.arbitrationcouncil.org](http://www.arbitrationcouncil.org)) and the court chambers popularly known as the Khmer Rouge Tribunal ([www.eccc.gov.kh](http://www.eccc.gov.kh)).

Another less-resource intensive experiential activity that is popular with students (and parents) is a moot court or mock trial competition. In a moot advocacy class, law students apply professional skills to a real or realistic case. The moot *competition* is more advanced in terms of time commitment, expected skill level and interaction with other law schools, ranging from local to national, and regional to international. The Jessup International Law Moot Court Competition (<https://www.ilsa.org/jessuphome>) is perhaps the most well-known. Two other competitions, with a focus on different advocacy forums, have a history in Cambodia and warrant consideration: The Vis International Commercial Arbitration Moot (<https://vismoot.pace.edu/>) and The Brown and Mosten International Client Consultation Competition (<http://www.brownmosten.com/>).

Competition rules, interscholastic coordination and serious preparation are required, as well as supervision by an academic or legal professional. The pay-off is well worth it in terms of student confidence, self-esteem and school reputation.<sup>13</sup> There is no obligation to compete internationally. With enough planning and forethought, a useful competition could be adapted or developed that meets limitations on time, budget and supervisory capacity, and allows for options such as oral advocacy only (no written memorials), “closed universe” of research materials or competition only at the school or provincial level. If no full-time or adjunct faculty member is available to oversee the orientation, training and coaching, this would be an ideal *pro bono* activity for Phnom Penh-based lawyers or legal advisors, perhaps assisted by recent law graduates or competition alumni.

Internships<sup>14</sup> are a well-established institution in many disciplines. However, the work required in securing appropriate off-site placements and adequate supervision tends to be underestimated. This is not simply about offering a student a desk in a prestigious firm or

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<sup>13</sup> Competition can be a draw for many students, but it is not an essential feature of moot advocacy training and practice. One long-term NGO consultant and RULE faculty member, who oversaw one of the international competitions during his tenure, has cautioned that Cambodian schools “don’t like to lose” and that organizing inter-university competition can be challenging because of a lack of trust between institutions. He maintains that it is best for a neutral third party to oversee any local or national contest. (Telephone conversation with S.A. (7 May 2015)).

<sup>14</sup> The more commonly used terms in law are “externship” or “field placement,” which really amount to the same thing as an internship, provided there is adequate supervision by a legal professional, opportunities for feedback and reflection and other structural support.

ministry to shadow a bureaucrat or a lawyer for a few hours or weeks. Accounts of student boredom, assignment of menial tasks, isolation, supervisor inaccessibility and poor treatment are legendary. Self-directed learning is an important skill to develop, but its foundation depends on: setting clear objectives for the student intern, field supervisor and law school; meaningful work and a regularized schedule for a significant period of time; requirements for oral and written feedback; and clear procedures for assessment and self-assessment and student discussion and reflection in a structured setting.

The law faculty may not have the resources or incentives to comply with the increasingly demanding best practices set for study outside the classroom.<sup>15</sup> Nevertheless, this undertaking will require that a portion of one faculty member's time be dedicated to such matters as developing a roster of quality placements, orientation and training for supervisors and students, careful attention to feedback, evaluation and reflection and assessment.<sup>16</sup>

### **Legal Clinic**

A more ambitious goal would be for the law faculty to establish a legal clinic dispensing information, advice and/or representation to "live clients." Supervised students "learn[] law by doing law. . . a method of instruction in which students engage in varying degrees in the actual practice of the law."<sup>17</sup> Clinical education takes many forms throughout

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<sup>15</sup> See, e.g., the United States accreditation standards for field placements and other external study: American Bar Association, Standards and Rules of Procedure for Approval of Law Schools, [http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html) (Standard 305).

<sup>16</sup> The most successful internships are those where the student has an adjunct serving as a mentor at the field placement and a full-time faculty member who consults with both the student and the adjunct over the course of the term. Andrew F. Popper, *The Uneasy Integration of Adjunct Teachers into American Legal Education*, 47 J. LEGAL EDUC. 83, p. 87 (1997).

<sup>17</sup> T.O. Ojienda & M. Oduor, *Reflections on the Implementation of Clinical Legal Education in Moi University, Kenya*, 2 INT'L J. CLIN. LEGAL EDUC. 49 (2002)(citation omitted). On the importance of Cambodian universities' external engagement, community service and outreach, see, e.g. Sam Chanphirun, *Transforming Higher Education Institutions in Cambodia into Entrepreneurial Universities*, in CAMBODIA EDUCATION 2015, *op. cit.*, pp. 67-8.



the Southeast Asian region, accounting for bar association and governmental limitations on legal practice, availability of qualified supervision and support and skill level and maturity of students.<sup>18</sup> Various law schools have offered clinical training programs.<sup>19</sup> Clinical conferences and workshops, held in Phnom Penh and Manila, are credited with increasing the quality and quantity of clinical education in the region.<sup>20</sup> Singapore recently hosted its first conference on clinical legal education, with the aim of promoting *pro bono* work and the creation of a regional network of sustainable clinical legal education programs.<sup>21</sup>

One training model that has received praise is the program on Clinical Legal Education Teaching Methods conducted in Cambodia with the support of the Open Society Justice Initiative.<sup>22</sup> This program aims to

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<sup>18</sup> See, e.g., Bruce A. Lasky & M.R.K. Prasad, *The Clinical Movement in Southeast Asia and India* in THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE (Frank S. Bloch ed.) pp. 37-44 (2011); and Uli Parulian Sihombing, *ILRC and BABSEA CLE: Promoting Clinical Legal Education in Indonesia*, BABSEA COMMUNITY LEGAL EDUCATION INITIATIVE, [http://www.babseacle.org/wordpress/wp-content/uploads/2012/02/2011-BABSEA-CLE-Magazine\\_Online.pdf](http://www.babseacle.org/wordpress/wp-content/uploads/2012/02/2011-BABSEA-CLE-Magazine_Online.pdf). See also, Stephen A. Rosenbaum, *The Legal Clinic is More Than a Sign on the Door: Transforming Law School Education in Revolutionary Egypt*, 5 BERKELEY J. MID. EAST & ISLAMIC L. 39, pp. 47-55 (2012) (setting out foundation and key components of clinical education start-up programs).

<sup>19</sup> See, e.g., R. Rajeswaran, *Legal Education in ASEAN in the 21st Century* pp. 8, 10 (2006) (working paper No. 2: Malaysia), <http://www.aseanlawassociation.org/workshop-ninthGA.html>.

<sup>20</sup> Lasky & Prasad, *op. cit.*, pp. 40, 43. In addition to consumer appeal, this requirement is warranted by the fact that higher education graduates have been found lacking in practical job skills. Dy Sam, *op. cit.*, p. 40 (citing business policy analyst Sandra D'Amico).

<sup>21</sup> BABSEA, Community Legal Education, Inaugural Singapore Clinical Legal Education Conference and Workshop March 16-17, 2012, <http://www.babseacle.org/articles/inaugural-singapore-clinical-legal-education-conference-on-march-16-2012/>.

<sup>22</sup> Rajeswaran, *op. cit.* p. 8. The Open Society Foundations and affiliated entities have a longstanding and respected involvement in developing clinical education in the Global South. See, e.g., *Clinical Legal Education Training Materials*, OPEN SOCIETY FNDNS. (Feb. 7, 2006), <http://www.opensocietyfoundations.org/publications/clinical-legal-education-training-materials>. Paññāsāstra University's Legal Clinic has also been an innovative leader, run entirely by program graduates and with a high number of active alumni. Lasky & Prasad, *op. cit.*, p. 43; A (slightly outdated) overview is available at <https://puclc.wordpress.com/clep/>.

familiarize participants with innovative and interactive teaching methodology, and has been hailed as an example of successful inter-university collaboration.<sup>23</sup> The Bridges Across Borders South East Asia Community Legal Education Initiative has also piloted a model of interscholastic transnational collaboration between law schools, lawyers, and civil society.<sup>24</sup> In 2013, BABSEA helped launch the Southeast Asian Clinical Legal Education Association. SEACLEA is a network of persons and institutions committed to improving the quality of legal education in the region, in part through the use of clinical legal education.<sup>25</sup>

A legal clinic might need to be phased in over time. Students would be eligible in their third or fourth year. As with a journal, there are various administrative options. The University could operate its own clinic; it could operate in partnership with other (law, business and/or management) faculties in Phnom Penh; or it could operate in partnership with other faculties in the U.S., U.K., Australia, Singapore, Indonesia, Philippines or Japan. The advocacy activity may range from advice and counsel to “street law”<sup>26</sup> to limited representation of group or single clients. It would certainly require skilled and politically savvy supervision by a faculty member or Phnom Penh-based legal professional.

Students who want a legal career in Cambodia can enroll in a two-year professional preparation program at the Royal Academy for Judicial Professions (RAJP) or the Bar Association of the Kingdom of

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<sup>23</sup> See, e.g., Rajeswaran, *op. cit.*, p. 8.

<sup>24</sup> See Bruce A. Lasky & Norbani Mohamed Nazeri, *The Development and Expansion of University-Based Community/Clinical Legal Education in Malaysia: Means, Methods, Strategies*, 16 INT'L J. CLIN. LEG. EDUC. p. 59 (2011).

<sup>25</sup> SEACLEA “aims to... to increase the quality of law teaching and improve justice through clinical education.” <https://www.babseaclea.org/southeast-asia-clinical-legal-education-association-seaclea/>. The Association also facilitates transnational sharing of materials, fosters research sponsors conferences and workshops and trains trainers. *Ibid.*

<sup>26</sup> “Street Law” is a registered trademark. The terms “community legal education,” “awareness-raising” or “public legal education” are often used to describe the same instructional model designed for lay and activist audiences. Lee P. Arbetman & Edward L. O’Brien, *STREET LAW: A COURSE IN PRACTICAL LAW* ii (8th ed., 2010). See also Richard Grimes et al., *Street Law and Social Justice Education*, in *THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE* 225 (Frank S. Bloch, ed., 2011).

Cambodia (BAKC) upon graduation.<sup>27</sup> However, in the words of one former USAID consultant, “the students would benefit [from a law school based experiential program] even if everything were repeated” by RAJP or the Bar.

### **Student Aspirations**

In its five-year strategic plan, the education ministry concluded that “[a] major challenge for the coming years will be to address a growing mismatch between the needs of the labor market in terms of skills, critical thinking ability and knowledge” and the current graduates’ skill set.<sup>28</sup> Only 6% of Cambodian undergraduate students are pursuing a degree in law, whereas 47% are studying business administration.<sup>29</sup> Encouraging a shift to the study of law may actually expand the horizons of those who may have prematurely elected a business concentration, out of ignorance<sup>30</sup> and/or family pressure.<sup>31</sup>

Schools might also consider offering an additional one-year special certificate program. The fifth year could be composed of more advanced courses, specialized electives, an additional capstone, internships or a clinical course. The fifth year options could also be concurrently offered—with or without a variation in particular

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<sup>27</sup> Some large international law firms in Phnom Penh, and even certain ministries, will only hire law graduates after they complete a one-year Master of Laws (LLM) program abroad.

<sup>28</sup> MOEYS, *Education and Strategic Plan 2014-2018* (2014) p. 35, avail. at <http://www.moeys.gov.kh/images/moeys/policies-and-strategies/559-en.pdf>. See also, UNESCO’s Office in Phnom Penh, <http://www.unesco.org/new/en/phnompenh> (large number of secondary school and university graduates enter labor market “not fully ready for the transition”).

<sup>29</sup> Dy Sam, *op. cit.*, p. 39.

<sup>30</sup> In his 2015 survey jointly conducted by students from American University of Phnom Penh and University of Massachusetts, Dr. George Chigas remarked: “In general, the preliminary findings indicate that Cambodian youth do not have a very clear or accurate perception about the job market or job availability...” <http://www.aupp.edu.kh/2015/07/01/study-shows-60-of-cambodian-students-choose-majors-based-on-personal-interest>.

<sup>31</sup> NUM Vice Rector Seng Bunthoeun confided to a visiting journalist a few years ago that Cambodian students don’t like courses unrelated to management usually “because their parents push them to do that.” JOEL BRINKLEY, *CAMBODIA’S CURSE* p. 213 (2011).

concentrations or advocacy modes—to graduates from other Cambodian law schools and to BAKC members as a Continuing Legal Education (CLE) program.

A threshold question is what do most Cambodian law students really want from their law degree? As is typical in countries where law faculty enrollment commences upon secondary school graduation, the majority of students will likely be employed outside of a conventional law setting, due to an oversupply of graduates<sup>32</sup> or a desire to pursue another vocation.

Nonetheless, the curriculum should be designed to meet the needs of students headed toward the legal private sector, *i.e.* civil, commercial (domestic, ASEAN or international) or criminal, in large or small firm or NGO settings or the legal public sector, *i.e.* national, local, ASEAN, international or inter-governmental entities. They may not know where they want to end up—nor should they—or may change their minds during their course of study. In any event, they should be prepared for various opportunities. And, no matter what career they ultimately pursue, there are core principles and values in the law curriculum, modes of thinking and analysis and professional skills that should be of benefit to all program graduates.

As the law faculty cannot be all things to all students, staff should engage in a survey of students' interests and objectives, at the outset of their enrollment and periodically throughout their four years. Various modes of inquiry are possible, *e.g.*, focus groups with students and parents, consultation with a student government, written questionnaires and/or surveys of alumni in the workforce.<sup>33</sup> After responses are evaluated, measures must be taken as often as practicable to adjust the selection of course offerings and/or faculty hiring and retention.

An initial, or even pre-enrollment, survey should also inquire about students' other higher education considerations, *e.g.*, where else they applied to school, if they are planning to concurrently take courses at

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<sup>32</sup> Many students foresee a career in a government ministry. But, according to Vice Rector Seng, even with his help, only about 10% of his graduating students are able to find [ministry] jobs, a figure that hasn't changed much since "Sihanouk's time" before the Khmer Rouge regime. *Ibid.*, p. 214. Cambodian bar membership alone presents its own challenges in cost, bureaucracy and preferential politics.

<sup>33</sup> See, *e.g.*, NUM, *Strategic Plan, op. cit.*, Objective 1.1 (upgrade curricula to meet market demands).

another Cambodian university,<sup>34</sup> and whether they intend to pursue a graduate degree abroad, a JD or a second bachelor's.

Finally, there are a few external factors that should inform the particular mix of courses and faculty expertise. It is important to keep current with what other public and private law faculties in Cambodia are offering in their curricular and co-curricular programs. The University should strike a healthy balance of exchange, collaboration and competition with its peer institutions.

It may be a matter of time before prestigious United States, United Kingdom or Australian law schools establish a satellite campus in Phnom Penh as they are doing throughout the Global South. Lastly, if the effort to attract more ASEAN-based enrollment<sup>35</sup> catapults the law faculty into a regional magnet, that will also dictate a curricular re-orientation.

### **Adjunct Practitioners**

Inviting members of the private bar, government ministries, and the judiciary to teach on a part-time or adjunct basis should not be merely about “filling gaps” in the curriculum or compensating for a lack of subject matter expertise on the part of the full-time doctrinal faculty; it involves a conscientious effort at integrating theory and practice.<sup>36</sup>

One candidate pool would be expatriate legal advisors or NGO lawyers who have training and practice in common law jurisdictions. Another pool is composed of Khmer practitioners who work in law firms, ministries or NGOs and have educational or professional experience abroad. Both sets of practitioners have niche expertise that qualifies them for specialized law courses, but not all of them have teaching experience. Their first priority is to their practice and not the law faculty. They may take short cuts on course preparation, lapse into war stories in class, suffer from fatigue and give less than full attention to feedback, advising and faculty decision-making.

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<sup>34</sup> This is a regrettable but common phenomenon. It may be hard to obtain candid or non-anonymous answers, but it could surely have an impact on course options.

<sup>35</sup> Presumably this would mean attracting applicants from the country's MLVC (Myanmar-Laos-Vietnam-Cambodia) ASEAN cohorts.

<sup>36</sup> The Accreditation Committee of Cambodia only seeks 25% full-time faculty. Dy Sam, *op. cit.*, p. 47.

The challenge is to obtain—and *retain*—a mix of faculty: full- and part-time; civil law and common law backgrounds;<sup>37</sup> practitioner expertise; pedagogical experience; familiarity with local (legal) culture; intellectual and policy engagement. Lastly, continuity of faculty is essential.

Schools that build strong and deep relationships between their full-time and adjunct faculty will not only improve the quality of the adjunct teaching, but will minimize the number of failed courses.<sup>38</sup> With proper support (syllabus preparation, methodology and lesson planning, materials, student evaluation), the common adjunct faculty lapses alluded to above can be offset. And, there is great value in having courses taught by a number of specialized practitioners. Appointing a mentor or coordinator, who has explicit release time for this purpose, would be the ideal approach.

Faculty not only need appropriate guidance in planning their own courses, but must be able to be in sync with the objectives, subject matter and workload of other courses within the major.

One means of utilizing adjuncts to increase practical training and interaction between the law school and the local bar is to offer a practicum—a skills-based course taught concurrently with a doctrinal course in the same area of law.<sup>39</sup> Students who register for both the doctrinal course and the practicum would receive an opportunity for practical experience and personal feedback on projects requiring

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<sup>37</sup> In his prescription for faculty development in another polyjural context, Professor Nafay Choudhury writes: “[p]rofessors, likely trained in one tradition, [should] recognize and accept the challenge of getting up to speed in the traditions outside of their training. Being trained in one legal tradition provides [a] solid base of legal and analytical skills that, arguably, can be applied across traditions.” Nafay Choudhury, *Pluralism in Legal Education at the American University of Afghanistan*, 37 SUFFOLK TRANSNAT’L L. REV. 249, 286 (2014).

<sup>38</sup> Cambodian law schools typically pay professors an hourly rate based on the number of hours in the class. As a result, they tend to maximize their hours by teaching at multiple schools, but not bother to spend time on class preparation.

<sup>39</sup> Barbara J. Busharis & Suzanne E. Rowe, *The Gordian Knot: Uniting Skills and Substance in Employment Discrimination and Federal Taxation Courses*, 33 JOHN MARSHALL L. REV. 303, p. 305 (2000). “[S]o long as they are insightful about the skills, they have the potential to be outstanding teachers.” David A. Lander, *Are Adjuncts a Benefit or a Detriment?*, 33 UNIV. OF DAYTON L. REV. 285, p. 290 (2008).

writing, research, analysis, client communication, or other skills related to a particular substantive area of law.<sup>40</sup>

Classroom presentations by lawyers or judges—who are not necessarily on the adjunct faculty—should be scheduled to reinforce concepts in the exercises the practicum students are working on at the time of the visit. A practicum can also reinforce ethical standards for students, whereas a single course in legal ethics or professional responsibility cannot adequately instill ethical standards. Law firms left with the task of teaching ethics may not have the time or incentive to commit to mentoring young lawyers and, due to the stress of practice, and desire to please senior attorneys and the government, they may give short shrift to ethical guidance. Moreover, waiting for this stage of training leaves students unprepared to confront specific ethical questions in context.<sup>41</sup>

### **Faculty Co-curricular Activities**

There should be an expectation that full-time faculty engage in course advising and scholarship. If appropriate, they should also serve as mentors to students to facilitate the latter's exposure to professionalism. A slightly inverse expectation should apply to adjunct practitioner faculty: to serve as mentors for a limited number of students. If so inclined, they may also take on a role as career or course advisor, moot competition supervisor, clinical supervisor and/or engage in scholarly activities.

These obligations cannot be undertaken lightly. There must be an accountability mechanism, even if “soft,” e.g. minimum hours expended, number of students overseen, and conferences attended, if not necessarily a quota on publications.<sup>42</sup>

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<sup>40</sup> Busharis & Rowe, *op. cit.*, p. 305. A practicum can be offered in one year but not the next, depending on faculty interest and other commitments. It can also vary in frequency and duration, meeting weekly or biweekly, for example, and for the whole semester or just a portion. Moreover, a one-credit course for a smaller number of students is easier to fit into student and faculty schedules, and therefore does not create a prohibitive drain on faculty resources. By contrast, clinics cannot be started one year and put on hiatus the next. *Ibid.*, pp. 349-50.

<sup>41</sup> *Ibid.*, pp. 343-44.

<sup>42</sup> Supervision of independent study could also qualify as scholarly activity.

In addition to modeling by faculty members themselves, mentoring and professional exposure means faculty must facilitate contact between students and legal professionals. Lawyers, judges and ministry officials should be regularly invited to campus to participate in career panels, one-on-one networking with students and as guest lecturers. The faculty should schedule at least *two* weekly time slots when no classes are in session so that students can attend lectures or engage in extra-curricular activities. This may require changing the school culture.

The value of a law or inter-disciplinary academic journal was discussed above, both for students and faculty, whether it is published exclusively by the law faculty or in partnership with other institutions. Under the MOEYS higher education action plan, universities are responsible for “promot[ing] research activities that a) support improvement in the quality of teaching and learning; b) address priority subjects; c) solve local development issues; [and] d) lead to increased economic growth.”<sup>43</sup>

If creating a new journal is too challenging, even in a partnership as described above, there are three existing English-language legal journals which would certainly welcome submissions: *Cambodia Law & Policy Journal* (<http://cambodialpj.org/contact/>); *Cambodian Yearbook of Comparative Legal Studies* (<http://www.cscl-law.org/index.php>) and *Nat'l University of Management Research Series*.

Whether or not law faculty are publishing, they should present at conferences, give guest lectures, obtain visiting posts and/or otherwise network—locally, regionally and internationally. The Cambodian Society of Comparative Law (<http://www.cscl-law.org/>) and Southeast Asian Clinical Legal Education Association<sup>44</sup> are two local options. Networking could also evolve into on-site or virtual institutional partnerships or joint ventures on research, teaching and faculty exchanges, audits or visits.<sup>45</sup> The University should dedicate annual research and conference funds, with clear and equitable guidelines issued to faculty members for securing funding.

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<sup>43</sup> MOEYS, *Policy on Higher Education*, *op. cit.*, p.6. On the importance of promoting research, *see also*, Sam *op. cit.*, p. 67.

<sup>44</sup> *See supra*, note 21.

<sup>45</sup> *See, e.g.*, NUM, *Strategic Plan*, *op. cit.*, Objective 1.4 (develop partnerships with other national and international universities).



## **Library**

The library's law collection should rely more heavily on electronic resources and subscriptions, and developing consortium relationships with other libraries, than on acquisition of its own hard copy journals, treatises and other publications.

Note, *e.g.*, that Paññāsāstra University's Faculty of Law & Public Affairs makes available a number of on-line research links:

<http://law.puc.edu.kh/index.php/research-links>.

Otherwise, expensive books and hard-copy journals will only partially meet actual coursework or research needs, are likely to go unread, and/or will simply serve as window-dressing for accreditation teams and public visitors.

## **Conclusion**

These suggestions are offered because they are in keeping with best legal education practices, soundly tested and roundly appreciated in various scholastic and geographic settings. Some proposals will take more time and others more money. Hopefully, there are some observations and recommendations that merit serious consideration in building a stellar student body, faculty and institution that aims to prepare Cambodia's best future (legal) leaders.

## RECOMMENDATIONS

1. Courses should be taught by professors or lawyers well-versed in the civil law tradition, supplemented by adjunct practitioners who are familiar with contemporary Cambodian experience in:
  - (a) domestic courts,
  - (b) labor conciliation and arbitration,
  - (c) commercial transactions and arbitration procedures,
  - (d) international law and human rights procedures, and
  - (e) ASEAN governance and comparative regional legal systems.
2. Establish a roster of local attorneys, expatriate legal advisors, judges and ministry officials who could potentially teach on an adjunct basis.
3. Promote the advising and mentoring role of law faculty, with particular reference to course selection and career paths, and ensure faculty availability to oversee independent study.
4. Assign one law faculty member to support adjunct faculty (on curriculum, teaching strategies, advising and assessment) and to oversee an internship component (that includes regular reflection, evaluation and on-campus conferencing with other student interns).
5. Establish a roster of internship placements and supervisors who understand the importance of providing substantive work and regular feedback.
6. Require law students to enroll in one moot advocacy class (or extra-curricular activity) and encourage participation in national and international moot competitions.
7. Require law students to enroll in at least two courses in legal research and writing courses with a variety of written assignments; and establish a law journal course (or extra-curricular activity).
8. Establish a legal (or interdisciplinary business-legal) clinic for 3d-4<sup>th</sup> year students to practice skills while serving real clients.
9. Require law students to enroll in a second internship or in the clinic.
10. Assist 3d-4<sup>th</sup> year students in applying for an LLM abroad.

11. Establish a Continuing Legal Education program or 5<sup>th</sup> year certificate of advanced and specialized courses.
12. Require students to enroll in a course (or extra-curricular activity) in observation of court/tribunal/ADR proceedings.
14. Encourage exchanges with professors and teaching staff at other law faculties in Phnom Penh, ASEAN nations and elsewhere, *e.g.*, symposia, joint research and peer review of writing and teaching.
15. Promote inter-session student exchange with field placements or law school courses in ASEAN or other nations.
16. Schedule at least two weekly time slots when no classes are held so that students can attend lectures or engage in extra-curricular activities; and consider an additional time slot for guest speakers/panels with an exclusively law (or interdisciplinary) focus.
17. Students (and families) need to be regularly kept abreast on curricular developments and should be consulted on the limited number of electives, moot competitions and internships to ensure that what is made available meets high quality standards as well as student career/postgraduate interests.
18. The library should rely more heavily on subscriptions to electronic resources, and developing consortium relationships with other legal libraries, than on acquisition of its own hard copy journals, treatises and other publications.