

4th Annual Asia Pro bono Conference in Mandalay

Breakout session A2: International law firms and lawyers working with local lawyers in pro bono projects

Proposition for role play

Kurt is a very experienced lawyer in a big American city. His numerous successes in the courts, his brilliant mind, and his charisma and leadership skills have allowed him to become one of the prominent and most successful partners in his Law Firm, in which he specialises in family and criminal law.

He has recently been contacted by an old friend from his days at the university. This friend is working for Rights for All (RfA), an American based NGO. RfA is looking for an international expert to conduct a two week long mock trial in Oubanga, a little country in the Great Lakes Region in Africa.

Desirous to help a friend and to improve his curriculum vitae, Kurt agrees immediately to the proposition despite the fact that it will be held during the holiday period over end of year and New Year celebrations. The relationship with the experts in RfA headquarters is very cordial and the project seems very interesting. Eager to make a good first impression, Kurt does not want to look incompetent by admitting that some aspects of his mission could be made clearer for him in advance of travelling.

Overloaded with his current work, Kurt does not have quite the time to set up and focus on his mission's program and prepare for the project, especially since this is a new experience for him. Fortunately, one of his colleagues has already conducted a mock court in DRC and has sent him his presentation and tool kit. After a quick look at it, Kurt considers that the first 3 days of his mission, will be dedicated to preparing for his assignment, and will be more than enough time to read into the materials thoroughly and make the necessary amendments.

A few days later, Kurt takes a flight to Kitambolo, capital city of Oubanga. To his great surprise, he is apprehended by the customs because he is in possession of cigarettes. Tobacco is indeed considered as a dangerous drug in Oubanga, is morally reprehensible, and is therefore strictly prohibited. As a frequent smoker, and believing these custom laws unjustified and quite stupid, and certain of his rights, Kurt refuses to give up his reserve of cigarettes, and does not comply with the orders of the police

officers. An intervention of the local staff of RfA becomes necessary in order to allow Kurt to leave the airport after a day lost in police interrogation.

Because of this delay, the RfA team suggests departing immediately to the training city, Tampé, which is six hours away from Kitambolo.

Since he has only two days left, Kurt is decided to now use all his energy and good mood to prepare a strong and interesting training. He then notices anxiously that the internet is extremely slow in Tampé, and that each attachment of the email his colleague had sent him takes a tremendous amount of time to be downloaded, if not impossible! Frustrated by this delay, Kurt also meets problems with the two RfA staff members who seem to have decided to prepare the training sessions with him. He is sincerely wondering why he has been asked to come if they do clearly not trust him enough to let him do the job on his own, as he is used to and which, he knows, would allow him to be the more efficient.

Since some attachments of the email cannot be downloaded, Kurt considers asking for the help of RfA experts in Kitambolo or at the American headquarters. Unfortunately, all of them appear to be absent because of the New Year celebrations, and cannot be reached. Despite the doubts of the two RfA staff members, Kurt, determinate to impose his point of view for the mission he is responsible of, finds solutions based on his own professional experiences.

The preparation finishes late in the evening and, after a short night, Kurt is now ready to begin the training itself.

He is immediately surprised by the fact that a lot of the participants are very late. Even more shocking, he seems to be the only person to find it quite annoying. The training finally starts, but there seems to always be a background noise. Kurt really wonders why the solemn and formal tone he always uses in court does not bring the same kind of respect and calm here. He always has to ask for silence, which is never really pleasant. He also notes that the participants have some difficulties to follow his explanations, and lose themselves as soon as he enters into details. Moreover, it is sometimes hard for him to understand their accent and expressions. As his hand reaches for a cigarette, he suddenly remembers his tobacco has been confiscated at the airport. Damn, no way for him to lighten up.

It appears rapidly that Kurt has over evaluated the capacities of the participants on some aspects of the training, and under evaluated on some others. This gives him a supplement of work every evening. Worst, some participants are completely losing interest in his training because of the American procedure he is presenting. They have arguing that this is of very little interest for them since it is useless in their everyday reality, especially since the procedure lacks the elements of custom law integrated in their national law system. The next days, a growing number of the participants are not showing up anymore. Having left his country for the first time, Kurt starts to feel very lonely and doesn't joint the other participants to a local traditional party, but decides instead to stay at the hotel to drink alcohol.

A few days later, a prestigious American university professor, working in the very city where Kurt has his office, comes to visit Tampé. As Kurt knew about his visit from the beginning of his mission, he executes the plan he had in mind. Hoping for a long time to become a university professor himself and eager to seize this opportunity, he takes some time off the training, to meet with the professor. During the meeting, he tries to steer the conversation on topics like vacations or the skills and added value a practicing lawyer could bring to a university professor position, and does so even in presence of the RfA staff members. Growing tired of his behavior, they finally reproach him his lack of willingness to discuss the mock trial project but that instead of focusing on in-depth work, in order to impress the university professor. The meeting becomes extremely tense and awkward.

The next day, overwrought by usual latecomers and tired of hearing that this lack of discipline and respect is nothing else than so-called cultural differences, Kurt began to shout at the last arrived between the participants. Persuaded that making an example would put the other participants in their places, he reproaches him his lack of involvement, his ignorance of the English language and his absence of respect and thankfulness that he, "a successful lawyer", has decided to take of his precious time to come in this underdeveloped country to teach him his job.

The others beneficiaries, in shock, leave the training, which ended immediately on a very awkward note. After violent arguments with local staff, Kurt does not feel very proud on his flight back home, and wonders where it has all started to go wrong.