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# Empowering Future Lawyers: Advancing Clinical Legal Education for Access to Justice in Bangladesh

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## ABSTRACT

*Legal education in Bangladesh remains largely theoretical, creating a gap between academic knowledge and practical legal skills required for effective lawyering in real field. Clinical Legal Education (CLE) is a crucial aspect of law teaching methodology of practical legal training through moot-court, mock-trial, participation of the students in alternative dispute resolution and also in public legal education, particularly through Law Clinics in university law departments, presents a valuable pedagogical tool for addressing this deficiency. This article examines how Law Clinics serve as a pioneering platform for law students to develop essential skills such as client interviewing, case management, courtroom advocacy, judicial activism, and procedural law application for empowering future lawyers. The study emphasizes the need for institutional support, practical training by legal experts i.e. veteran Advocates, Judicial Magistrates, Judges of sessions court, Judges of civil courts, judicial exposure, and curricular reform to incorporate the mainstream CLE in Bangladesh's legal education system.*

**Keywords:** Clinical Legal Education (CLE), Law Clinics, Practical Legal Skills, Legal Education Reform & Access to Justice.

## I. INTRODUCTION

Legal education in Bangladesh has traditionally prioritized doctrinal and theoretical instruction, often at the expense of developing the practical skills of students' folk. Exposure to community legal services during the formative stages of legal education sensitizes law students to the legal needs and socio-economic challenges of marginalized populations, thereby fostering a sustained commitment to public interest law in their future professional practice. The emergence of Clinical Legal Education (CLE) through Law Clinics offers a paradigm shift, enabling law students to engage with the legal system beyond the classroom. The Department of Law in universities both public and private across Bangladesh is ideally positioned to institutionalize Law Clinics, creating an experiential learning environment that equips young law students with critical skills to professional success. This article explores the

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components, challenges, and benefits of such initiatives within the Bangladeshi context.

## **II. CLINICAL LEGAL EDUCATION: AIM AND OBJECTIVES**

The main goal of legal education is to apply legal knowledge in real-life situations. Like medical science, law also requires practical training. Medical students undergo a year of supervised clinical practice before receiving certification to treat patients. Similarly, law graduates must complete at least six months of apprenticeship under a senior lawyer and pass the Bar Council exam to begin practicing. In Bangladesh, practical legal training has long been neglected in universities and law colleges. Recently, some institutions have introduced law clinics and courses like Legal Drafting, Medical Jurisprudence and Toxicology, Clinical Legal Education both Criminal and Civil to bridge this gap. These initiatives aim to promote experiential learning, often described as “learning through doing”.

Clinical legal education aims to prepare law students for the practical demands of legal practice by helping them adapt to the court environment, understand the trial processes in both civil and criminal cases, and develop the skills necessary to interact effectively with clients and navigate courtroom dynamics. It plays a crucial role in the professional and intellectual growth of students by offering a hands-on, comprehensive approach that goes beyond traditional legal education. Clinical programs not only teach the practical aspects of lawyering and the workings of the legal system but also encourage students to consider the broader social purpose of law and the role of legal professionals in society. As a result, clinical legal education is increasingly recognized as an essential component of modern legal curricula, whether the focus is on professional training or a more liberal, holistic legal education.

## **III. DEVELOPING PRACTICAL LEGAL COMPETENCIES THROUGH LAW CLINICS**

In Bangladesh, judges, magistrates, lawyers, and police officers each need core legal skills to perform their roles effectively. Judges must be able to interpret laws, write clear and fair judgments, manage courtrooms, and remain impartial. Magistrates need to understand criminal procedures, assess evidence, handle bail and remand decisions, and ensure fair trials. Lawyers must be skilled in advising clients, drafting legal documents, arguing in court, researching laws, and following ethical standards. Police officers require a good grasp of criminal law, proper investigation techniques, and respect for human rights. They must also work closely with the courts and manage public order during legal operations. Together, these skills support a fair and efficient justice system. Law Clinics provide a structured framework where students acquire fundamental legal skills imperative for effective practice. These include client interviewing techniques, law firm management, marshaling and analyzing facts,

and mastering the arts of examination and cross-examination. Students also gain practical knowledge of civil and criminal procedural laws, alongside exposure to diverse statutes in actual practice.

In this respect, the Law Clinic, as a core component of clinical legal education, is widely recognized as an essential pedagogical tool in the formation of competent legal professionals. It provides law students with an experiential learning environment that facilitates the practical application of substantive and procedural law. Through participation in clinic activities, students acquire foundational lawyering skills, including client interviewing and counseling, fact investigation and organization, direct and cross-examination techniques, and the practical implementation of civil and criminal procedural norms.

The clinical setting also exposes students to applied legal reasoning and advocacy within simulated and real-life legal contexts. Notably, participation in mock trials—designed to emulate courtroom proceedings—affords students the opportunity to engage in trial advocacy under conditions approximating actual litigation. Furthermore, structured court visits deepen students' understanding of judicial processes, enhance their appreciation of courtroom dynamics, and contextualize their legal education within the realities of legal practice.

Collectively, these immersive experiences contribute to the professional identity formation of students, fostering a heightened commitment to the practice of law and a deeper understanding of the justice system.

A special, practice-oriented syllabus tailored to both civil and criminal aspects should be integrated into the clinical program to mitigate the qualities of professionals connected with judiciary and judicial administration. Inviting experienced practitioners as trainers—honoured with appropriate remuneration—ensures that students receive instruction grounded in real-life judicial experience, professional ethics, and an understanding of the relationship between Bench and the Bar<sup>2</sup>. This approach instils in students the values of hard work and dedication, discouraging a mercenary attitude and fostering commitment to justice and the legal profession's highest standards.

#### **IV. CLINICAL LEGAL EDUCATION IN BANGLADESH: IMPERATIVE FOR REFORM IN PRIVATE UNIVERSITIES**

Clinical legal education (CLE), particularly through the establishment of Law Clinics, has

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<sup>2</sup> In common law systems, the Bench (judges) and the Bar (lawyers) work in a complementary and respectful relationship, where the Bar aids the court through legal advocacy and the Bench ensures fair and impartial justice.

become an essential component of legal education in Bangladesh, serving to bridge the gap between doctrinal learning and practical legal training. The initial introduction of CLE in the country can be traced to three decades back, when the Ford Foundation<sup>3</sup> supported the creation of law clinics at the University of Dhaka and the University of Chittagong. These initiatives aimed to enhance students' practical skills through engagement with legal aid and NGO work, emphasizing access to justice and community lawyering.

Recent developments—most notably by the Bangladesh Legal Aid and Services Trust (BLAST)—have further advanced CLE, particularly through the establishment of clinics at the University of Dhaka and the University of Rajshahi. These programs focus on professional skill-building in areas such as legal drafting, client counseling, procedural practice, and public interest litigation, and have been widely praised by participating students for their transformative educational value. In addition to that Jahangirnagar University has taken a significant step by introducing Law Clinic as a compulsory, full-credit course, setting a benchmark for other law faculties in the country.

Despite such progress in public universities, CLE remains largely absent in private universities of Bangladesh, which now produce a significant share of the nation's law graduates. This absence undermines the professional preparedness of graduates and the overall quality of legal education.

Judicial interventions<sup>4</sup> in practical legal education along with oversight by the Bar Council and the University Grants Commission, highlight the urgent need for reform. In this context, the integration of structured law clinics into private university curricula is imperative to ensure practice-ready, ethically grounded legal professionals capable of advancing justice and upholding the rule of law.

### **Research Methodology and objectives**

This study adopts a qualitative research methodology to investigate the operational status, challenges, and transformative potential of Law Clinics within public and private universities in Bangladesh. To ensure a comprehensive understanding, the research draws upon both primary and secondary data sources. Primary data was collected through semi-structured interviews with law faculty members, clinic coordinators, practicing advocates, and students actively engaged in Clinical Legal Education (CLE) programs in undergraduate level. These

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<sup>3</sup> The Ford Foundation is a U.S.-based global philanthropic organization dedicated to advancing social justice, human rights, and equitable development through strategic grantmaking and advocacy.

<sup>4</sup> *Professor Syed Ali Naki and others v. Bangladesh and others* (High Court Division, 13 April 2016) and *Bangladesh Bar Council and Others v. A.K.M. Fazlul Karim and Others* (Appellate Division, 8 February 2017).

interviews were designed to capture practical insights into the structure, effectiveness, and limitations of existing law clinic models.

Secondary data was gathered through a systematic review of literature and policy documents, including academic articles, legal commentaries, institutional publications, and online resources. Furthermore, the study examines relevant national legal and policy instruments, such as the Bangladesh Legal Practitioners and Bar Council Order, 1972 and the National Education Policy, 2010, to evaluate the statutory framework governing legal education. It also draws on international policy documents<sup>5</sup> to contextualize the objectives of the findings within global standards of legal education and access to justice.

## **V. THE EDUCATIONAL ENVIRONMENT: ENCOURAGING OPEN DIALOGUE AND ENJOYABLE LEARNING**

Law Clinics create a unique learning atmosphere where students engage in candid discussions on legal issues beyond traditional lectures. This interactive, friendly setting encourages curiosity and critical thinking about jurisprudence, constitutional matters, and penal law, making the learning process more enjoyable and effective. The sharing of professional experiences by veteran lawyers adds an inspirational dimension that deeply motivates students.

Though the environment is supportive, strict discipline—such as mandatory adherence to dress codes<sup>6</sup> reflecting legal professionalism—is essential. Initially challenging, these rules help inculcate a sense of pride and responsibility among students, aligning them with the formal requirements of court practice. Consistent attendance and sincere engagement reflect the intrinsic value students place on clinical learning.

## **VI. FROM CLASSROOM TO COURTROOM: THE ROLE OF LAW CLINICS**

In reforming legal education in Bangladesh law clinic can play vital role. Institutionalizing Clinical Legal Education through Law Clinics in Bangladesh can bridging the gap. In furtherance of the effective courtroom practice, court visitation may play a significant role to inspire and enhance the confidence of the law students. Integral to CLE is the systematic visitation of various courts, including Judgeship courts, family courts, magistrate courts, and

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<sup>5</sup> The UN Draft Declaration on the Independence of Justice (1989), the Basic Principles on the Role of Lawyers (1990), and the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012)

<sup>6</sup> Advocates both in lower judiciary and Supreme Court are to maintain dress code as enshrined in Bangladesh Bar Council Canons of Professional Conduct and Etiquette (bunch of rules) made under Article 44 of the Bangladesh Legal Practitioners and Bar Council Order, 1972 (President's Order No. 46 of 1972). Whereas the dress code for judges are prescribed in the Code of Conduct for the Judges of the Supreme Court of Bangladesh.

ultimately, the Supreme Court. These visits expose students to judicial officers (real life judges) and court procedures, allowing them to witness firsthand the challenges of the judiciary, such as the burgeoning case backlog in both civil and criminal matters. Students learn about systemic factors contributing to delays, including the wide scope for appeals that often undermine trial court decisions. This insight underscores the need for reforms to balance justice, fairness, and efficiency.

Visits to family courts reveal infrastructural limitations, such as cramped courtrooms and the sensitive issue of child witnesses and various socio-legal complexities. Observations of the Nejarat Department reveal operational inefficiencies, including inadequate staffing and financial disincentives that hamper timely service of summons and notices—issues demanding policy attention and adjustment of court fees in line with Bangladesh's socio-economic conditions.

Magistrate courts provide an ideal venue for observing initial criminal trial procedures. In this court, innovative administrative practices such as last-minute case allocations aim to curb corruption. Students also witness challenges in legal representation, including ill-prepared defence counsel leading to adverse judicial inferences, and the prevalence of false or frivolous cases under special laws<sup>7</sup>.

## VII. NATIONAL LEGAL FRAMEWORK AND POLICY PROVISIONS ON CLINICAL LEGAL EDUCATION IN BANGLADESH

The principal policy instrument addressing legal education in Bangladesh is the **National Education Policy 2010**, promulgated by the Ministry of Education. Chapter 15 of the Policy explicitly addresses legal education and identifies its key objectives: to protect legal rights, produce skilled legal professionals—including lawyers, judges, and academics—promote justice and ethical conduct, improve the legislative and judicial systems, and adapt legal education to the changing needs of society.<sup>8</sup> Notably, among the eleven strategic directives outlined to achieve these goals, the Policy underscores the importance of adopting **practical and experiential learning methods**, such as **Moot Courts**, **Mock Trials**, and **Clinical Legal Education (CLE)**, as pedagogical tools.<sup>9</sup> This marked departure from conventional lecture-based legal education reflects a broader recognition of the role of legal professionals as agents

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<sup>7</sup> A significant number of fake, fabricated, or groundless cases due to misuse or abuse of legal provisions are reportedly filed under The Suppression of Violence Against Women and Children Act, 2000, The Digital Security Act, 2018, The Narcotics Control Act, 2018, and The Dowry Prohibition Act, 2018.

<sup>8</sup> National Education Policy 2010, Ministry of Education, Government of the People's Republic of Bangladesh, *Chapter 15*.

<sup>9</sup> *Ibid*, Strategy 6 under Chapter 15 (Legal Education).

of justice and societal reform.

Despite this policy commitment, the practical implementation of CLE in Bangladesh remains limited and sporadic. The incorporation of law clinics into legal curricula is largely absent in private universities and inconsistent across public institutions, due to infrastructural, regulatory, and academic constraints.

At the regulatory level, the **Bangladesh Legal Practitioners and Bar Council Order, 1972** assigns the **Bangladesh Bar Council** the statutory responsibility to oversee and promote legal education.<sup>10</sup> Article 10(1) specifies that one of the Council's functions is to promote legal education and formulate academic standards in consultation with universities.<sup>11</sup> Article 11(1)(d) further provides for the formation of a **Legal Education Committee**, consisting of nine members—five elected from among Bar Council members and four co-opted from legal academia and practice, with at least two being university law teachers.<sup>12</sup> However, in practice, this Committee has remained largely inactive, with no substantive engagement reported between the Bar Council and universities concerning the promotion or institutionalization of clinical legal education.

### **Challenges within the Judicial and Legal Professional Environment**

Students' court visits reveal concerning deficiencies, including poor courtroom design that may compromise trial fairness, absence of language interpreters for foreign accused persons, and disorganized Bar Association<sup>13</sup> premises lacking adequate facilities for client interviews. The adversarial justice system relies heavily on the tripartite relationship of litigants, lawyers, and judges, with Bar Associations responsible for enforcing dress codes, ethical standards, and professional discipline. Upgrading infrastructure and improving the professional environment outside courtrooms are essential to ensure justice beyond formal hearings.

### **The Apex Court Experience: Exposure to Supreme Court Practice**

Visits to the Supreme Court of Bangladesh represent a pinnacle of the CLE program, affording students exposure to the highest judicial forum. Experiencing the Appellate Division and High Court Division sessions<sup>14</sup>, students observe judicial activism, bilingual proceedings,

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<sup>10</sup> The Bangladesh Legal Practitioners and Bar Council Order, 1972 (President's Order No. 46 of 1972).

<sup>11</sup> *Ibid*, art 10(1).

<sup>12</sup> *Ibid*, art 11(1)(d).

<sup>13</sup> In Bangladesh, the Bar Association is a professional organization of enrolled advocates at district, divisional, and national levels that promotes members' interests, maintains professional conduct, and supports legal training and aid under the oversight of the Bangladesh Bar Council, the highest regulatory authority.

<sup>14</sup> The Appellate Division of Bangladesh's Supreme Court is the highest court that reviews appeals from the High Court Division on major legal and constitutional issues, while the High Court Division serves as both a trial and appellate court handling writs, constitutional cases, and appeals from lower courts, with authority to protect

and advanced legal research resources, including extensive law libraries and digitalised court administration systems. Interaction with the Supreme Court Bar Association and exposure to senior advocates' chambers enrich students' understanding of appellate advocacy and judicial processes.

### **VIII. ROLE OF BANGLADESH BAR COUNCIL IN CLINICAL LEGAL EDUCATION**

Bangladesh Bar Council (BBC) as the statutory and regulatory body of the legal practitioners is specially empowered to enhance quality lawyering and skill development throughout the country. BBC is entrusted with the responsibility of promoting legal education and to lay down the standards of such education in consultation with the universities in Bangladesh imparting such education.<sup>15</sup> The Bar Council may frame rules for the Universities with law discipline subject to prior approval of the government on matters that include legal education standards and oversight. This power grants the Bar Council authority to enact rules facilitating or regulating clinical legal education and associated programs.<sup>16</sup> Rule 81(3) of the Bar Council Rules (derived from Article 40 (1)) allowed creation of a Continuing Legal Education Program (CLEP) fund. This fund is managed by the Legal Education Committee of Bar Council and financed through grants and donations to support initiatives like CLE and related training activities

#### **Simulated Litigation: The Mock Trial Exercise**

Simulation-based clinical legal education engages students in resolving hypothetical legal problems through Moot Courts and Mock Trials, enhancing their advocacy, legal research, drafting, and litigation skills. When supplemented with court visits and professional interaction, this pedagogical model offers a viable experiential framework for legal training in Bangladesh, subject to adequate institutional support.

At the end of the program after court visitation with practical experiences, students participate in a mock trial that closely mimics real court proceedings. They take on the roles of lawyers and witnesses, presenting cases based on realistic scenarios. This hands-on exercise combines practical legal knowledge of both substantive and procedural law with courtroom skills, allowing students to gain valuable experience, receive constructive feedback from judges, and build confidence for their future legal careers.

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fundamental rights and oversee government actions.

<sup>15</sup> Article 10 of the Bangladesh Legal Practitioners and Bar Council Order, 1972 (President's Order No. 46 of 1972)

<sup>16</sup> Article 40(1)-Rule Making Power of Bar Council, the Bangladesh Legal Practitioners and Bar Council Order, 1972

## **IX. CHALLENGES OF LAUNCHING AND RUNNING LAW CLINIC IN BANGLADESH**

The establishment and operation of law clinics in both public and private universities in Bangladesh face multifaceted challenges, impeding the full institutionalization of clinical legal education (CLE). One of the primary obstacles is the lack of infrastructural and financial resources, particularly in public universities, where budgetary constraints often limit the ability to create sustainable, practice-oriented legal education frameworks. In private universities, while financial resources may be comparatively more accessible, institutional commitment to innovation remains uneven, with many institutions prioritizing commercial viability over educational depth.

A significant constraint lies in the shortage of trained faculty with practical legal experience or exposure to CLE methodologies<sup>17</sup>. Traditional lecture-based pedagogy dominates legal academia, and the integration of experiential learning requires faculty development, specialized training, and curriculum reform—areas that are largely underdeveloped in the Bangladeshi context. Furthermore, regulatory ambiguity concerning CLE within the legal education policy framework hinders consistent adoption. Neither the University Grants Commission (UGC) nor the Bangladesh Bar Council has yet formulated comprehensive guidelines or standards for operating law clinics, creating uncertainty and a lack of accountability.

Moreover, logistical issues such as inadequate collaboration with courts, legal aid institutions, and NGOs limit student access to real-life legal experiences. In some cases, there is also institutional reluctance stemming from concerns over liability, supervision, and academic credit allocation<sup>18</sup>. In private universities, overcrowded curricula and lack of autonomy for academic reform further inhibit the integration of CLE.

Despite these challenges, the need for practice-oriented legal education is urgent. Without structured law clinics, graduates remain ill-equipped to meet the demands of modern legal practice or address issues of access to justice. A realistic, policy-driven approach—focusing on faculty capacity-building, institutional support, and regulatory clarity—is essential to overcome these systemic barriers.

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<sup>17</sup> Hugh Brayne, Nigel Duncan and Richard Grimes, *Clinical Legal Education: Active Learning in Your Law School* (Blackstone Press 1998) 3–5.

<sup>18</sup> Frank S Bloch (ed), *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford University Press 2011) 15–18.

## **X. RECOMMENDATIONS**

### **1. Curriculum Integration**

Law clinics should be formally embedded within the undergraduate law curriculum of all public and private universities. This integration must elevate CLE beyond optional modules by making it a compulsory, credit-bearing component with clear learning outcomes and assessment criteria.

### **2. National CLE Policy Framework**

A comprehensive national policy or guideline on Clinical Legal Education should be developed jointly by the Bangladesh Bar Council, the University Grants Commission (UGC), and leading legal academics. This would ensure uniformity, quality assurance, and regulatory oversight across institutions.

### **3. Sustainable Funding Mechanisms**

Universities must allocate dedicated budgets for law clinics. Simultaneously, partnerships should be pursued with NGOs, donor agencies, and legal aid organizations to support resource mobilization. To ensure sustained funding, a CLEP fund should be established under the Bar Council as permitted by Rule 81(3).

### **4. Professional Engagement**

Experienced advocates, judicial officers, and legal aid practitioners should be regularly involved as trainers and supervisors in law clinics. These professionals must be fairly compensated and selected based on their expertise, commitment to legal ethics, and mentoring ability.

### **5. Structured Court Exposure**

Law faculties should institutionalize regular, academically guided visits to both lower and higher courts. These visits must be integrated into the CLE curriculum to expose students to court procedures, judicial reasoning, and real-world legal challenges.

### **6. Infrastructure and Facilities**

Each law clinic should be equipped with dedicated spaces for client interviewing, legal counseling, and mock trials. Standard facilities must also include legal research libraries, digital tools, and private consultation rooms to simulate professional practice.

### **7. Promotion of Legal Ethics and Social Justice**

Students should be encouraged to approach the law as an instrument of social justice. Pro

bono legal work should be incentivized through academic credit, awards, and internship placements with legal aid organizations.

### **8. International Collaboration and Best Practices**

Law faculties should build partnerships with international law schools and clinical programs to exchange best practices, training methodologies, and CLE models. Active participation in global CLE networks can enrich domestic programs and raise the overall standard of legal education in Bangladesh.

## **XI. CONCLUSION**

The integration of Clinical Legal Education (CLE) through institutionalized Law Clinics marks a pivotal reform in the legal education landscape of Bangladesh. As evidenced by this study, CLE serves not merely as an instructional supplement, but as an essential pedagogical strategy that bridges the long-standing gap between doctrinal instruction and practical lawyering skills. By engaging law students in real-life and simulated legal environments—client counseling, courtroom exposure, legal drafting, and advocacy—CLE fosters professional competence, ethical responsibility, and a deeper appreciation for justice.

Despite notable initiatives in a few public universities, the widespread absence of CLE in private legal education remains a critical shortcoming, especially considering the large volume of law graduates emerging from these institutions. The challenges of infrastructural inadequacy, regulatory ambiguity, lack of trained faculty, and inconsistent academic prioritization must be systematically addressed. This necessitates a multi-stakeholder approach involving universities, the Bangladesh Bar Council, and the University Grants Commission to develop a national CLE framework that ensures curricular integration, resource allocation, and quality assurance.

In conclusion, the institutionalization of Clinical Legal Education is not a peripheral enhancement but a foundational imperative for modern legal education in Bangladesh. Strategic reforms—anchored in policy coherence, academic commitment, and professional collaboration—can ensure the sustainability and impact of CLE. This paradigm shift will produce a new generation of lawyers imbued with practical expertise, ethical values, and a strong commitment to justice, ultimately strengthening the legal profession, access to justice and judicial system as a whole in Bangladesh.

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