

## HOW TO USE THIS MANUAL

Being part of the MELE's Method Toolbox, the Manual of clinical legal education (CLE) is a start-up guide for introducing clinical methods in law schools and encouraging young academics and teaching staff to incorporate these methods extensively in their teaching.

Initially, our intention was to create a comprehensive "handbook", but during our discussions we decided to abandon this idea for several reasons. One prominent reason was the abundance of similar manuals and handbooks readily available in electronic format. Furthermore, we realised that many academics lack the time to sift through thousands of pages just to choose a clinical method. Sometimes, less is indeed more. The nature of the method we sought to promote also played a role in this decision. We firmly believe that the most effective way to learn something is through the experience of others, or, even better, through one's own personal experience.

As a result, the cornerstone of our manual lies in the inclusion of excellent examples of clinical programmes offered at our universities. To provide a context for these exemplary practices, we included a brief theoretical introduction that explains significant considerations for constructing one's own CLE programme. Following an extensive overview of clinical practices, we have included a checklist summarizing the key decisions that must be made. The manual, like the entire Method Toolbox, is designed to be interactive. This is why we incorporated images, videos, and other materials showcasing our work.

Acknowledging the contributions of many scholars exploring the realm of CLE, we provided recommendations for available literature and additional sources that can be utilised for further exploration of this field. We sincerely hope that our endeavours will prove valuable. Enjoy!

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## 1. INTRODUCING CLE

### 1.1 THE CONCEPT, TYPES AND GOALS OF CLE PROGRAMMES

The roots of CLE can be traced back to as early as the 1900s, when several student groups at American universities began establishing non-profit organisations providing legal aid, thus simultaneously facilitating social justice and the development of essential lawyering skills. The choice of name '*legal clinic*' is by no means coincidental, as it mirrors the clinics commonly used as a teaching method at medical schools. The idea behind CLE is experiential learning, often described as 'learning by doing.'

The implementation of CLE in the curriculum of law faculties in Europe first developed in common law countries. In European countries with continental legal systems, this process began in the 1970s. One of the reasons why CLE was not introduced sooner in law faculties in Europe is because after graduation, in most European countries, law students are required to complete internships during which they acquire practical knowledge and skills. However, the Bologna Process, which emphasised the importance of including practical classes in the educational programmes and fostering social inclusion of higher education institutions in society, marked the beginning of a more intensive period of development of law clinics at European law faculties.

Throughout the 20th and the early 21st century, clinical methods evolved, leading to various concepts of what a "law clinic" represents. Some of the most often used concepts are:

- live-client clinics (special entities within or founded by universities where students provide various legal services ranging from referral to advice and representation, similar to any law firm but under the supervision of teaching staff),
- externship programmes (where students work with law firms and other organisations as interns, with little or no supervision from teaching staff),
- simulation clinics (where the clinical method is practiced in a simulated environment under the supervision of teaching staff and/or practitioners)
- advocacy/policy clinics (where students engage in lobbying activities in the public interest with the support of non-governmental organisations and with guidance and/or limited supervision of teaching staff)
- mediation clinics (where students assist mediators in resolving disputes or mediate under the supervision of teaching staff)

- street law projects (where students act as teachers to the wider community, educating mostly underprivileged or vulnerable citizens on their specific rights and duties), etc.

An especially useful definition of CLE has been provided by ENCLE – European Network for CLE – in its Quality Standards for Legal Clinics (adopted on 15 July 2022). According to this broad definition, CLE is defined as “a legal teaching method based on experiential learning, which fosters the growth of knowledge, personal skills and values as well as promoting social justice at the same time.” It is characterised by “practice-oriented, student-centred, problem-based, interactive teaching methods, including, but not limited to, the practical work of students on real cases and social issues supervised by academics and professionals.”

Depending on the special focus and type of law clinic, the learning outcomes may involve:

- engaging in a dialogue with real or simulated clients in a professional and ethical manner;
- identifying and gathering relevant information from real or simulated clients;
- solving legal problems of real or simulated clients by applying the appropriate legal norms and/or case law to the established facts of the case;
- explaining legal rules and authorities to real or simulated clients in a clear and comprehensive way;
- developing written skills by drafting written legal advice/pleadings for real or simulated clients;
- collecting, interpreting, and analysing relevant case law and literature as part of focused practical research;
- developing a sense of solidarity and social responsibility by working with vulnerable social groups;
- understanding and respecting differences in opinions while working in a team;
- critically assessing and proposing/opposing the enactment of legislation before relevant state bodies;
- passing on knowledge of different legal rules and practices to laypeople in a clear and structured manner, etc.

Points to consider when designing the course are as follows:

### 1. *The end goal of the CLE programme (WHY?)*

The learning outcomes of the course must be clearly defined. There should be no doubt as to whether the clinical activity serves to explore and deepen the knowledge in specific areas of law as an addition to existing courses, or whether it represents a completely new course aiming exclusively or primarily on skills development, while knowledge acquisition is secondary. Is the purpose of the CLE programme merely educational, or does the CLE serve a broader social purpose? These decisions will affect both the content and timing of the clinical activities.

## 2. *The content of clinical activities (WHAT?)*

Each form of CLE has its own specific characteristics and seeks to achieve different ends, but all forms share two important features: they opt for experiential rather than traditional learning, and they encourage the development of professional skills of future lawyers. Some authors would consider a social component to be essential, as law clinics are more than fit to achieve wider social goals. The choice of appropriate clinical activities may also depend on what the faculty is comfortable with, and sometimes there are objective legislative or cultural restraints preventing the introduction of certain CLE methods.

## 3. *The relationship between teaching staff and/or external partners and students (WHO?)*

Depending on the form of CLE chosen and the learning outcomes defined, the teaching staff can have a direct role, assisting the students or carrying out legal activities in their presence within the university, or an indirect role, connecting the students with external partners who carry out legal activities with the assistance or in the presence of students. Either way, it is essential that the teaching staff assume responsibility for the teaching process. In case of externships, the partners should be aware of their role, and adequate communication channels between the partners and teaching staff should be established to ensure that all learning objectives are truly met (e.g., by using standardised feedback reports, student or supervisor logs, etc.).

## 4. *The timing of the teaching activities (WHEN?)*

An important decision to be made when introducing a clinical programme is where the clinical activity best fits within the curriculum. Should it be a part of a compulsory or an elective course, or a completely separate course? If it is a separate course, is it appropriate for the undergraduate level or should it be offered only to graduate students? Should the students' schedule be cleared out for these activities (e.g., for several weeks or months), or are they expected to carry out clinical activities while attending lectures? Answering all these questions depends on the desired learning outcomes (not only of the CLE programme, but of the study in general).

## 5. *The location of the teaching activities (WHERE?)*

The location of clinical activities requires special attention. For live-client clinic models, the premises should ensure a sufficient level of privacy and facilitate confidentiality. It should not be close to lecture rooms where regular teaching activities take place, to avoid interference with other students and teaching staff. Obviously, such level of

privacy is not required in the case of simulation clinics, but both activities require a space resembling a common client interview room. For externship models, it should be ensured that partners have suitable facilities to carry out the envisaged activities. The same applies to lobbying and mediation clinics or street law projects.

### **The example of the Faculty of Law in Zenica: connecting clinical methods with general legal courses to facilitate skills development**

Law clinics at the Faculty of Law in Zenica have been established only in the first cycle of studies. Law clinics are not held in the second and third cycles of studies. Law clinics in the first cycle are regular courses in the curriculum that are evaluated and graded like all compulsory courses. Students are offered the option of choosing public or private law clinics according to their preferences. They have elements of simulation clinics, but they do not engage in a live-client experience.

In the private law clinic, students are expected to develop general (communication skills, analytical skills, advocacy skills) and specific competencies (application of legal sources in the field of civil law, legal writing in terms of preparing draft submissions and court decisions). They also do some externship in courts and law offices.

When it comes to the public law clinic, the goal of the course is to acquaint students with the public legal order, including the role, powers of and the interaction between the executive, legislative and judicial authorities. In discussions with their teachers, the students are acquainted with the nature and structure of the process of passing legislative acts, and with the way in which public authority is legally structured and limited. Students are expected to develop legal research, legal analysis, and legal writing skills.

### **The Example from the Law Clinic Zagreb: A long clinical tradition resulting in a single live-client legal aid clinic as the dominant form of CLE**

Clinical methods have been used for decades at the University of Zagreb Faculty of Law, even before the first official law clinic was established in 2010. E.g., within the Civil Procedure seminar in the third (and after 2009 in the fourth) year of study, the students are required to do a two-week externship in Croatian courts or law offices. After attending hearings, their mentors provide them with the court case file, which is then analysed in a student paper. This is only one of the obligations within the seminar, and it has never actually worn the “clinic” label.



The first official law clinic as a separate course was established at the end of 2010, after Croatia's Legal Aid Act (hereinafter: the CLAA) officially recognised the possibility for law faculties to introduce this teaching method and to engage in the so-called primary legal aid activities. Just like any other legal aid clinic under the CLAA, the Zagreb Law Clinic is a live-client clinic, offering underprivileged citizens access to the simplest form of legal assistance: general legal information and legal advice. Students are organised in seven groups, offering assistance to asylum seekers and foreigner nationals, children and family members, overindebted citizens, patients, victims and witnesses of crime, victims of discrimination and workers. Regardless of their specialisation, the Law Clinic takes on any case of social or educational value to students. Students are in charge of the everyday case flow, client interviews, intake of new cases, and partly also of supervision. The teaching staff or external mentors merely verify the final versions of written legal advice, otherwise previously supervised by experienced students (so-called student mentors) and all group members. When general legal information is provided, only the student mentors and the group supervise its content, which helps students to learn to assume responsibility for their actions.





Although generally the Law Clinic is a course offered in the ninth semester, carrying 10 ECTS credit points, it is also offered to students of third and fourth (and exceptionally second) year who can eventually use the credits when they enrol in their fifth year. The course is semi-mandatory, as some form of practice (either clinical, externship, or moot courts) is required to obtain these 10 ECTS credit points. The students are expected to spend approximately 90 hours within one semester, which includes legal advice drafting, volunteering in a partner NGO and participation in outreach projects (mobile clinic in rural areas of Croatia) twice per semester. This allows the Law Clinic to achieve not only educational purposes, but also wider social goals: students are active members of the society, and they give assistance to those in need. More than 100 students participate in each semester and almost a thousand students have engaged in its activities throughout the years. The Law Clinic has successfully assisted more than 16,000 clients in more than 20,000 cases, which makes it one of the biggest primary legal aid providers in Croatia.



Since recently, another form of CLE has been offered in the fifth year as an elective course in the ninth semester. To be specific, the Legal Counselling course contains elements of a simulation clinic, as students pair up with their peers to simulate the work of lawyers interviewing and advising clients. Like in the Brown-Mosten International Client Consultation competition, which was the initial inspiration for the course, the students know very little about the case in advance, requiring them to do some research and prepare for the interview. The legal issues are carefully chosen by the teacher, in areas of law which are either new or complex and not extensively covered within the curriculum. The students also play the clients, which allows them to have a 360° view of the issue at hand. Since less than 20 students participate in the class, the feedback is more extensive and personalised than in the live-client clinic. The main goal of the course is to provide students with the necessary skills and knowledge of professional and ethical standards of legal counselling, while giving them an opportunity to explore the wider socio-economic background of the observed client issues.

### **Another example of good practice: Law Clinic of the Faculty of Law in Split**

The Law Clinic of the Faculty of Law in Split operates as a part of the faculty, systematically providing free legal assistance to socially vulnerable citizens. The Law Clinic is an institution of the faculty, registered with the Ministry of Justice. The Law Clinic is also included in the curriculum of integrated undergraduate and graduate five-year law study as a form of practical teaching and as the elective course Free Legal Assistance.



The Law Clinic of the Faculty of Law in Split is a live-client clinic providing primary legal aid. Throughout the entire academic year, students have on-call hours twice a week. The on-call schedule is determined every week. During the on-call hours students meet real clients and hear their legal problems. The clients can submit their case also by e-mail, telephone or by post. After they have taken the individual case into work, they have to enter the case into the official registry. Usually, one student works on the case and prepares legal advice that they give to the clients. The cases that the Law Clinic takes on are received by students who work in clinical groups established for a specific type of legal area or the type of legal cases. Accordingly, the Law Clinic has an internal organisation that includes four working groups: the group for civil, family, enforcement, and labour-administrative law.

As one of the goals of the Law Clinic, the social component and the connection with the local community are key. The Law Clinic has expanded its activities beyond the Faculty of Law. It has established a cooperation with the city libraries in other large Dalmatian cities (Šibenik, Zadar) where there are no associations authorised to provide free primary legal assistance, in order to enable the provision of free legal assistance to interested users outside the Split-Dalmatia County. The Law Clinic also cooperates with various local associations and civil organisations as a way of connecting with the local community.

## 1.2 TAKING IT A STEP FURTHER: INTERDISCIPLINARY CLE

Some issues that regular clients face extend beyond disciplinary boundaries and transcend the field of law. Thus, towards the end of the 20th century, the development of interdisciplinary law clinics gained momentum. Interdisciplinary law clinics are a collaboration between law and various other disciplines aiming to offer law students interdisciplinary practical training. The interdisciplinary approach leverages the synergy of knowledge from diverse fields, bringing together a team of experts and students from various disciplines to work on joint projects. By adopting this approach, issues are tackled through a more integrated and holistic lens, combining insights and perspectives from multiple professional angles.

The interdisciplinary approach may occur in different contexts and often targets specific clients: patients, children, unemployed persons, low-income business owners, start-ups, students, retired persons etc. Some examples of interdisciplinary law clinics may include projects that address environmental issues, public health challenges, human rights concerns, technology and law intersections, or social justice initiatives. These clinics create a dynamic learning environment where students can enhance their legal skills while broadening their horizons through interactions with professionals from various fields.

There is no unique model of this type of clinics. Interdisciplinary law clinics include:

- medical/patient law clinics (law students + medical students),
- children rights law clinics (law students + students of social work)

- educational law clinics (law students + students of social work)
- cybercrime clinics (law students + information technology students),
- small business clinics (law students and business school students+ engineering school students)
- environmental law clinics (law student + biology/ocean science students)

The benefits both for students and clients are obvious. The students of different faculties learn from each other, understand the wider perspective of the issue at hand, which essentially prepares them more effectively for the labour market. On the other hand, the clients receive a better service, as their issues are analysed from different angles.

Indirectly, this type of teaching activity also improves the quality of teaching and satisfaction of the participating teaching staff. However, it may also pose a challenge. It assumes a high level of integration within the university, meaning that the scheduling of classes and the defining of the criteria for the credits and grades should not impede the goals of this teaching method. Luckily, many of the challenges can be overcome by careful planning and close collaboration of teaching staff, faculty administration and students.

### **The Small Business Clinic at the Faculty of Law and the Faculty of Economics (University of Osijek)**

The Small Business Clinic (hereinafter: SBC) is a specialised interdisciplinary live-client clinical programme established by two faculties: the Faculty of Law and the Faculty of Economics in Osijek. SBC was established in 2014 as a part of the law school's CLE courses in the fifth year of study of law. The initial idea was to assemble a team of experts in the fields of law and economics in a joint voluntary project involving the faculties, local judges, lawyers, the Osijek Business Incubator BIOS (hereinafter: BIOS) and the Osijek Centre for Entrepreneurship.

The SBC provides advice relating to commercial law to real clients, in a similar fashion to the small business clinics that originated in the US in the 1980s, which provided free legal and economic advice. The work is conducted in groups consisting of students of law and economics with the assistance and under the supervision of two mentors, one from the field of law and one from the field of economics.

The first step is a preliminary meeting between the mentors and the students who will work on the case. The mentors present the facts of the case to the students and prepare them for an interview with the client. After that, the students and mentors jointly meet the clients at the faculty premises and interview them in order to collect all relevant facts. The next step entails consultations with the mentors, who evaluate the proposed solution to the problem, and give feedback to the students, including concrete proposals for corrections. At the end,

when the legal and economic advice is finalised, students and supervisors meet clients again and give them a detailed written elaboration of the legal and economic advice.

SBC is only the first step in the experimental CLE at the University of Osijek. The idea for the future is to involve, to the greatest possible extent, teaching staff, practitioners, and students from different fields in the work of the clinic, so as to enable collaborative problem solving. This is expected to improve teaching at the University in Osijek, result in a better ranking of the involved faculties, and also provide many benefits for the local community.

#### CHECKLIST:

- ☐ The appropriate form of CLE has been chosen.
- ☐ The learning outcomes have been clearly defined and connected to the goals of the CLE programme.
- ☐ The clinical activities have been chosen in accordance with the general objectives in the faculty curriculum and are compliant with any legislative and cultural restraints.
- ☐ The role of the teaching staff has been adapted to the specific design of the law clinic.
- ☐ The CLE programme is adjusted to the needs and abilities of students of a certain level of study (undergraduate/graduate).
- ☐ The CLE programme is provided with adequate premises to carry out clinical activities without interference.

## 2. INTEGRATION OF CLE IN THE CURRICULUM

### 2.1 GENERAL CHALLENGES OF INTRODUCING A CLE PROGRAMME

Regardless of the form of CLE chosen, it should fit perfectly in the faculty curriculum and contribute to the fulfilment of the overall learning objectives. The issue is more complex in law schools which separate their studies into the undergraduate and graduate level, so the question may arise whether each clinical activity can be integrated in both levels of study or only one of them. Integration may also depend on the postgraduate professional training which may be available for law graduates after they finish their study.

Integrating CLE into faculty curricula presents a number of challenges, including:

- a) *Lack of institutional support*: The lack of institutional support can be a significant challenge. This includes a lack of administrative support, inadequate facilities and resources, and a lack of recognition of the value of CLE. Some accrediting bodies may not recognize CLE as a valid form of legal education. Also, some faculty members may oppose incorporating CLE into their curricula, viewing it as a departure from traditional classroom teaching methods.
- b) *Coordination with traditional courses*: CLE programmes must be carefully coordinated with traditional classroom-based courses to ensure that students receive a well-

rounded legal education. This can require significant efforts on the part of the faculty and administration to plan and implement a cohesive curriculum. CLE programmes may require students to spend significant amounts of time working on real legal cases outside of traditional classroom hours. This can create scheduling issues with other courses, which may be difficult to resolve.

- c) *Maintaining quality*: CLE programmes require students to engage in real legal cases and work with real clients. This can be challenging for students who are still developing their legal skills and may not be prepared to handle complex legal issues or difficult clients. Liability concerns can also be a significant challenge, so CLE programmes require a qualified staff with expertise in the relevant areas of law. This can be particularly challenging in areas where there is a shortage of legal professionals (e.g. asylum law). CLE programmes require continuous assessment and evaluation to ensure that they are meeting their intended learning outcomes. This can require significant resources and expertise in assessment and evaluation.

Implementing CLE into the curriculum of law faculties opens a variety of questions. Some of the issues which need to be considered are:

- whether the clinical course is integrated in regular courses, or it is a separate course,
- whether the course will be optional or compulsory,
- what the length of the course will be (one or more semesters), and how many teaching hours it will require, and
- whether credits (such as ECTS) can be gained for the clinical activities, or they are carried out purely on a voluntary basis.

Overall, integrating CLE into a faculty curriculum requires a concerted effort by the faculty, administration, professors and students to overcome these challenges and ensure that students receive a well-rounded legal education that prepares them for real-world legal practice.

## 2.2 UNDERGRADUATE LEVEL, GRADUATE LEVEL OR BOTH?

The decision of whether to offer CLE courses at the undergraduate level, graduate level or both depends on a variety of factors, such as the goals of the degree programme, the resources available, and the needs of the student population.

In general, CLE programmes are more common at the graduate level, i.e., in Master's degree programmes than at the undergraduate level (i.e., in Bachelor's degree programmes). This is because graduate-level programmes are typically more focused on professional development and practical skills than the undergraduate, which are more focused on foundational knowledge and theory. However, there is a growing interest in incorporating CLE at the undergraduate level, as well. This is driven by the recognition that students can benefit from

exposure to real-world legal practice at an earlier stage in their education, and that clinical experiences can help to motivate and engage students in their studies.

Offering CLE at the undergraduate allows students to gain exposure to real-world legal practice at an earlier stage in their education. This can help to motivate and engage students in their studies and may encourage them to pursue their legal careers. It can also help students develop practical legal skills that are applicable in a variety of fields, including business, public policy, and social work. Finally, it can help to attract a diverse student population, including students who may not necessarily be interested in pursuing legal careers. It may also help students to choose the appropriate Master's degree programme which matches their interests.

Offering CLE at the graduate level can help students to effectively prepare for legal practice. Graduate-level CLE courses can be designed to prepare students for real-world legal practice. Moreover, such courses can be designed to provide students with specialised knowledge and skills in a particular area of law, such as environmental law or intellectual property law. They also provide students with opportunities to network with legal professionals and potential employers, which can be helpful in finding employment after graduation.

Ultimately, the decision of whether to offer CLE courses at the undergraduate level, graduate level or both should be based on:

*a) the goals of the CLE programme;*

If the programme's goal is to provide students with a strong foundation in legal theory and analytical skills, undergraduate-level courses may be more appropriate. If the programme's goal is to prepare students for real-world legal practice, graduate-level CLE courses may be more appropriate.

*b) the needs and interests of students;*

The needs and interests of students should also be taken into account. If a significant proportion of the student population is interested in pursuing legal careers, graduate-level courses may be more appropriate. If the student population is diverse and includes students who are not necessarily interested in pursuing legal careers, undergraduate-level courses may be more appropriate.

*c) the available resources;*

Offering CLE courses requires significant resources, including funding for clinics, faculty and staff salaries, and administrative support. Law schools should consider the availability of resources when deciding whether to offer CLE courses at the undergraduate level, graduate level, or both.



## The Example of German Law Clinics: Integration into Curricula

In Germany, the concepts of CLE have been implemented primarily in the form of law clinics. Most of these law clinics are so-called live-client clinics, i.e., they provide legal advice to real clients with real legal problems. The structures of these law clinics speak of the difficulties of integrating this training concept into the traditional legal training in Germany.

Most of the law clinics that have been established in Germany so far are independent, in the sense that they are organised separately from universities, usually as registered associations (as “eingetragene Vereine”). It is striking, however, that in very few cases there is no connection to universities at all, because individual university professors are often closely connected to the law clinics and are involved in the training and continuing education programmes. It is not uncommon for universities to provide premises as well. But there are rarely any academic staff employed specifically for the law clinic, even though there is a trend towards creating more academic positions. In this respect, German law clinics still differ significantly from those in other countries, which are usually a central institution of a university with its own facilities, its own staff or its own funding. In most cases, participation in a law clinic is not recognised within the curriculum and therefore does not carry credit points. In some cases, however, the work in such a law clinic can be recognised as a mandatory internship during the studies and in even rarer cases it replaces the participation in a seminar. The main reason for this circumstance is the still great scepticism of university teachers and responsible persons towards these concepts and the responsibility that students bear within the law clinics. Furthermore, the usefulness of the CLE teaching method is often disputed, since many people are still of the opinion that German legal education through legal clerkship (“Referendariat”) after the first state examination is practical enough.

The lack of institutionalisation of law clinics is accompanied by the fact that the law clinic landscape is not only very dynamic but also very volatile. Even the transfer of a university lecturer to another university can cause a laboriously built law clinic to totter or collapse. An expression of these structures is that law clinics are often financed by donations and contributions from their own members. In the rarest cases, the university provides paid teaching assignments for the training of students or pays fees for lectures; this financial burden is mostly the responsibility of the law clinics themselves.

All in all, the law clinics in Germany are too poor to live and too rich to die, because only a few law clinics are still equipped in such a way that they can afford their own staff or representative premises. In this respect, the law clinics must be given credit for what is achieved with very modest resources, which are compensated for by a great commitment of students and university staff.

### Another good example: Law Clinic of the Faculty of Law in Split

Every semester there are 25 to 30 active students who work in the Law Clinic of the Faculty of Law in Split. The number of active students in a Law Clinic can depend on the number of students that enrol in the faculty in question. At the beginning of each semester, there is a call for admission of new students to the clinic. The conditions for admission are: the student must be enrolled in the third or higher year of the integrated study of law and must have passed exams in two or more of the following subjects: Civil Law 1, Civil Law 2, Civil Procedural Law, Family Law. All students who have submitted their application are called for an individual interview. After the interviews, the students who have been accepted are invited to the first meeting in the clinic.

The work of the students in the Law Clinic is also recognised as one of the forms of practical teaching during the integrated study and as of the academic year 2018/2019 as an elective course Free Legal Assistance, which is part of the ninth semester of the integrated study of law. Students can participate in the work of the Law Clinic for one or more semesters. They usually participate in the work of the clinic for two semesters in one academic year. If students participate in the work of the Law Clinic for two or more semesters, they have the opportunity to enrol in the elective course Free Legal Aid, where their work in the Law Clinic is recognized as a part of the obligations required in that course. Involvement in the work of the Law Clinic for two or more semesters is also recognized, with the dean's approval, as a mandatory internship in the tenth semester.

Free Legal Assistance is an elective course taught in the ninth semester (final year of the integrated study of law), which comprises 60 hours of lectures and 15 hours of seminars. This elective course carries 6 ECTS credit points, as all other elective courses in the curriculum. In this elective course, students are introduced to the theoretical and practical aspects of providing free legal aid. The legal regulation, and the advantages and disadvantages of legislation related to the provision of legal aid in the Republic of Croatia and other EU countries are also analysed during this course.

Participation in the work of the Law Clinic for more than two semesters is considered as a form of practice which is part of the fifth year of the integrated study of law (tenth semester). and it carries 20 ECTS credit points. The dean has to confirm the participation of every student in order to recognize the practice in the Law Clinic as a part of students' obligatory practice. The faculty places a great emphasis on the implementation of professional practice and conducts student practice in a systematic and responsible manner, taking into account the workload of students through appropriate aspects of the teaching process, especially through the appropriate allocation of ECTS credit points to each course.

### CHECKLIST:

☐ Sufficient support is available at the university level to introduce an appropriate CLE programme which fits the goals and purposes of a particular level of study.

- ☐ The clinical activities are coordinated with lectures, seminars, and other types of traditional courses which are taught at a particular level of study.
- ☐ There is sufficient qualified staff devoted to clinical activities, ensuring that the quality of clinical activities meets the abilities of students.

### 3. FACING MAJOR INSTITUTIONAL CHALLENGES

#### 3.1 LEGISLATION AS AN OBSTACLE FOR INTRODUCING CLE

One of the pillars of academic freedom is the right and obligation of universities to design a curriculum that will fit their students' needs. The concept assumes both academics and students are free to engage in different university activities (teaching, research, etc.) without institutional pressure of any kind. However, the devil is in the details. As a social component is embedded in the very notion of a law clinic, some clinical activities, especially the ones which include working with live clients, may affect different interest groups. In turn, this can backfire and result in institutional and financial constraints directly or indirectly affecting the scope and number of clinical activities.

There are basically three possible approaches the state may adopt towards the idea of introducing some form of live-client clinical work:

- indifferent approach (where the state completely respects academic freedom and refrains from either supporting or limiting the introduction of live-client programmes)
- permissive approach (where the state explicitly recognizes the possibility to introduce law clinics and/or even supports it, sometimes financially)
- restrictive approach (where the state explicitly prohibits the possibility to introduce live-client clinics, or financially and institutionally undermines their efforts)

It may seem that an indifferent approach of the state is sufficient for a successful introduction and running of a live-client clinical program. Indeed, most often one does not need a statutory rule to start a CLE programme, but the scope of activities can surely be wider if there is institutional or even financial support. The restrictive approach can be particularly harmful, not only as a limitation of academic freedoms, but also for potential clients.

To be more specific, the state is responsible for the establishment of efficient legal aid schemes to facilitate reasonable access to justice to those who otherwise cannot afford it (see e.g., European Court of Human Rights cases *Golder v. the UK* and *Airey v. Ireland*). If legal aid schemes are not widely available and used, live-client clinics are necessary not only as a useful teaching activity, but as an important tool in expanding access to justice.

There are ways in which the restrictive approach can be circumvented. For instance, law schools can establish externship programmes, in which they could refer their students to law offices and other legal aid providers where they would be tutored by partners. Of course, the major downside of such an approach is that the teaching process is out of control of law schools. Some hybrid models may be an answer to these challenges, where students would

be co-tutored by their law teachers and practitioners. In any event, circumventing these restrictive legislative practices requires creativity, devotion, and cooperation.

### **Surmounting the challenges in Croatia: the long journey forwards**

Until 2008, some practitioners, led by the bar association, interpreted the Croatian Constitution in a way which would allow only attorneys-at-law to provide any form of legal assistance. In reality, even during the 1990s some form of legal advice was provided by the courts, and many NGOs assisted their clients in obtaining and exercising some of their infringed or endangered rights. In accordance with the case law of the European Court of Human Rights, the narrow interpretation of the constitutional rules was considered unfounded in scholarly writings and considered an obstacle to access to justice. Luckily, as a result of aligning its legislation with the EU in the pre-accession period throughout the 2000s, Croatia enacted its first Legal Aid Act in 2008. This law for the first time expressly allowed NGOs, administrative units of state and local government and law clinics to provide legal aid. The spirit of the tradition and some lobbying efforts managed to limit the scope of legal aid which could be provided by the new providers. They could only provide so-called primary legal aid, consisting of providing general legal information, legal advice, representation in administrative proceedings, and some form of out-of-court amicable dispute settlement. In 2010, a special live-client legal aid clinic was established at the University of Zagreb Faculty of Law, followed by Split in 2014, Osijek in 2015 and Rijeka in 2021. Even though the Legal Aid Act was amended in 2013 and despite the fact that there are still some issues with its implementation, it would seem that this piece of legislation was an important leap forward for CLE in Croatia.

However, one should note that the beginning was not easy for the pioneering legal aid clinic in Zagreb. The resistance among attorneys was still present and very few of them decided to participate in its work. However, some attorneys recognised the potential and partnered with the Law Clinic either as trainers (e.g., regarding legal ethics) or as supervisors. In the end, it was the sustainable concept of the Law Clinic Zagreb that helped to resolve the issue. To be specific, many clinical students join the law clinic as external mentors after they graduate, thus increasing the number of trainees and lawyers involved in its work. The Law Clinic's reputation grew with the number of clinical cases. Many institutions started either to refer some of the clients to the Law Clinic or to provide financial support to it (City of Zagreb, Ministry of Justice, Financial Agency, etc.).

### **The Serbian legal aid system as an obstacle to clinical activities**

Until 2018 Serbia did not have a special legal aid act, although this did not mean that there were no statutory rules on legal aid. Both the Code of Civil Procedure and the Code of Criminal Procedure envisaged some form of exemption from advance payment of procedural costs (e.g., court and expert witness fees). Underprivileged parties could also obtain the right to

legal representation. The representation could almost exclusively be done solely by attorneys-at-law.

The first Legal Aid Act was passed in 2018, introducing three types of legal aid: legal aid in the narrower sense, free legal support, and legal aid in cross-border disputes. Legal aid in the narrower sense comprises legal advice, drafting of legal submissions, and legal representation. Legal aid providers are attorneys-at-law and authorised lawyers in legal aid services of local government. Non-governmental associations can provide legal aid in asylum and anti-discrimination cases, even though legal aid is actually provided by attorneys-at-law on their behalf. Legal aid in legal services of local government can be provided by law graduates, on the condition that the right to provide it is laid down in special procedural rules.

Public notaries, mediators and law faculties can provide so-called '*free legal support*'. Law faculties provide general legal information and fill out different forms for clients. General legal information includes, for example, information about applicable substantive rules, the legal position of the user in a specific legal matter, the subject and the method of exercising an individual right, obligation or interest, information about the costs of proceedings, the possibility of amicable dispute settlement, enforcement of court decisions, the reasons and conditions for initiating administrative proceedings and proceedings upon constitutional appeal, and about the requirements and procedure for exercising the right to free legal support.

That legislative solution was heavily criticised by scholars, who emphasized the monopolistic position of attorneys and delayed access to justice. This is probably the reason why, so far, no institution has registered in the official registry that was established for legal support providers.

This type of a legislative solution proved especially problematic for law schools in Serbia who had already developed advanced CLE programmes. Some form of live-client clinic and externships were introduced in the law faculties in Niš, Belgrade, Kragujevac, and Novi Sad. The concept of CLE was not the same at each institution. The ones that offered the best form of CLE – a live-client clinic – usually worked best in cooperation with the appropriate institutions – Safe Houses, Centre for Social Work, etc. who referred clients to the law clinics. The area of law in which legal aid was provided was also diverse: anti-discrimination, environment protection, suppression of domestic violence, women's rights protection, refugees' protection. Some law faculties even organised mobile clinics to reach out to people from rural and remote regions.

The Serbian Legal Aid Act currently seems to prohibit law schools from establishing a full-fledged live-client clinics. There are, however, ways to circumvent these restrictive rules. One of the ways to tackle this issue is to partner up with NGOs who are entitled to provide legal aid, although this limits the clinical work solely to the issues of asylum and discrimination. Another way of tackling the issue is to introduce an externship programme where students provide legal aid under the auspices and mentorship of registered attorneys willing to let



students assist them in client interviewing and counselling. This would effectively exclude law schools from the teaching process and probably limit the quality of feedback given to students. This could partially be circumvented if law faculties were to establish simulation clinics. It is hard to expect CLE programmes to flourish until the Legal Aid Act is amended.

### 3.2 TACKLING FINANCIAL CHALLENGES

One of the most pressing challenges that many law schools face is a relatively fixed budget. Law schools must thus weigh the relative costs and benefits of introducing CLE against other goals each law school strives to achieve. Of course, the cost of a CLE programme per student varies greatly depending on the type of CLE programme offered. The variations in costs may also stem from different factors such as status of the law school introducing the programme, student-to-law school ratios, law clinic facilities, availability of a research library, interview rooms, conference rooms, and offices equipped with the proper technology. In the end, the availability of resources will dictate the size and the scope of the CLE programme that can effectively be introduced in the curriculum.

Setting up a live clinic does not necessarily require significant funding. Such a clinic requires an office and some office supplies (computer, printer, phone, etc.). Additional start-up costs may include PR materials (leaflets, flyers, etc.) and exchange of know-how (perhaps in some study trips). If students and personnel work on a *pro bono* basis, there are no additional cost at that point. Liability insurance is also something to put on the list of regular long-term expenses of live-client clinics. If the number or complexity of clinical activities increase, that hiring additional personnel may be required, which of course considerably increases expenses. Additional costs will also depend on the type of activities carried out. If they include travel, both for students and/or personnel, that will reflect on the total expenses, as well.

The sustainability of the CLE programme places before the law schools the task of finding cost-effective and innovative ways to attract funding for their clinical courses. Research has shown that many universities are struggling with financing. Additional sources of funding include:

- domestic and international projects
- bodies and/or entities of state or local government
- private funding (foundations and business entities)
- donations, etc.

It would seem that combinations of generous financial investments by the state, the local community and law schools are crucial for the financial sustainability of clinical programmes.

The Zagreb Law Clinic started operating in the academic year 2010/2011 in a very modest office with very limited space for both students and clients. In the first years of its existence the number of students who were interested in learning law from practice and of clients seeking primary legal aid increased more than fivefold. It thus became necessary to look for funds outside the faculty's budget to cover the rising costs.

Initially, international projects were an opportunity to receive at least a portion of the much-needed funds to pay for the activities that were not financed from the faculty's budget. Through these projects, the Zagreb Law Clinic got an opportunity to exchange know-how with various institutions abroad (e.g. Pro Bono Centre London, Northumbria University and Manchester University, with the support of the British Embassy in 2011 or JussBuss in Oslo with the support of the Royal Norwegian Embassy in 2012). The project funded by ECAS in 2013 assisted the Law Clinic Zagreb to develop its mobile units that periodically visit rural areas outside of its resident office in Zagreb.

It should be emphasised that none of the academic personnel involved receives any remuneration for their teaching activities. It is done exclusively on a *pro bono* basis. That is also generally true for students, although the four student administrators, who work on the everyday case flow management, are partly remunerated for their efforts. Currently, they are paid out of the funds provided by the Ministry of Justice, although they used to be paid out of the faculty's budget, with the support of the City of Zagreb. New equipment was recently secured by the donation of the Financial Agency.

The approximate costs of running the Zagreb Law Clinic are as follows:

	Expenses (per year)	Approximate amount in EUR
1.	Organisation of outreach projects - travel and sustenance costs for students - coordination	12.000 €
2.	Administration of the case flow	12.000 €
3.	Office costs - monthly rent - utilities costs - office supplies - liability insurance	14.000 €
4.	Publications - Pro bono – official newsletter - student manuals - advertisement	5.000 €
5.	Organisation of the annual round table regarding clinical legal education in Dubrovnik (within Public and Private Justice conference, held in May/June every year)	1.000 €
#	TOTAL COSTS	45.000 €

All these expenses can only be covered by a combination of different sources. In a way, the Zagreb Law Clinic acts as an NGO. However, it could not survive without the *pro bono* work of its enthusiastic students.

#### CHECKLIST:

- ☐ Statutory restrictions are identified.
- ☐ Any statutory restrictions are tackled by designing courses in which the law school partners up with attorneys and other practitioners.
- ☐ The budget of the clinical program is realistically planned and implemented.
- ☐ Different sources of funding are identified and carefully combined to avoid any sacrificing of individual clinical activities.

### 4. SUCCESSFUL LEGAL AID PROVISION IN LIVE-CLIENT CLINICS: MAINTAINING THE ETHICAL AND PROFESSIONAL STANDARDS

#### 4.1 DEFINING ETHICAL AND PROFESSIONAL STANDARDS

Clinical programmes which integrate a live-client model must carefully consider ethical and professional standards embedded in the legal advice process. While most of the legal profession already has some form of code of conduct setting forth the main ethical principles to adhere to when legal advice is in question (e.g. bar associations), legal aid clinics usually must develop their own rules governing the same practices. One should note that many ethical rules may already exist on a university level, but these rules often only lay down the general principles protecting, first and foremost, the integrity of the institution and the academic process. Their breach may lead to disciplinary sanctions such as warnings, expulsions from university, etc. However, dealing with live clients goes far beyond academic ethics. Breaching the duty to the client does not only threaten the reputation of the university but it can seriously harm the client's interest, resulting in damage or even more serious consequences. After all, a client will not directly benefit from any sanction which may be imposed to an imprudent student.

Using the example of bar associations' codes of conduct may be a good start. After all, legal advice provided by students is no different from legal advice provided by lawyers, or at least it should not be. This is especially true for the countries, such as England and Wales, where students may not only advise the client, but also (ghost) draft documents for them, or even represent them before courts and other tribunals, just like any professional attorney. These statutory restrictions are certainly something to take into consideration when planning the intended scope of legal aid to be provided, but also while creating the ethical guidelines to be followed by students. Regional and international standards, such as the Charter of Core Principles of the European Legal Profession (2013) and the recent Model Code of Conduct for European Lawyers (2021), both drafted by the Council of Bars and Law Societies of Europe (CCBE), may be of use, of course only in parts which do not, strictly speaking, pertain exclusively to lawyers and their associations.

Since most traditions allow for at least an advisory role of legal aid clinics, the minimum ethical standards should cover at least the following ethical duties:

- a) advisor's independence
- b) managing conflicts of interest
- c) client's autonomy
- d) confidentiality
- e) duty of care

Just like any other advisors, students engaged in their work and their supervisors should be *independent* and free from any political, social, or economic influence from third parties. Since it completely undermines the trust of their client, their inability to secure such independence prevents them from taking on the case.

Likewise, any *conflict of interest* affecting the students' or their supervisor's impartiality should be avoided. The students should not advise a client if they have previously advised clients whose interests conflict with the interests of the new client. They cannot advise multiple clients simultaneously unless they specifically agree to it. They should also not advise clients in matters which affect their own interests.

The clients set the scope and the goals of legal advice. The students should continually communicate with the client to identify those goals and respect the client's *autonomy* in full. Specifically, their advice should not instruct the client what to do but give an overview of options available to the client. The informed clients can choose freely how to act after understanding the advantages and disadvantages of each option at their disposal. Whenever possible and appropriate, the students should inform the client about alternative dispute resolution methods. They should also inform the client in advance of any possible costs that might be incurred depending on the course of action and provide information on legal aid options available to the client.

No true relationship between the client and students can exist without mutual trust. This is why a maximum level of *confidentiality* should be maintained regarding the information and documents provided by the clients, but also information relevant to the client's case acquired from different sources. This duty is not time-restricted, nor it depends on whether student is still engaged in clinical activities.

Students should refrain from providing advice in cases where they or their supervisors cannot guarantee the necessary level of expertise required to protect the client's interests. When they take on a case, they should act prudently, in a timely manner, and to the largest possible extent *protect the interest of the client*. They should never encourage any unlawful or unethical behaviour by their clients.

## 4.2 INTEGRATION OF ETHICAL DUTIES

The issue remains how to integrate the ethical duties into everyday clinical practice. The first objective is to decide how to compel students to conform to these ethical standards. This may depend on different factors, such as the legal tradition and the scope of legal

aid provided, but generally there are two types of methods which can be used separately, or in combination.

1. Ethical rules can be embedded in bylaws which are publicly accessible by all students (e.g., online or at university premises). Students are acquainted in advance with these rules and with the consequences of their breach. Students implicitly take on obligations by engaging in clinical activities.
2. The university can enter into special agreements with students involved in clinical activities, so that the students explicitly take on specific ethical duties. The contracts are standardised and non-negotiable, which means students cannot take part in clinical activities before signing the agreement.

In both cases, the second objective is to decide how to properly educate students about their ethical duties. Making the rules known to students is one thing. However, making sure they understand them and are able to apply them in practice is something completely different. Appropriate decisions should be made regarding:

- how the training is going to be carried out (e.g., lecture-based training, workshops, simulations)
- who is going to be in charge of the training (e.g., academic staff, external partners and practitioners, students)
- timeframes (e.g., only as introductory training, or an occasional activity with milestones)
- assessment of whether the ethical standards have been internalised by students (e.g., individual feedback, plenary sessions with case studies)

### **The Example from the Zagreb Law Clinic: Learning the Professional and Ethical Standards**

By building upon the best practices of law clinics in Europe, the Law Clinic of the Faculty of Law, University of Zagreb has stimulated the autonomy and self-governance of students ever since it started its work in 2010, while simultaneously insisting on collaboration with partner institutions and legal practitioners. Admittedly, the kick-off training of law students engaged in clinical activities was to a larger degree organised and carried out by the faculty's teaching staff. However, keeping some of the students close created an opportunity to facilitate continuity in the education process. Starting from the second semester, the training of law students on professional and ethical standards is divided into three parts.

The first two parts of the training are theoretical. Basic student obligations, as well as basic professional and ethical standards are explained to the students by a team comprising the (assistant) director of the Law Clinic and student administrators (the students hired part-time to assist with everyday clinical activities). Since the Law Clinic is organised in seven groups, depending on the type of vulnerable social groups (children, crime victims, foreigners and asylum seekers, victims of discrimination, patients, workers, overindebted



citizens, etc.), the theoretical training cannot merely cover general topics, but must also share the know-how for dealing with specific type of clients. The second part of theoretical training is thus carried out in each individual group either by professors or external mentors and partners, teaching or practicing law in those specific areas. In the third and core part of the training, student mentors (experienced students that have been engaged in the clinical activities for more than a year) pass their knowledge to their younger colleagues, teaching them how to interview clients and how to process cases within the Law Clinic. In addition to that, the future interviews are always done in a team of (at least) two students, one of whom is always from the older generation. This rounds up the whole training process.

In the introductory training lecture, the students are acquainted with basic ethical rules which are published on the website of the Law Clinic. The official Code of Ethics, has eight general articles:

#### 1. SCOPE OF APPLICATION

This Code of Ethics applies to all clinical students, academic and external mentors and other persons who, within the Law Clinic or within its partner organisations and state bodies, are directly or indirectly involved in the provision of legal aid (hereinafter: legal aid providers).

#### 2. INDEPENDENCE

Legal aid providers are independent in their work and free from any political, social and economic influence from third parties. Independent legal aid provision is the basis of the relationship between the Law Clinic and its clients. Legal aid providers perform their tasks in partnership dialogue and jointly assume responsibility for the legal advice provided.

#### 3. MANAGING CONFLICTS OF INTEREST

Legal aid providers are obliged to consider possible conflicts of interest through the whole process of legal aid provision. In situations where legal assistance should be provided to a client whose interests conflict with the interests of previous clients, the Law Clinic will limit its activities to those that do not undermine the trust of any of the clients. Simultaneous legal aid provision to several clients in the same case is possible only with their express consent. Legal aid providers will remove themselves from the case if the client's interests are in conflict with their interest or the interest of persons close to them.

#### 4. CLIENT AUTONOMY

Legal assistance can be provided within the framework and in accordance with the purpose determined by the client. Legal aid providers will verify whether there is authorisation to act in a particular case. When providing legal aid, care will be taken to ensure that the legal advice respects the party's autonomy. The role of the Law Clinic is to inform the parties about the legal options available to them, while explaining the advantages and disadvantages of each option, so that the party can freely choose the legal pathway they consider the most appropriate.

## 5. CONFIDENTIALITY

Legal aid providers are obliged to keep confidential all information about the clients' case, regardless of the form and source from which it was obtained. The duty to maintain the confidentiality of information collected during the provision of legal aid is a permanent duty and does not end with the termination of activities within the Law Clinic. It is the basis of trust between the Law Clinic and its clients. Confidential information can be disclosed to third parties only if the client unequivocally agrees to it or if it is necessary for the performance of a duty arising from a court decision, or for the protection of the rights and interests of the Law Clinic in proceedings in which the quality of the legal assistance is subject to review.

## 6. DUTY OF CARE

Legal aid providers are obliged to fulfil their tasks conscientiously and within appropriate deadlines and strive to protect the interests of their clients to the greatest extent possible. Legal aid providers will not advise clients to act in an illegal or unethical manner. To the extent that it is desirable and possible, legal aid providers will warn the parties about the possibility of an amicable dispute settlement. They are obliged to warn the client about the possibility of obtaining legal aid under the law.

## 7. INTEGRITY

Legal aid providers are obliged to respect each other, treat each other with respect and cooperate collegially. They will refrain from activities that damage the reputation and dignity of the Law Clinic and the Faculty of Law in Zagreb, as well as the legal profession itself.

## 8. VIOLATION OF ETHICAL PRINCIPLES

Violation of the Code of Ethics is considered a gross misconduct, which can lead to a warning or expulsion from the Law Clinic, or to the termination of the cooperation agreement with a partner organisation or state body.

### CHECKLIST:

- ☐ The ethical rules are identified.
- ☐ The ethical rules are clearly stated in university bylaws and/or special agreements signed by students.
- ☐ The ethical rules are clearly communicated to the students in organised training session(s).
- ☐ The students are able to understand and internalize their ethical duties.

## 5. PREPARING STUDENTS FOR WORKING WITH VULNERABLE CLIENTS

### 5.1 THE ROLE OF LAW CLINICS IN RAISING SOCIAL RESPONSIVENESS

CLE pursues comprehensive and holistic training for future lawyers. It offers tools that lead to a high critical sense of the reality of vulnerable people, assuming a social commitment and a

concern for the implementation of human rights through interaction between students, university, and society. This combination of elements allows the development of the law clinic as an innovative academic activity for transmitting knowledge.

The commitment to people in vulnerable conditions from the university through the clinic is sustainable, both from the point of view of the two inspiring principles of the UN's Sustainable Development Goals in the framework of the 2030 Agenda ("leave no one behind and ensure human rights for all") and of training in these goals for the professionals of the future.

The training of students in access to justice for "vulnerable groups" fulfils two functions: on the one hand, it trains students in sustainability, and on the other hand, it trains them to identify the groups and individualised assistance required by people in vulnerable situations, which will allow them to adequately fulfil the social profile of the law clinic.

It should be borne in mind that the student in the law clinic will be dealing with a client profile that presents a weak and complicated personal (and family) situation. Consequently, in addition to the legal problems that arise for these people, there is also the situation of personal suffering that they experience. Dealing with this situation appropriately requires training the student in skills that develop empathy.

## 5.2 WHAT ARE VULNERABLE SOCIAL GROUPS?

Vulnerable groups are defined differently in each society. The precise identification of persons in vulnerable situations in each country will depend on their specific characteristics, including their social and economic development levels.

The definition offered by the Brasilia Rules is a useful starting point to try to have a common approach. According to paragraph 3, a person or group of persons are in a condition of vulnerability when their capacity to prevent, resist or overcome an impact that places them in a situation of risk is not developed or is limited by various circumstances, in order to exercise fully before the justice system, the rights recognised by the legal system.

The criteria that may be used to mark an individual or group vulnerable may be:

- age,
- gender,
- sexual orientation and gender identity,
- physical or mental condition,
- social and economic status,
- ethnicity,
- cultural differences,
- religious beliefs and/or practices, or their absence.

### **Protecting vulnerable citizens in the Law Clinic of the University of Cadiz**

The Law Clinic of the Faculty of Law, University of Cadiz provides free initial legal advice to citizens on legal problems affecting them, thus contributing to the protection and



The selection of students to work in the section of the Law Clinic for the protection of vulnerable groups requires taking into consideration the concerns and sensitivity shown by the students towards this subject. We believe that, in this case, the selection parameters cannot be based solely on academic record but that it is necessary to combine this element with the personal motivation shown by the student and their interest in getting involved in improving the situation of these vulnerable groups.

## *2. Signing a confidentiality agreement*

The students undertake to maintain the anonymity of all documentation used and not to create a data file. To this end, they sign a confidentiality agreement in which they undertake to process personal data in accordance with the General Data Protection Regulation.

## *3. Formation*

The selected students will receive specific training that will enable them to carry out the consultancy work of the Clinic. The clinical students will receive this training just



before starting their work, which will contribute to their understanding of the reality and the importance of international and national regulations in this area.

In training the students to deal successfully with sensitive clients (soft skills training), the University's Psychological and Psycho-pedagogical Support Service can play a unique role. This University of Cadiz service aims to help students to better understand the difficulties they may be experiencing and to develop and implement real change and to realize their academic and personal potential. The service is free and confidential. Group counselling, which consists of support and guidance in small groups on the content of interest to students, is suitable for the development of clinical training in the protection of vulnerable people.

## *4. Development of informational material*

An essential line of work of the clinic is the production of informational material aimed at different types of vulnerable groups. The students produce this material under the



supervision of the teaching staff. The goal is to disseminate among the different types of vulnerable groups a document written in accessible and simple language, containing clear words and short sentences, identifying and explaining their rights and mechanisms for resolving conflicts available to them. Illustrations can be included to help understand the vulnerable groups' rights and conflict resolution mechanisms. The structure of this material follows a usual pattern: identification of the vulnerable group's recognised rights and essential conflict resolution mechanisms. The document consists of seven chapters, one for each vulnerable group.

### 5. Consultancy

Protecting citizens' interests, especially those of the most vulnerable groups, requires access to correct information in clear language. Thus, the first concern, centred on informational material, is to provide general information. However, students also provide individualised advice in specific cases on the issues presented by clients.

The Law Clinic is an alternative to the official channels, which occasionally cause certain reservations among some groups, such as immigrants or specific ethnic groups.

### 6. Reaching vulnerable subjects

Vulnerable subjects, potential users of our Law Clinic, are reached through a series of actions:

- a. Dissemination channels for the informational material include e-mails to the NGOs, welfare foundations, and associations of vulnerable groups with which the University collaborates. Likewise, dissemination carried out at citizen service points in City Councils and Courts can also have a significant impact. The contact must be institutional, i.e., it must come from the University itself, which will help to eliminate the mistrust of the people for whom the clinic is intended.
- b. Publicising the existence of the Law Clinic aimed at protecting the vulnerable in the local press, on social networks and by e-mailing through "friendly" university networks and social welfare organisations.
- c. Creation of a website with information on the social goals of the clinic.
- d. Social networks that make visible the problems and legal needs of people in vulnerable conditions and at the same time serve to promote the clinic itself.
- e. Placement of informative posters in university facilities.

### 7. Dissemination of the clinical activities

The knowledge of actual cases of a lack of protection and vulnerability allows students to become spokespersons for these groups through social networks, enabling them to acquire sustainability skills.

### CHECKLIST:

- ☐ The vulnerable subjects have been identified.
- ☐ The selected students have received specific training.
- ☐ The students have produced informational material under the supervision of the teaching staff.
- ☐ The students offer necessary advice in solving issues presented by the citizens.
- ☐ The students have disseminated the information about the situations of vulnerability through social networks.

## 6. LIVE-CLIENT WORK AND SUPERVISION

### 6.1 THE IMPORTANCE OF SUPERVISION

CLE is an interactive learning-by-doing method of educating law students aiming to train them with specific practical knowledge and skills necessary for their future careers. It allows to them to – more or less independently – analyse real cases, provide legal advice, draft certain legal documents and, in general, provide free legal assistance to certain vulnerable social groups.

The supervision by university teaching staff or lawyers at relatively low cost offers students a better understanding of theoretical knowledge, affirms social, ethical and legal values among future lawyers, facilitates the acquisition of practical knowledge and skills, and ultimately accelerates the integration of law graduates into practice.

The scope of supervision depends on the legal tradition. In some jurisdictions, like Norway, basically all clinical activities are supervised by students. In Southern Europe, it is usually expected that all activities be under the appropriate supervision of teachers or external associates who have appropriate experience (work experience prescribed by relevant regulations). There are some mixed models as well.

Ideally, the mentor's task consists in drawing the student's attention to a thoughtful and critical analysis of how the application of a certain norm meets the needs of society or specific parties. It is important that the mentor encourage the student to be creative through the feedback he gives to the student when checking the proposed legal aid. If the mentor notices that the student missed some important details in the factual situation, it is his duty to warn him about it.

Mentors should be consistent when supervising students. Of course, an issue may arise if law schools organize an externship programme. The problem that may arise is that external mentors (practitioners) do not have sufficient pedagogical skills. The relationship between mentor and student also cannot be fully controlled. In this way, the quality of student training and the legal assistance provided can vary greatly depending on who the mentor is and what his legal and pedagogical knowledge is.

One possible solution is to combine external and internal control. An external associate could first assess the student's proposal, while the final check is made by one of the members of the academic community in charge of clinical activities. The other solution could be to educate external associates on how to approach the student during mentoring.

## 6.2 DESIGNING SUPERVISORY PROCESSES

The first step in defining the supervisory processes would be to adequately define and explain work assignments, or more specifically:

- to include an appropriate description of the tasks required, including the desired form for the finished product, and the purpose or objectives of the assignment,
- to provide a realistic time frame for completion,
- to discuss methods of communication (e-mail, phone, in-person, etc.).
- to arrange weekly meetings to check the progress.

Students should receive timely feedback on every completed assignment from the assigning team member. One supervision model suggests that supervision should be F.A.S.T.:

1. **Frequent** – periodic meetings guarantee consistent feedback;
2. **Accurate** – focus on the actions, not the student;
3. **Specific** – point out the strengths and identify points for improvement;
4. **Timely** – if feedback is delayed, the mistakes will most likely be repeated.

### Supervision in the Zagreb Law Clinic: mutual task of teaching staff and students

Law Clinic Zagreb was established in 2010 and its organisation to a large degree resembles the Norwegian JussBuss model. Just like in Norway, clinical students in the Zagreb Law Clinic are responsible for everyday case flow, they interview clients and perform many other clinical activities independently. As regards supervision, the Zagreb Law Clinic had to introduce a mixed model because it was assumed that the concept of student mentoring would not really be well received in the rather conservative legal tradition.

The model is mixed because every type of legal aid provided is controlled by students, but in case of written legal advice there is an additional level of control. If the case is simple and the students are to provide only general legal information, which is usually provided by telephone, then the solution is supervised only by a student mentor and the whole group in a group meeting. If the case is more complex and the students have to draft a legal opinion, the students have to send their draft to academic or external mentors – teachers and assistants or practitioners. This is how the Law Clinic manages liability risks.

### External supervision in the Law Clinic of the Faculty of Law in Split

In order to make sure that the cases and answers sent to the clients are of a high quality and as complete as possible, student and academic supervision of the writing and oral presentation of advice to clients has been established. In this way, the aim is to provide users with the case law viewpoint in addition to theoretical answers, and to try to

overcome the gap that exists in certain situations between theory and practice. Student work in the Law Clinic is supervised by the head of the Law Clinic and is subject to the supervision by academic mentors, which ensures the achievement of the intended learning outcomes.

The Law Clinic has a good practice of cooperation with practitioners who work in the clinic as external professional mentors. The clinic continuously cooperates with judges of the Municipal, County and Commercial Courts in Split, as well as lawyers and notaries public, all for the purpose of educating students and, consequently, ensuring the best possible quality of advice given to clients and of other services of the Law Clinic. Thus, to educate clinicians and facilitate work on cases, students regularly attend lectures given by judges of the Municipal and County Court in Split, where they discuss the latest case law that can be related to the cases on which students work in the clinic. As part of the training, students also attend hearings at the Municipal Court in Split. Workshops with various practical tasks are also conducted to educate clinicians on legal issues that arise in the cases they often receive during their work in the clinic.

#### CHECKLIST:

- ☐ Appropriate supervisors have been identified.
- ☐ The goals and methods for the mentoring work have been clearly defined and communicated to supervisors.
- ☐ Supervision is done consistently, and the quality of supervision is checked and reaffirmed.

### FURTHER READING AND RESOURCES

#### GENERAL GUIDEBOOKS, MANUALS, AND TEXTBOOKS

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#### **OTHER RESOURCES**

- European Network for Clinical Legal Education (<https://encle.org/>)
- Clinical Legal Education Association (<https://www.cleaweb.org/>)
- Clinical Legal Education Organisation (<https://www.cleo-uk.org/>)
- Global Alliance for Justice Education (<https://www.gaje.org/>)
- International Journal of Clinical Legal Education  
(<https://www.northumbria-journals.co.uk/index.php/ijcle>)

#### **CLINICAL PROGRAMMES IN MELE CONSORTIUM**

- Law Clinic Cadiz (<https://derecho.uca.es/legal-clinic/?lang=en>)
- CLE in University of Niš (<http://www.pravak.ni.ac.rs/pravna-klinika/index.html>)
- Law Clinic Osijek (<https://www.pravos.unios.hr/pravno-ekonomska-klinika/> and <https://klinika.pravos.unios.hr/>)
- Law Clinic Saarbrücken (<https://rlc-saar.de/>)
- Law Clinic Split (<http://pravnaklinika.unist.hr/>)
- Law Clinic Zagreb (<https://klinika.pravo.hr>)