

**MELE**

Modernising European  
Legal Education



# GUIDE ON LEGAL CLINICS



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## HOW TO USE THIS MANUAL

Being part of the MELE's Method Toolbox, Manual of clinical legal education (CLE) provides a start-up guide for the introduction of clinical methods in law schools, 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 formats. Furthermore, we acknowledged 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 context to these exemplary practices, we included a brief theoretical introduction that explains significant considerations while constructing one's own CLE programme. Following an extensive overview of clinical practices, we have included a checklist summarizing 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 have provided recommendations for available literature and additional sources that can be utilised for further exploration in 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 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 expression '*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 the countries with the Anglo-Saxon legal system. In European countries with continental legal systems, this process began in the 1970s. One of the reasons CLE was not introduced sooner in the law faculties in Europe is because, after graduation, law students in most European countries are required to complete internships during which they acquire practical knowledge and skills. However, after 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, a more intensive period of development of law Clinics at European law faculties began.

Throughout the 20th and the beginning of the 21st century, clinical methods have evolved, leading to various concepts of what represents a "law clinic". 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 of interest to consider when designing the course are as follows:

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

The learning outcomes of the course must be clearly defined. There should be no doubt whether the clinical activity serves to explore and deepen the knowledge in specific fields of law, as an addition to existing courses, or 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 specifics and seeks to reach different ends, but all forms share two important characteristics: they opt for experiential instead of 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 presence of students. Either way, it is essential that the teaching staff assumes 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 general or elective course, or a 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 along with attending lectures? Answering all these questions depends on the desired learning outcomes (not only of the CLE programme, but the faculty in general).

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

The location of clinical activities requires special attention. For live-client clinic models, the space should ensure sufficient 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 case of simulation clinics, but both activities require a space resembling a common client interview room. For externship models, ensure that partners have suitable facilities to carry out agreed activities. The same applies to lobbying and mediation clinics or street law projects.

### **The example of 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 were established only in the first cycle of studies. Law clinics are not held in the second and third cycle of studies. Law clinics in the first cycle are regular courses listed in the curriculum that are evaluated and graded like all compulsory courses. Students are offered the option of choosing clinics from public or private law according to their preferences. They have elements of simulation clinic, 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 by way preparing draft submissions and court decisions). They also do some externship to 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, and the interaction between the executive, legislative and judicial authorities. In interactive 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: Long clinical tradition resulting in integral live-client legal aid clinic as 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 on the third (and after 2009 on the fourth) year of studies, the students have been required to do a two-week externship at Croatian courts or law offices. After attending hearings, their mentors should provide them with a court file which is then analysed in a

student paper. This is only one of the obligations within the seminar course, and it has never actually worn a “clinical” 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 of law faculties to introduce such teaching method and to engage in so-called primary legal aid activities. Just like any other legal aid clinic under the CLAA, Law Clinic Zagreb is a live-client clinic, offering underprivileged citizens access to simplest form of legal assistance: general legal information and legal advice. Students are organised in seven groups, offering assistance to asylum seekers and foreigners, 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 also a part of supervision. The teaching staff or external mentors merely verify the last version 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 student mentors and the group supervise the content of this simple information, which helps students to learn to assume responsibility for their activities.



Although generally the Law Clinic is a course offered at the ninth semester, awarding students with 10 ECTS points, it is also offered to students of third and fourth (rarely second) year who can use the credits eventually when they enrol in their fifth year. The course is semi-mandatory, as some form of practice (either clinical, or externship, or moot courts) is required to obtain these 10 ECTS points. The students are expected to spend approximately 90 hours in one semester, which included legal advice drafting, volunteering in a partner NGO and participation in outreach projects (mobile clinic in rural areas of Croatia) twice in a semester. This allows the Law Clinic to achieve not only educational purposes, but also wider social goals: students are active participants of the society, and they give assistance to those in need. More than 100 students participate in each semester and almost a thousand of them engaged in its activities throughout the years. The Law Clinic has successfully assisted more than 16.000 clients in more than 20.000 cases, thus making it one of the biggest primary legal aid providers in Croatia.





Recently, there is another form of CLE offered at the fifth year, as an elective course in the ninth semester. There are elements of simulation clinic within the Legal counselling course, where students pair up with their peers to simulate the work of lawyers interviewing and advising the simulated clients. Similar like in the Brown-Mosten International Client Consultation competition, that was initial inspiration for the course, the students know in advance very little about the case, requiring them to do some research and prepare for the interview. The legal issues are carefully chosen by the teacher, in areas or law which are either new or complex and not extensively covered within the curriculum. The students play the clients, allowing 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 end 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 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**

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

Law Clinic in Faculty of Law in Split is client live 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 those on-call hours students meet the real clients who present their legal problems to them. 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 sing in the case into the official registry. Usually, one student works on the case and prepares legal advice that they hand over 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. Thus, the Law Clinic has internal organisation that forms four working groups, namely: the group for civil, family, enforcement, and labour-administrative law.

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

## 1.2 TAKING IT A STEP FURTHER: INTERDISCIPLINARY CLE

Some issues that regular clients face extend beyond disciplinary boundaries and transcend the legal field. 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 clinic (law students + medical students),

- Children rights law clinics (law students + students of social work)
- Educational law clinics (law students + students of social work)
- Cybercrime clinic (law students + information technology students),
- Small business clinics (law students and business school students+ engineering school students)
- Environment law clinic (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 more effectively prepares them 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 impose a challenge. It assumes the high level of integration within the university, so that the scheduling of classes and defining the criteria for the credits and grades does not impede the goal of the teaching method. Luckily, many of the challenges can be prevented with careful planning and close collaboration of teaching staff, faculty administration and students.

### **The Small Business Clinic at the Faculty Of Law and 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 Faculty of Economics in Osijek. SBC was established in 2014 as a part of law school CLE courses at the fifth year of the studies. The initial idea was to assemble the team of experts in the fields of law and economics in joint voluntary project involving the faculties, local judges, lawyers, the Business Incubator BIOS Osijek (hereinafter BIOS) and the Centre for Entrepreneurship Osijek.

The SBC provides advice to the real clients related to commercial law similar to the small business clinics that originated in the US in the 1980s' by providing 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 mentors and students who will work on the case. Mentors present the facts of the case to the students and prepare them for the interview with the client. After that, the students and mentors jointly meet 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 for the problem, and give feedback to the students, as well as 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.

The SBC is only the first step in the experimental, CLE at the University of Osijek. The idea for 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 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 to any legislative and cultural restraints.
- The role of teaching staff has been adapted to specific design of the law clinic.
- The CLE programme is adjusted to the needs and the abilities of students of a certain level of study (undergraduate/graduate).
- The CLE programme is provided with adequate space to carry out clinical activities without interference.

## 2. INTEGRATION OF CLE IN THE CURRICULUM

### 2.1 GENERAL CHALLENGES WHEN 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 overall learning objectives. The issue is more complex in law schools which separate their studies to undergraduate and graduate level, so the question may arise whether each clinical activity can be integrated on 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 for 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 effort on the part of 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 qualified faculty and 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 ongoing 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 curriculum of law faculties opens a variety of questions. Some of the issues which need to be considered are:

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

Overall, integrating CLE into faculty curriculum requires a concerted effort from 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 BACHLER'S, MASTER'S, OR BOTH?**

The decision of whether to offer CLE courses in the Bachelor's programme, Master's programme, or both depends on a variety of factors, such as the goals of the programme, the resources available, and the needs of the student population.

In general, CLE programmes are more common in Master's programmes than in Bachelor's programmes. This is because Master's programmes are typically more focused on professional development and practical skills than Bachelor's programmes, which are more focused on foundational knowledge and theory. However, there is growing interest in incorporating CLE into Bachelor's programmes as well. This is driven by a 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 *Bachelor's level* 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 studies which reflect their interests.

Offering CLE at Master's level can help students to effectively prepare for legal practice. Master's 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 securing employment after graduation.

Ultimately, the decision of whether to offer CLE courses in the Bachelor's programme, Master's programme or both, should be based on:

*a) The goals of the program*

The decision of whether to offer CLE at the Bachelor's level, Master's level or both, depends largely on the goals of the law school or program. If the program's goal is to provide students with a strong foundation in legal theory and analytical skills, Bachelor's level courses may be more appropriate. If the program's goal is to prepare students for real-world legal practice, Master's level 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, Master's level courses may be more appropriate. If the student population is diverse and includes students who are not necessarily interested in pursuing legal careers, Bachelor's 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 Bachelor's level, Master's 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 are evidence 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 the universities, usually as registered associations (as “eingetragene Vereine”). It is striking, however, that in very few cases there is no connection to the universities at all, because often individual professors are closely connected to the law clinics and are involved in the training and continuing education programmes. It is not uncommon for the 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 toward creating more academic positions. In this respect, German law clinics still differ significantly from those abroad, which are usually a central institution of a university with its own facilities, its own staff or its own funding. In most cases, the engagement in a law clinic is not recognised within the curriculum and therefore does not receive 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 the university teachers and responsible persons towards these concepts and the responsibility that students bear within the law clinics. Furthermore, the usefulness of the teaching method CLE is often negated, since many people are still of the opinion that the German legal education through the 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 could 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 the greater 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 Law Clinic of the Faculty of Law in Split. The number of the active student in every Law Clinic can depend on the number of students that enrol the Faculty in question. At the beginning of each semester, there is a call for the admission of new students in the Clinic. The conditions for the admission of the student in the Clinic are: the student has to be enrolled in the third or higher year of Integrated Legal study; the student has to pass two or more of the following subjects: Civil Law 1, Civil Law 2, Civil Procedural Law, Family Law. After the submission of the application each candidate is called for an individual interview. After the interviews the student how have been accepted are being called to first meeting in the Clinic.

Work of the students in Law Clinic is also recognised as one of the forms of practical teaching during Integrated Studies and from ac. year 2018/2019 as an elective course Free Legal Assistance that is a part of 9th semester of Integrated Studies. Students can participate in the work of Law Clinic for one or more semester. They usually participate in the work of Clinic during two semesters in one academic year. If the students participate in the work of Law Clinic during two or more semesters, they have the opportunity to enrol the elective course Free Legal Aid, if they want, where their work in the Law Clinic is acknowledged as a part of that elective course. Also work in the Law Clinic for two or more semesters is acknowledged, with the Faculty Dean's approval, as a mandatory internship in the 10th semester.

Free Legal Assistance is an elective course in the 9<sup>th</sup> Semester (final year of integrated studies) which contains 60 hours of lecture and 15 hours of seminars. This elective course is valued with 6 ECTS points, as all other elective courses in the curriculum. During this elective course students are introduced to the theoretical and practical aspect of providing free legal aid. The legal regulation and advantages and disadvantages of legislation related to the provision of legal aid in the Republic of Croatia and other EU countries are also being analysed during this course.

Work of students in Law Clinic for more than two semesters is considered as a form of practice that is being held in the 5<sup>th</sup> year of Integrated law studies (10th semester and it is valued with 20 ECTS points. The Dean of Faculty has to confirm the participation of every student in order to acknowledge practice in Law Clinic as a part of student obligatory practice. The Faculty has placed 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 correct allocation of ECTS credits to each course.

### **CHECKLIST:**

The sufficient support is available at the university level to introduce an adequate CLE programme which fits the goals and purposes of particular level of study.



The clinical activities are coordinated with lectures, seminars, and other types of traditional courses which are thought 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 THE MAJOR INSTITUTIONAL CHALLENGES

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

One of the pillars of the academic freedom is the right and obligation of the universities to design a curriculum that would 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 detail. As social component is embedded in the very notion of a law clinic, some clinical activities, especially the ones which including 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 potential approaches the state may adopt towards the idea of introducing some form of live-client clinical work:

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

It may seem that the indifferent approach of the state is sufficient for 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 an institutional or even financial support. Restrictive approach can be particularly harmful, not only as a limitation of academic freedoms, but also for potential clients.

Namely, 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 the 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: 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 there was some form of legal advice carried out by courts and many NGOs assisted their clients in obtaining and exercising some of their infringed or endangered rights. In accordance with the practice of the European Court of Human Rights, narrow interpretation of constitutional rules was considered unfounded in scholarly writings and marked as an obstacle towards access to justice. Luckily, Croatia was accessing to the EU throughout the 2000s, which resulted in enacting the first Legal Aid Act in 2008. This law for the first time expressly allowed the NGOs, administrative units of state and local government, and law clinics to provide legal aid. The spirit of the old tradition and lobbying efforts were strong enough to limit the scope of the legal aid which could be provided by 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 in University of Zagreb Faculty of Law, and the same was followed by Split in 2014, Osijek in 2015 and Rijeka in 2021. Even though the Legal Aid Act changed in 2013 and there are still some issues with its implementation, it would seem that the legislation was the important leap forward for CLE in Croatia.

However, one should not that the start was not easy for a pioneer 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. Namely, many clinical students join the law clinic as external mentors after they graduate, thus increasing the number of trainees and lawyers included in its work. As the number of clinical cases was increasing, so was the Law Clinic becoming more and more prominent. Many institutions started either to refer some of the clients to the Law Clinic or started financially supporting it (like City of Zagreb, Ministry of Justice, Financial Agency, etc.).

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

Until 2018 Serbia did not have a special Legal Aid Act, although it did not mean that there were no statutory rules on legal aid. Both Code of Civil Procedure and Code of Criminal Procedure envisaged some form of the exemption from the advance payment of the procedural costs (e.g., court and expert fees). Underprivileged parties could also obtain the right to legal representation. The representation could almost exclusively be done solely by attorneys-at-law.



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 of 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, but 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, provided the entitlement to do 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 the clients. General legal information is, e.g., information about the applicable substantive rules, the legal position of the user in a specific legal matter, the subject and the method of exercising on an individual right, obligation or interest, about the costs of the proceedings, the possibility of amicable dispute settlement, the enforcement of the court decisions, about the reasons and conditions for initiating the administrative proceedings and proceedings upon constitutional appeal, and about the requirements and procedure for obtaining the right to free legal support.

Such a legislative solution was heavily criticised in scholarly writing, emphasizing the monopole 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 turned out to especially problematic for law schools in Serbia who had already developed advanced CLE programmes. Some form of live-client clinic and externships was 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 fields of law in which legal aid has been provided was also diverse: anti-discrimination, environment protection, combat against domestic violence, women's rights protection, refugees' protection. Some Law faculties even organised mobile clinics to reach out to people from rural and hardly accessible regions.

Serbian Legal Aid Act now seems to prohibit law schools from establishing a full-fledged live-client clinics. There are, however, methods to circumvent the restrictive rules. One of the options to tackle this issue is a partner up with the NGOs who are entitled to provide legal aid, but this would limit the clinical work solely to the issue of asylum and discrimination. Another way of tackling the issue is to introduce an externship programme where students would provide legal aid under the auspices and mentorship of registered attorneys willing to let students assist them client interviewing and counselling. This would effectively exclude law schools from the teaching process and probably limit the quality of feedback. This could partially be circumvented if law faculties establish simulation clinics. It is hard to expect to 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 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, the 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 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 the PR (leaflets, flyers, etc.) and exchange of know-how (perhaps in some study trips). If students and personnel work on *pro bono* basis, there are no additional cost at that point. The 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 may require hiring of dedicated personnel, which of course considerably increases the expenses. Additional costs will also depend on the type of activities. If they include travel, both for students and/or personnel, that will reflect on the total expenses as well.

The sustainability of CLE programme places in front of the law schools a task to search for cost-effective and innovative ways to attract funding for their clinical courses. The research has shown that many universities are struggling with the 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 the combinations of generous financial investments of state, local community and law schools are crucial for financial sustainability of clinical programmes.

The Law Clinic Zagreb started operating in academic year 2010/2011, in a very modest office with very limited space for both students and clients. During the first years of its existence the number of students who were interesting in learning law from practice and clients that were seeking primary legal aid increased more than five times, it was thus necessary to search for funds outside the law school budget to cover the rising costs.

Initially, international projects were an opportunity to receive at least a portion of the much-needed money to pay for activities that were not financed from the law school budget. Through these projects, the Law Clinic Zagreb has 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 the resident office in Zagreb.

It should be emphasised that none of the academic personnel involved receives any funding for its teaching activities. It is done on the *pro bono* basis only. That is generally true for students, although everyday case flow requires dedicated students. Four of them – student administrators – are partly remunerated for their efforts. These days they are funded by the funds received by the Ministry of Justice, although before they were paid by the law school budget, with the assistance of the City of Zagreb. New equipment was recently secured by the donation of the Financial agency.

The approximate costs of running the Law Clinic Zagreb 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 with the combination of different sources. In a way, the Law Clinic Zagreb acts as an NGO. However, it could not go on if the main driving force was not pro bono work of its enthusiastic students.

**CHECKLIST:**

- The statutory restrictions are identified.
- Any statutory restrictions are tackled by designing courses in which law schools 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 PROVIDING 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 legal profession already has some form of code of conduct setting forth the main ethical principles of work when legal advice is in question (e.g. bar associations), legal aid clinics usually must develop their own rules which reflect 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 institution and the academic process. Their breach may lead to disciplinary sanctions such as warnings, expulsions from the university, etc. However, dealing with live clients goes way beyond the academic ethics. Breaching the duty towards a client does not only threaten the reputation of the university, albeit it certainly affects it. Instead, it can seriously harm the client's interest, resulting in damages or even more serious consequences. After all, a client will not 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 which are going to be prepared for student use. The regional and international standards, such as Charter of Core Principles of the European Legal Profession (2013) and 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 are not, strictly speaking, inherent exclusively to lawyers and their associations.

Since most of the traditions allow for at least 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 to take on the case.

Likewise, any *conflict of interest* affecting the students' or their supervisor's impartiality should be avoided. The students should not advise the client if they have previously advised the clients whose interests conflict with the interests of a 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 the alternative dispute resolution methods. They should also inform the client in advance of any possible costs that might occur 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 if there is no trust between them. This is why 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 whether student is any longer engaged in clinical activities.

The 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 the case, they should act prudently, in timely manner, and to largest possible extent *protect the interest of the client*. They should never encourage the unlawful or unethical behaviour of their clients.

## 4.2 INTEGRATION OF ETHICAL DUTIES

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



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

1. The ethical rules can be embedded in the university bylaws which are publicly accessible to all students (e.g., online or at the university premises). The students are acquainted in advance with these rules and with the consequences of their breach. The 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 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 point of interest 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. The 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 occasional activity with milestones)
- assessment whether the ethical standards have been internalised by students (e.g., individual feedback, plenary sessions with case studies)

### **The Example from the Law Clinic Zagreb: 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 education of law students engaged in clinical activities was to a larger degree organised and carried out by teaching staff. However, keeping some of the students close gave opportunity to facilitate continuity in the education process. Already from the second semester, the training of law students on professional and ethical standards is divided in three parts.

The first two parts of education are theoretical. Basic student obligations, as well as basic professional and ethical standards are explained to students by a team of (assistant) director of the Law Clinic and student administrators (the students hired on half 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 training, student mentors (experienced students that have been engaged in the clinical activities 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, one of them always from 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 student, 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 legal aid providing (hereinafter: legal aid providers).

#### 2. INDEPENDENCE

Legal aid providers are independent in their work and free from the political, social and economic influence of third parties. Independent legal aid providing 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 providing. 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 providing 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 legal aid providing 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 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 the 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 response offered to 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 SDGs 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 the access to justice for “vulnerable groups” fulfils two functions: on the one hand, it trains students in sustainability; on the other hand, it trains them to identify the groups and individualised assistance required by these people in vulnerable situations, which will allow them to adequately fulfil this 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 their empathy.

## **5.2 WHAT ARE THE VULNERABLE SOCIAL GROUPS?**

The vulnerable groups are defined differently dependent on the society in which they are identified. 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 Rule 3, “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 defence and promotion of their rights and interests. It is aimed at citizens, NGOs and charitable or non-profit organisations.



The clinic has a marked social character in that it aims to make students aware of the wide range of legal conflicts and inequalities in the society surrounding them, generating social commitments. This concern of our clinic reflects one of the primary lines of teaching and research of the Faculty of Law of the University of Cadiz, focused on the protection of vulnerable groups, which is why a “master’s degree in legal-Social Protection of Vulnerable Persons and Groups” was created.



The Law Clinic becomes, at the same time, a practical laboratory for the students, which allows them to learn about real cases in which knowledge must materialise and provide answers. Finally, it is worth highlighting the specialisation students acquire by being trained subjects that, in some cases, are not widely offered in the bachelor’s degree in law curriculum.

The lines of work of our law clinic are as follows:

### 1. Selection

The selection of students to collaborate in the protection of the vulnerable section of the Law Clinic requires taking into consideration the concerns and sensitivity shown by

the students towards this subject. We believe that, in this case, the selection parameter cannot be based solely on the academic record but that it is necessary to combine this element with the personal motivations shown by the student and their interest in getting involved in improving the situation of these vulnerable groups.

### *2. Signing of the 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 favor the understanding of the reality and the importance of international and national regulations in this area, with immediate



implementation in society.

In training 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 assist students to better understand the difficulties they may be experiencing and to develop and implement real change to develop 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. Elaboration of informative material*

An essential line of work of the clinic is the production of information material aimed at different groups of vulnerable groups. The students produce this material under the supervision of the teaching staff. Its purpose is to disseminate among the different

groups of vulnerable people a document written in accessible and simple language, based on transparent words and short sentences, identifying, and explaining their rights and the mechanisms for resolving conflicts to which they can turn. Illustrations can accompany this material to understand vulnerable groups' rights and conflict resolution mechanisms. Its structure will always be the same: identification of the vulnerable group's recognised rights and essential conflict resolution mechanisms. The document will consist of seven chapters, one for each vulnerable group.

#### *5. Consultancy*

Protecting citizens' interests, especially those of the most vulnerable, requires access to correct information in an accessible language. Thus, the first line of action, centred on informative material, provides general information in the face of a potential need for protection. However, it is the consultancy that offers, on an individualised basis, that is, in specific cases, the necessary advice on the conflicts presented by the citizen.

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

#### *6. Access to vulnerable subjects*

Access to vulnerable subjects, potential users of our Law Clinic, is carried out through a series of actions:

a. The dissemination channels for this informative material focus on sending e-mails to the NGOs, welfare foundations, and associations of vulnerable groups with which the University collaborates. Likewise, dissemination at citizen service points in City Councils and Courts is an element of transmission that can have a significant impact. The contact must be institutional, from the University itself, which will help to eliminate the mistrust of the people to whom the clinic is addressed.

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, not only in the Faculty of Law but also in other centres.

#### *7. Dissemination of the clinical activities*

The knowledge of actual cases of 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 informative material under the supervision of the teaching staff.
- The students offer the necessary advice in solving issues presented by the citizens.
- The students have done dissemination of 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 under university teaching staff or lawyers at relatively low costs offers students 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 to practice.

The scope of supervision depends on the legal tradition. In some jurisdictions, like in Norway, basically all clinical activities are supervised by students. In Southern Europe, most scholars would probably expect that all activities are 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 comprises of 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 encourages 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 detail in the factual situation it is his duty to warn him about it.

Mentors should be consistent when supervising students. Of course, the 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

education 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 the external and internal control. An external associate could first assess the student's proposal, and 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** – the intermittent meetings are successful in guaranteeing a consistent feedback providing
2. **Accurate** – describe actions or behaviours that should be addressed
3. **Specific** – identify specific, distinct elements that can be duplicated or enhanced
4. **Timely** – if too much time passes, the mistakes will most likely be repeated.

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

Law Clinic Zagreb was established in 2010 and its organisation to a large degree resembles its Norwegian role-model JussBuss. Just like in Norway, clinical students in the Law Clinic Zagreb are responsible for everyday case flow, they interview the clients and perform many other clinical activities alone. When supervision is in question, the Law Clinic Zagreb had to introduce a mixed model because it was assumed that the concept of student mentoring would not really be well received in 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 controlled 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 the written 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 the 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 high-quality and 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 viewpoint of judicial practice in addition to theoretical answers, and to try to overcome the gap that exists in certain situations between theory and practice. Work of students in the Law Clinic is supervised by the head of the Law Clinic and is subject to the supervision of the academic mentors, which ensures the achievement of the intended learning outcomes.

Law Clinic has a good practice of cooperation with practitioners who work in the Clinic as outside professional mentors. 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 other services of the Law Clinic. Thus, to educate clinicians and facilitate work on cases, students regularly listen to lectures held by judges of the Municipal and County Court in Split, where they discuss the latest court practice 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 Clinic.

**CHECKLIST:**

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

## FURTHER READING AND RESOURCES

### GENERAL GUIDEBOOKS, MANUALS, AND TEXTBOOKS

Alemanno A and Khadar L (2018) Reinventing Legal Education: How Clinical Education Is Reforming the Teaching and Practice of Law in Europe. Cambridge, Cambridge University Press.

Bartoli C (2016) Legal clinics in Europe: for a commitment of higher education in social justice. Palermo, Diritto & Questioni pubbliche

Bloch FS (2011) The global clinical movement. Educating lawyers for social justice. New York, Oxford University Press.

Brayne H, Duncan N and Grimes R (1998) Clinical Legal Education: Active Learning in your Law School. London, Blackstone Press Limited.

Denvir C (2020), Modernising Legal Education. Cambridge, Cambridge University Press.

Deo ME, Lazarus-Black M, Mertz E (2020) Power, Legal Education, and Law School Cultures. New York, Routledge.

ENCLE (2022) Quality Standards for Clinical Legal Education. <https://encle.org/events-and-news/news/encle-s-quality-standards-for-legal-clinics>

Grimes R (2018) Re-thinking Legal Education under the Civil and Common Law. A Road Map for Constructive Change. New York, Routledge.

Grimes R (2021) Public Legal Education. The Role of Law Schools in Building a More Legally Literate Society. New York, Routledge.

Hyams R, Campbel S, Evans A (2014) Practical Legal Skills. Developing your Clinical Technique. Melbourne, Oxford University Press

Kemp V, Munk T & Gower S (2016) Clinical Legal Education and Experiential Learning: Looking to the Future. University of Manchester Law School, Manchester.

Kerrigan K & Murray V (2011) A student guide to clinical legal education and pro bono. Palgrave Macmillan, London.

Madhloom O, McFaul H (2022) Thinking About Clinical Legal Education. Philosophical and Theoretical Perspectives. New York, Routledge.

Rubin E (ed) Legal Education in the Digital Age. Cambridge, Cambridge University Press.

Stevens S, Grimes R, Phillips E (2014) Legal Education: Simulation in theory and practice. Farnham, Ashgate Publishing.

Stuckey R (2007) Best Practices for Legal Education. Columbia, University Publications of South Carolina.

Wilson RJ (2017) The global evolution of clinical legal education: more than a method. Cambridge, Cambridge University press.

### 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.northumbriajournals.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.prafak.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>)

