

# Guidelines for Legal Clinics Involved in Erasmus+ project STARS: Skills Transfer In Academia: A Renewed Strategy

## Preliminary remark

The purpose of these guidelines is to ensure the quality of activities carried out by the project partners within the project STARS, but at the same time to provide goals for further development of clinical legal education activities for each partner.

These guidelines apply to all clinical legal education activities carried out in the framework of the STARS project as a minimum threshold, unless stated otherwise. They also have the ambition to guide anyone wishing to establish a legal clinic.

## **SECTION 1 – GENERAL PROVISIONS**

### **Article 1 – Aim and Purpose of the Guidelines**

### **Article 2 - Definitions:**

- 1) Clinical legal education is a legal teaching method based on experiential learning, which fosters the growth of knowledge, personal skills, competences and values, as well as promoting social justice, by providing pro bono services. Clinical legal education uses 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. These educational activities aim to develop professional attitudes and foster the growth of the practical skills of students with regard to the modern understanding of the role of the socially oriented professional in promoting the rule of law, providing access to justice and peaceful conflict resolutions, and solving social problems.
- 2) Legal clinics are educational organizational units applying clinical legal education methodology. Legal clinics differ by their methodology from other student-centred educational programmes such as, for example, moot courts or (in civil law jurisdictions) student presentation and analysis of existing case-law, since in legal clinics students are not involved in simulated proceedings but operate on the contrary in a real-life context.
- 3) Legal clinics' activities result from the cooperation of students, supervisors and/or users that benefit people or organizations outside the clinic.
- 4) A User is a person, group of persons, community, organization, or a public/private entity that is in demand of services from the law clinic.

## SECTION 2 – GUIDELINES FOR ORGANIZATIONAL STRUCTURE AND OPERATION OF LEGAL CLINICS

### Article 3 – Student well-being

- 1) Legal clinics should aim at providing secure and safe learning environment for students, designed in a way to optimize the learning experience and quality of provided services.
- 2) Students should be selected for participation in the clinic in a non-arbitrary and transparent manner, which ensures they fulfil the necessary and clearly stated requirements to participate in the clinic.
- 3) In the beginning of their clinical activities, students should be informed in a clear and complete manner about their rights and duties including:
  - a) liability for clinic's services,
  - b) confidentiality,
  - c) conflicts of interests,
  - d) professional ethics,
  - e) internal regulations and procedures of the clinic,
  - f) scope of their work in the clinic, and
  - g) the requirements to receive credit for it.
- 4) In the beginning of their clinical activities, students should receive training on skills, procedures, internal regulations and other areas necessary for participating in the clinic, which are not developed in other parts of the law school curriculum.
- 5) Supervisors should be regularly available to students for consultations, encourage their feedback and the development of professional behaviour and attitudes.
- 6) Legal clinics should adopt measures to ensure that students do not exceed reasonable workload during their participation in the clinic, provide training in time and case management in order to make sure that students are able to organize their work in a sustainable and healthy way. Legal clinics should have measure in place to prevent burnout and other negative effects of clinical experience on students.

### Article 4 - Transparency

- 1) Basic information about the clinic, the services it provides, the procedure for requesting its services and its rules should be publicly available.
- 2) At the beginning of clinical activities, users should be informed about the rules that regulate their relationship with the clinic, the services provided and the protection of confidential information and data.
- 3) Clinics should publish annual reports about their activities.
- 4) Students and supervisors should record and report the amount of their time dedicated to their clinical activities

### Article 5 - Resources

- 1) The law school should ensure that basic human and material resources are available to the clinic.
- 2) The clinic should provide to its students necessary resources for clinical activities:
  - a) Secure space for confidential communication with users and work on users' cases,
  - b) Secure space to store confidential information,

- c) Secure digital technologies necessary for activities of the legal clinic (computers, phone, e-mail, legal information system, user database and others)
  - d) Access to sufficient extent of legal information relevant for areas of provided services.
- 3) Considering the amount of administrative and academic staff working in the clinic, at least one of the supervisors must have substantial practical experience in the area of law, where the legal clinic provides its services. One supervisor should not supervise more than 10 students or 5 cases.
  - 4) In case of change among the members of administrative or academic staff involved with the legal clinic, the clinic should implement procedures ensuring continuity of the services.
  - 5) At least one member of the academic staff who supervise the work of the students in the clinic, should have a clear and formalized permanent or long-term employment contract with the law school. Academic staff's time spent on clinical activities should be recognised as part of the workload of their position.
  - 6) Supervisors should have sufficient professional qualification in the subject matter addressed by their legal clinic, such as doctoral degree, bar examination or substantial practical experience.
  - 7) The members of administrative and academic staff should have opportunities to develop their skills, knowledge and professional values related to their activities in the clinic.

#### **Article 6 - Documentation**

- 1) The rules and internal procedures of the clinic, including rights and obligations of students and code of professional ethics regulating the activities of the clinic, should be included in formal written documents readily available to students, staff and users.
- 2) The clinic should keep record of all communication with users and consent forms signed by the users. Files of users are archived for at least 5 years after the file was closed.

### **SECTION 3 – GUIDELINES OF EDUCATIONAL PROCESSES IN CLINICAL LEGAL EDUCATION**

#### **Article 7 – Educational Design**

- 1) Legal clinic is a course formally embedded within the law school curriculum and students receive credit upon successful completion of the course.
- 2) The clinic should provide substantial professional experience in particular area of law practice by using practice-oriented, student-centred, problem-based, interactive learning methods to promote reflective learning.
- 3) Educational objectives and learning outcomes consisting of knowledge, skills and values should be clearly stated.
- 4) The clinic should be designed in a manner that ensures reasonable balance between educational objectives and quality of services to users.
- 5) The requirements for the students to successfully complete the legal clinic programme should be clearly defined in advance and correspond with educational objectives.

#### **Article 8 – Learning and Teaching Objectives**

The educational objectives of legal clinics should include, among others:

- 1) deepening of theoretical knowledge and integration of doctrine and theory from different areas of law,
- 2) development of practical skills such as communication with users, drafting of legal documents, legal research, time and case management and others,
- 3) development of understanding of professional values and professional responsibility,
- 4) fostering awareness of social justice,
- 5) multiple opportunities for student performance, self-evaluation, and feedback from supervisor.

## **SECTION 4 – GUIDELINES FOR SERVICES PROVIDED BY LEGAL CLINICS**

### **Article 9 – Quality of Services**

- 1) Legal clinics should aim at providing services of professional quality.
- 2) Supervisors should verify each information provided to the user as part of the legal clinic's service by students in advance.
- 3) The clinic should ensure sufficient expertise of supervisors and students in areas of law, where it provides services.
- 4) The clinic should set internal procedures for delegating users to other specialists in situations, where the clinic cannot provide sufficient level, extent, amount or quality of services. In such situations, besides delegating users, the clinic should take all necessary measures to protect users' interests.

### **Article 10 – Position of Users and Protection of their Interests**

- 1) Legal clinics provide its services in the best interest of the user and based on explicit agreement, what are the goals of the client.
- 2) Students, supervisors and all other staff involved in legal clinics must respect dignity of users and act in accordance with professional standards and values.
- 3) Before providing legal services, legal clinics should inform users about the type of service they provide, the legal basis and principles governing their relationship with users, the extent of students' work within their legal clinic.
- 4) Legal clinics should disclose to the user the extent of the liability of their legal clinic for the services they provide to the user. Legal entities responsible for legal clinics should have insurance covering all activities of the clinic or have equivalent internal policy ensuring protection of interests of users.
- 5) Legal clinic should have a clear policy on user complaints, which is easily accessible to users.

### **Article 11 – Confidentiality and Personal Data Protection**

- 1) Confidentiality of user's information: clinics must have internal policy which encompasses all relevant national and international and professional rules related to activities carried out by their clinic, to ensure the protection of users' confidential information;
- 2) Users should be informed about the extent of legal protection of their confidential information.
- 3) All clinical activities must be conducted in accordance with GDPR rules.

## **Article 12 – Prevention of Conflict of Interests**

- 1) Legal clinics should have a clear policy to prevent conflicts of interests between current and previous users, entities connected with legal clinic and all staff and students involved within their legal clinic. Legal clinics should keep records of users in order to be able to assess whether there is a conflict of interest for previous or/and current users.
- 2) Students participating in legal clinic receive training to identify and avoid conflicts of interests.



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