

Self-Assessment Report of the “Clinique du droit” Université du Luxembourg

1. Functioning of your Clinic

Please provide a description of your clinic including the following points, if/where applicable:

- Number of students (*numerus clausus*)
- Number and qualifications of clinical staff (lecturers and practitioners)
- Semester in which the clinical programme is run
- Students allowed to participate in the clinic (1st, 2nd 3rd year etc.)
- Specific selection criteria
- EU credits granted
- Assessment of students in order to receive the credits granted for the clinic
- Type and field of expertise of your clinic
- Rules of competence of your clinic
- How to reach the clinic
- How are cases processed
- Statistics on cases, if available
- How compliance with GDPR rules is handled

1.1. Pedagogical Framework:

Luxembourg’s legal clinic allows a maximum of 14 students to enrol each year. The clinical programme is run for the full academic year (2 semesters) and is accessible to students attending the second year of four Master programmes.

Students are selected by the admission committee composed of the academic staff of the clinic before the starting of the programme. In evaluating applications, the Committee takes into consideration the applicant’s grades and rank in their law and other university studies and their knowledge of French since the LC operates in French. A motivation letter is also required to assess students’ communication skills and motivation to join the programme. In case candidates have similar profiles, the admission committee will consider whether they were already given the possibility to attend a law clinic programme and give preference to the student who never participated in similar programmes.

The clinical staff consists in:

- A Full Professor assisted by a PhD Candidate or a Post-doctoral researcher. Since our legal Clinic (LC) is specialized in consumer law, all academic staff involved in the programme has expertise in this field. Academic staff determines the pedagogical framework of the programme and acts as tutors for students, following them during the processing of the cases they are requested to work on.
- 9 lawyers from the Luxembourg Bar Association. One lawyer always takes part in the clinic’s weekly session and also attends consumers’ interviews by students as an observer.
- A lecturer in Psychology. The role of this expert is to train students for the interviews with consumers. Our expert in psychology participates in the mock interviews taking place at the beginning of the academic year and debriefs students later in the year on their interaction in the frame of a specific class where students are offered to watch the videos of their mock interviews.
- Agents from the French Consumer Agency (DGCCRF), who play the role of consumers during mock interviews.
- A magistrate lecturing students on the competences of courts.
- A lawyer lecturing a class on the law of evidence.

- A mediator training students to acquire communication skills and to be able to brainstorm solutions that can satisfy parties involved in a dispute brought to the attention of the clinic.

The programme includes:

- A 10 teaching units' class on consumer law.
- A 5 teaching units' class on the law of evidence.
- A 5 teaching units' class on the competences of courts.
- A 5 teaching units' class on mediation.
- A workshop training students to interview consumers – mock interviews - (the total number of teaching units depends on the number of students attending the programme).
- A 2 teaching units' class on communication skills (debriefing by the psychologist of the mock interviews).
- A weekly 3 teaching units' session dedicated to the analysis of the cases submitted to the clinic through its online platform:
https://wwwen.uni.lu/studies/fdef/master_in_european_business_law_ll_m/clinique_du_droit
- Depending on the cases requiring an interview with the consumers, a 1 teaching unit's class for the interview with the consumer.

A total of 25 EU credits is granted for the programme. 5 are granted for the autumn semester and 20 for the spring semester. The reason for such difference lies in the fact that the autumn semester is shorter (lasting 3 months) than the spring one (lasting 5 months). Besides, for the assessment of the spring semester, students are required to write an essay equivalent to a Master thesis on a topic closely related to the practice of the clinic.

In order to receive the credits granted for the clinic, students need to obtain at least 10/20 for the papers handed in at the end of each semester. An upgrading of the mark granted for the written work may be awarded depending on the work achieved during the semester (it has always been the case).

Students assessment:

Autumn semester: in order to be awarded the 5 EU credits, students are required to attend the clinic's classes (attendance is mandatory) and to write a legal opinion related to one of the cases they had to prepare for the mock interviews. They are supported in such task by their tutor who meets them twice before the handing in of their work in order to discuss with them their approach of the case and answer any questions they may have.

Spring semester: in order to be awarded the 20 EU credits, students are required to attend the clinic's classes (attendance is mandatory) and to write an extended paper on a topic closely related to the practice of the clinic in which they are asked to develop a more theoretical approach. The aim of such paper is to develop their research skills, our pedagogical programme being based on the assumption that no practice can be done without a strong theoretical knowledge base.

1.2. Services provided by the Clinique du droit

The Luxembourg's legal clinic is a "client clinic" operating in the field of consumer law. More specifically, the Clinic only treats cases that fall under the scope of application of provisions of the Luxembourg consumer code and whose amount does not exceed €5000.

Students work under the supervision of academic staff and qualified lawyers. They analyse the legal problems of consumers and research the issues involved. Consumers are then sent a written letter of information, normally within two weeks of the initial interview. If necessary, students also interview consumers. In this case and according to the agreement existing between the clinic and the Luxembourg Bar Association, Services are provided for free. When the case does not fall within the scope of competence of the clinic, consumers are given contact information of entities which could possibly assist consumers ranging from consumers' associations to specialised lawyers.

The clinic can be reached online through our dedicated form available on the University's website (https://wwwen.uni.lu/studies/fdef/master_in_european_business_law_ll_m/clinique_du_droit).

Cases referred to the clinic are then assigned to a team of 2 students. Teamwork is part of the skills transferred within our programme. Teams are formed according to gender balance criterion (when possible mixed teams are formed) and languages skills (we make sure that at least one member of the team is a French native speaker). Teams may be re-composed if teamwork proves to be difficult. Students are informed of such possibility at the beginning of the semester. Difficulties to work in teams must be brought to the attention of the academic staff. Depending on circumstances, a new team of two students may be formed or students may join existing teams.

Assignment of cases is chronological and follows a defined order unless: there is a language barrier issue (*i.e., if the documents provided by the consumer are in German, we ensure that the case is attributed to a team with a German speaker*); the team to whom the case is assigned would face excessive workload (*i.e., the team has been assigned a complex case*) or in case of conflict of interests.

Students present their analysis of cases during the so-called “brainstorming session” taking place every week. Students are given a one-week time to review the case.

The “*Union Luxembourgeoise des Consommateurs*” may also refer cases to the Clinic, as stated by the agreement existing between the clinic and this consumers’ organization.

1.3. Statistics

The clinic officially started compiling statistics for the academic year 2019/2020. A total of 26 cases were referred to the legal clinic. Out of them 19 were referred by University staff (professors, students and administrative staff included), and 7 by users not affiliated with the University.

11 cases fell under the clinic’s scope of competence. Out of them, 2 led to on-premises interviews with consumers.

It must however be stressed that last year for reasons due to the pandemic, our clinic accepted to deal with cases concerning flights cancellation which do not fall under the scope of competence of the legal clinic but were accepted nonetheless to exclusively support the University staff in voicing their rights as many consumers had to face the cancellation of flights and hardly knew how to have their tickets refunded.

1.4. Compliance with GDPR requirements

Compliance with GDPR requirements is ensured by the Data Compliance Office of the University. The functioning of the Clinic has been reviewed by the Office in order to comply with them.

2. Compliance with STARS guidelines

2.1. How, in the beginning of their clinical activities, are students informed (or will be informed, if your clinic does not yet offer legal information to users) 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,
- g) the requirements to receive credit for it.

In the beginning of their clinical activities and more specifically during the 10 teaching units class on consumer law, students are explained their rights and duties as clinicians, as well as the rules governing the functioning of the legal including the liability for clinic’s services (which is clearly stated on the platform allowing to refer cases to the clinic). Rules regarding confidentiality, conflict of interests, professional ethics and internal regulations and procedure of the clinics, scope of their work in the clinics are detailed in the syllabus of the clinical programme they are asked to download from the Moodle platform of the University of Luxembourg. The syllabus is reviewed with them in class. Moreover, students are required to read and sign the “*Charte de la Clinique du droit*”, annexed to the syllabus. This code of conduct determines the rights of obligation of both the students and the teaching staff as well as the rules governing confidentiality, conflicts of interests, and professional ethics.

Requirements to receive credits for the programme are indicated in the document detailing the learning outcomes of the programme, available on the Moodle page of the clinic. Students are orally informed about these requirements during the first weekly session of the clinic.

2. 2. What kind of training on skills do students receive at the beginning of their clinical activities?

An intensive training is scheduled during the first two weeks of the academic year to prepare students to process real cases and meet consumers to inform them. As already indicated, they are required to attend classes on consumer law, law of evidence, competences of the judiciary courts and receive a training on mediation skills. The consumer law class allow students to be acquainted with the content of the consumer code but also to apply the methodology applied within our legal clinic to approach and solve cases based on problem-based learning. They also participate in a mock interview featuring cases which have been referred to the clinic in the past. Within a distance of one week, two mock interviews take place so as to give students the possibility to learn from their mistakes and improve their communication skills. One week before the first mock interview students are provided with the two cases they will have to work on. During the 20 minutes mock interview, they are requested to present the functioning of the clinic and inform a consumer on his/her rights. The interview is videotaped. Students are then debriefed on their performance by the psychologist, a lawyer and the academic staff. Later in the year, they will watch the video with the psychologist for a second and more in-depth debriefing on their attitudes and communication skills.

2. 3. Please describe the procedures and/or internal regulations of your clinic.

Internal regulation of the Clinique du droit:

Working procedures are detailed in the Syllabus of the clinic while the code of conduct (“*Charte de la Clinique*”) determines the rights and duties of participants in the programme as well as the ethical values and professional standards of the clinic.

The Clinic has an unformal agreement both with the Bar Association and the *Union Luxembourgeoise des Consommateurs* (ULC). According to the agreement with the Bar Association, students only inform consumers as to their rights. They do not perform any type of legal counselling. According to the latter, the ULC may reach out to the clinic for a legal opinion.

These agreements are presented and explained to students during the 1st class of consumer law.

Working procedure:

As already mentioned, students are assigned cases according to a chronological order that may be disregarded under special circumstances.

Lawyers take part in the brainstorming of cases during the weekly session. They attend these sessions by turns. Students’ work on cases is supervised by tutors (all members of the academic staff). Communication with consumers (*ie* request for documents or information) is exclusively done through the channel of the clinic’s mailbox only accessible to the academic staff. When interviewing consumers students only provide oral information as to their rights. Interviews are conducted by students in the presence of a lawyer who will not intervene during the interview but will debrief students afterwards. Students assist consumers in their communication with businesses but do not draft any type of legal document as legal counselling is not provided as per our agreement with the Bar Association. They inform consumers as to the applicable law. When the ULC seeks for a legal opinion, the opinion is drafted by the academic staff in collaboration with the students.

Students are required to keep records of all actions (from the opening to the closing of the case) regarding cases assigned to them on a “roadmap” (“*feuille de route*”) under the supervision of the clinical academic staff. This roadmap allows for the continuity of treatment of cases when the complexity of the case requires a long-term analysis involving new teams of students or new tutors working on it. A template of the roadmap is available in the clinic’s Syllabus”.

As per our internal rules, a first answer to consumers must be provided within a fourteen-day period. Should the case require a more in-depth analysis, an interview with consumers may be scheduled. In any case, a first position of the clinic as to the applicable law must be taken within a three-month period.

Rights and Duties:

As already mentioned, rights and duties of participants in the clinic (may it be the clinical staff or the students) are determined in the “*Charte de la Clinique du droit*”. They must act in honesty, loyalty, trustworthiness, transparency, confidentiality, objectivity, obedience to the law and respect of users and co-workers. The clinic as an entity is accountable for the services provided. Activities of the clinic are covered by the University insurance.

The “*Charte*” details the professional ethics of participants in the programme, the sanctions that may be applied in case of breach of their duties (regulated according to the University internal regulation “*Règlement d’Ordre Intérieur*” accessible here:

https://www.fr.uni.lu/media/files/service_de_communication/documents_officiels/reglement_d_ordre_interieur

The internal regulation and the code of conduct are annexed to the Syllabus of the clinic.

Governance:

The clinic has a Steering Committee where all involved institutions have a representative member. The Director of the Clinic has a permanent mandate. All other representatives are appointed by their organizations. Students elect each year their representative. An *alumnus* of the clinic also sits in the Steering Committee.

A semester anonymous course evaluation by students is run by the University through the Moodle platform. The feedback from students is used to make adjustments to the course to improve it. For example, the work in teams was a request formulated by students who indicated that they would feel more at ease being two for an interview. This suggestion was implemented because it also gives more chance to students to interview consumers during the programme.

Course evaluation surveys cover various aspects of the course, like the course structure, professor feedback, course material feedback, teaching aids, etc. Since this academic year (2020/2021), we dedicate part of the last clinic weekly session of the semester to an open discussion on the functioning of the clinic and student’s learning experience with both students and clinical staff.

Based on this data, the clinic can enhance its functioning. Students are informed of the actions taken on the ground of their feedback during the reunion of the Steering Committee. The Annual Report also refers to such actions.

2. 4. What kind of measures does your clinic adopt to ensure that students do not exceed reasonable workload during their participation in the clinic?

The clinic is committed to comply with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (Version of 2015 published on the website of ENQA (European Association for Quality Assurance in Higher Education): https://enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf).

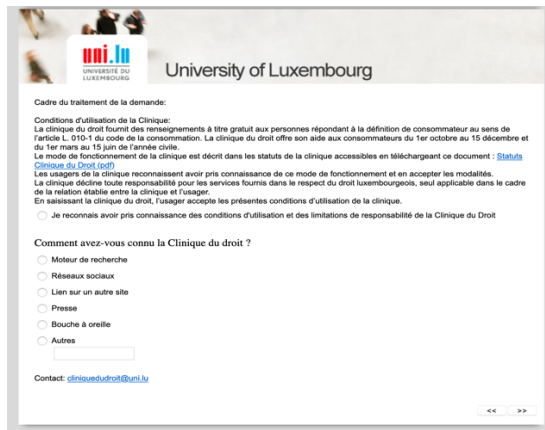
The number of European Credits is calculated according to the EU standards. The clinic has an informal flexible approach consisting in adapting the workload according to circumstances. For example, last year, due to the fact that the clinic decided to slightly broaden its scope of competence in order to support University’s staff to be refunded for travels and flights cancelled due to the pandemic, the topic of the paper for the 4th semester evaluation was narrowed.

This year, we experienced an increase of the number of cases referred to the clinic. This led us to reflect with our lawyers and students how to adapt to this situation in order not to have students overloaded with cases. During the discussion that took place in the frame of the last weekly session of the clinic it was agreed to establish a system of “waiting list” based on the date of reference of the case to the clinic.

On a broader note, the clinic operates on a collaborative working model as it is in our opinion the best way to create a true team spirit.

2. 5. Please explain how basic information about the clinic (rules regulating the user's relationship with the clinic, protection of confidential information and personal data), the services it provides, the procedure for requesting its services and its rules are made available to the public.

Basic information about the clinic, the service it provides and the procedure for requesting its services are available on the University website. It is also made available when consumers refer a case to the clinic (see screenshot):



Our application form is also available from our Facebook page, so that consumers who learn about the legal clinic from social medias may reach out to us and download our internal rules.

2. 6. Is there a depository of annual reports of your clinic's activities and is it available to the public?

Luxembourg's legal clinic has a repository of all reports and cases that have been previously dealt with. This repository is updated yearly and uploaded on the University's online storage platform: dropit.uni.lu. Given the confidentiality of the information stored this part of the report is not made available to the public. Since 2020, an annual report expurgated from confidential information will be presented to the Steering Committee. Please note that the Steering Committee of academic year 2019/2020 had to be postponed due to the extraordinary circumstances related to the pandemic. It will be held in January 2021.

2. 7. Please indicate the available administrative and teaching staff working in your clinic. For teaching staff (academic staff and practitioners), please indicate their status qualifications.

Administrative staff:

Mrs Laurence Jouvenaux, administrative support of the clinic (organization of teaching, updating of the webpage dedicated to the clinic). Laurence Jouvenaux is the Study Programme Administrator of the LLM in European Business Law

Teaching staff:

Christophe Besson, agent, Direction Départementale de la Protection des Populations (French consumer agency)

Vincent Bolard, PhD in Law, Adjunct Professor, University of Luxembourg, lawyer (Luxembourg Bar Association)

Henry De Ron, LLM, lawyer (Luxembourg Bar Association)

Natalie Goormans, LLM, lawyer (Luxembourg Bar Association)

Thierry Hoscheit, Judge, Tribunal First Vice-President at District Court (Tribunal d'arrondissement de Luxembourg)

Pierre Hurt, PhD in Law, Adjunct Professor, University of Luxembourg, lawyer (Luxembourg Bar Association)

Eric Jungblut, LLM, lawyer (Luxembourg Bar Association)

Jan Kayser, PhD in law, Mediator (Centre Luxembourgeois de Médiation Civile et Commerciale)

Mailsys Knaub, PhD in Law, lawyer (Luxembourg Bar Association)
Damien Negre, LL.M, Phd candidate, University of Luxembourg
Benjamin Pacary, LL.M, lawyer (Luxembourg Bar Association)
Elise Poillot, PhD in Law, Professor of Civil Law, University of Luxembourg
Mathieu Richard, LL.M, lawyer (Luxembourg Bar Association)
Clément Scuvée, LL.M, lawyer (Luxembourg Bar Association)
Nathalie Thomas, agent, *Direction Départementale de la Protection des Populations* (French Consumer Agency)
Antonietta Specogna, PhD in Psychology, Ass. Prof. of Psychology (Université de Lorraine)

2. 8. What kind of opportunities are offered to the members of administrative and academic staff to develop their skills, knowledge and professional values related to their activities in your clinic?

The “Clinique du droit” is affiliated to ENCLE (European Network for Clinical Education) a European network that organizes Training of Trainers sessions (ToT) on a regular basis. The academic staff of the clinic regularly participates in such training. During the summer school organized in Luxembourg in the frame of the STARS project a ToT session was offered to all the staff of the Clinique du droit. We are now in the process of finding sponsors through the channel of the University fund-raising office for the clinic in order to further develop our programme and organize each year a ToT session in Luxembourg.

2. 9. Is there a formal document reporting the rights and duties of students and the professional ethics regulating the activities of the clinic?

The rights and duties of students as well as the professional ethics regulating the activities of the clinic are reported in the code of conduct (“*Charte de la Clinique du droit*”) and the internal rules of the clinic in the “Statuts de la Clinique du droit”, all annexed to the Clinic’s Syllabus.

2. 10. Please indicate how records of all communication with users and consent forms they signed are stored.

Records of all communications with users and consent forms are uploaded along with the repository of cases and are stored on the secured drotit platform of the University.