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CLOSING CONFERENCE OF THE STARS PROJECT (SKILLS TRANSFERS IN ACADEMIA: A RENEWED STRATEGY)

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1. The STARS project and its objective

On December 4th, 2020, the final STARS Project conference was held via WebEx, due to the Covid19 pandemic, and it was an opportunity to present project results and to discuss the new objectives.

The three-year Project started in September 2017 as the result of the joint effort of five European Universities (Luxembourg, Brescia, the Palacký University of Olomouc, Roma Tre and the Romanian American University of Bucharest) aimed at developing a network of legal clinics in most European law schools and spreading an innovative and diverse teaching method.

The project was titled Skills Transfers in Academia: A Renewed Strategy Enhancing Legal Clinics in the European Union (STARS) in order to reflect its main objective: promote a student-centric approach in both academic and societal contexts. Indeed, during legal clinic classes students are challenged to acquire both theoretical and practical skills by alternating individual assignments and group-based activities, thus teaching them to look at legal issues from a case-based perspective and preparing them for their professional future.

To this end, winter and summer school exchange activities have played a crucial role in both enriching students' professional and personal background and providing hosting universities with valuable insights on possible methodological improvements.

STARS project emphasized the importance of communication between academic institutions and student community: clinical teaching takes care of young learners' needs and difficulties. This explains the pivotal role played by the digital tools (e.g. websites, databases and newsletters) used to reach the younger academic resources.

Funded by the European Union, the project received significant support from ENCLE (European Network for Clinical Legal Education) which infused its ambition to promote social justice by increasing the law teaching quality through clinical education.

We are facing an era of change and the University of Roma Tre, by taking part in the STARS project, took its third mission a step further also thanks to its long-standing and pioneering experience in the legal clinic field.

2. The Closing Conference of the STARS project

The STARS Project closing conference aimed at summarizing the project content and discussing its outcomes in order to shed a light on the future of clinical teachings within Europe. The conference program consisted of a morning and an afternoon session with focused-based roundtables in between to better delve into specific issues raised during the sessions from different standpoints.

The conference began with the keynote speech of PAUL MCKEOWN, Senior lecturer and solicitor at Northumbria University in UK and President of the ENCLE. Paul introduced the discussion on future challenges for clinical education. His speech retraced the milestones of the legal clinics history. He recalled Professor Richard Wilson's description of the Western Europe as the last holdout in the worldwide acceptance of clinical legal education. The speaker underlined both the obstacles the clinical teaching encountered to gain acceptance in the academic environment and, at the same time, the success of the project, also due to the contribution of ENCLE. However, there are still many challenges to be faced, such as the persistent misconception of legal clinics as a second class teachings and the consistent economic investments they need from Universities. Finding our own identity at the European level and providing an harmonized definition of legal clinics are crucial steps in this direction. An active role in the social justice field and a contribution to the so called "big issues" was also debated through the rest of the conference.

McKeown concluded its speech stressing how proving to the institutions the high quality of clinical legal education is one of the most important challenges.

Building upon McKeown's observations, ELISE POILLOT, Professor of University of Luxembourg and Coordinator of the STARS Project, focused on the project "deliverables", such as the standards encompassing the best practice of legal clinics, the creation of the websites, a database of cases analyzed by the clinics, the summer and winter schools and lastly the establishment of a legal clinic at the Romanian American University of Bucharest. Regarding the objectives of the project, Professor Poillot reflected on how lawyers and practitioners are naturally brought to reason and work according to the typical methodologies of their social and judicial reference system. For this reason, the project aimed at formalizing the clinical teaching method and its criteria, thus providing quality standards through guidelines and easily replicable best practices. Legal clinics expose students to new business management skills, contributing to an aptitude change towards legal professions. The inspiration behind the STARS Project is clear: developing the culture of legal clinics in Europe, strengthening social responsibility and enabling other universities to learn about this system and adopt it.

To further delve into these issues, a roundtable was opened among those who actively took part in the first experience exchange between legal clinics of partner universities: Professor Cristina Amato and Dr. Laura Bugatti of University of Brescia, Dr. Maria Cecilia Paglietti and PhD candidate Tommaso Sica of University of Roma Tre and Damien Negre, PhD candidate of University of Luxembourg. At first the speakers described the method of carrying out the legal clinic course as it takes place every year in the university; then they presented the way those clinics have been reproduced in the summer and winter schools.

In a second roundtable, a lively debate was opened on the role of legal clinics in a digitalized context. Moderated by Silvia Tabusca, Professor at Romanian American University, the roundtable began with the Dr. MARIA CECILIA PAGLIETTI's speech on the organization and functioning of the website. After highlighting the benefits of this activity, which is time consuming and for the realization of which the cooperation with various entities is crucial, Dr. PAGLIETTI stressed the need to look at universities no longer as a mere means of information providers but also as a useful marketing tool, able to connect with both the community of students, the scientific community and the society in general. High provincialism levels contradict legal clinics' inclusive and open nature. Accordingly, the speaker concluded by stressing how the call for innovative teaching techniques is too often undermined by the ongoing tendency to adopt outdated tools.

The discussion continued with a reflection of Professor CRISTINA AMATO about the role of the website as a communication tool among students and all project participants. This platform has allowed not only a faster and more effective exchange of information on consumer law and legal opinions, but also a greater involvement of young academic resources. On the one hand, the Professor highlighted the relevance and usefulness of such tools as the basis of a future possible application of Artificial Intelligence to law field, while on the other hand she wanted to emphasize how technological tools not always fit into clinical teaching, thus opening a very interesting debate about the concept of customer/consumer protection.

The second part of the Conference was dedicated to the STARS Proposal on Standards for clinical legal education. MAXIM TOMOSZECK, Professor at Palacký University Olomouc, opened the discussion on the topic. He specifically pointed out the key aspects of the Standards. The overarching idea underpinning the draft prepared by the University of Olomouc is ensuring a high level of quality, guaranteed thanks to a wide and heterogeneous perspective of fifty ENCLE members contribution. It deals with the application of "learning by doing", based on the growth of knowledge, personal skills and values, while at the same time on enhancing the promotion of social justice, considered an important factor for lawyers and students as well as to understand, from the beginning, their role in society. A second major part of the draft is devoted legal clinics' organization, with a focus on student well-being. This means ensuring a safe and healthy teaching environment while providing them the appropriate training, to avoid student burnout.

The third part of the Standards deals with educational design, which includes the promotion of student autonomy, a sense of professional identity and the ability to move professionally in various settings, while the last one dealt with the legal services offered by legal clinics, particularly from three specific perspectives: control of information for the client, confidentiality and protection of users' interests.

The speaker stimulated a wider debate on the topic by posing targeted guest questions during the last roundtable, attended by Guido Alpa, Former President of the Italian National Bar Association, Valerie Dupong, President of the Luxembourgish Bar Association, Alžběta Recová, Permanent Representative of the Czech Bar Association in Brussels and Ulrich Stege, Executive Secretary of ENCLE.

The discussion was particularly dense as the contributions come from very different cultural and professional backgrounds. In this sense, the question about the involvement of lawyers and practitioners in legal clinics working on a pro bono basis was emblematic.

Professor GUIDO ALPA's speech offered a very detailed Italian perspective on this point. Although the involvement of lawyers in legal clinics is extremely useful for both lawyers and students, the national legislation makes a distinction between optional and mandatory mediation. Only in the first case the legal clinic would be a suitable place to carry out that type of activity, while in the second case the inclusion of lawyers would be problematic since it requires the involvement of listed organizations.

The Luxembourg perspective offered by VALERIE DUPONG was different. According to the Bar Association member all cases should be pro bono. However, finding a sufficient number of lawyers to cover all the fields dealt with by legal clinics is difficult, not to mention issues relating lawyers' benefits and the chance that consulting activities still results in litigation.

An interesting point of view was offered by ALŽBĚTA RECOVÁ, who recalled Guido Alpa's speech about the differences among legal systems as a problematic aspect for a trans-national development of legal clinics. In the Czech Republic there is a broad definition of legal services, unlike in Italy where the concept of consulting activity is not included. Furthermore, Recová insisted on loyalty and confidentiality issues within legal clinics, not granted where the lawyer does not attend the clinic.

The discussion concluded with ULRICH STEGE's remarks on the fact that inserting lawyers into legal clinics certainly makes them better lawyers, but the issue is how lawyers are inserted into those activities.

The last part of the conference was dedicated to a rising legal clinic, addressed by SILVIA TABUSCA, Professor at the Romanian American University, who retraced the steps of the development of the clinical teaching method at the university, stressing both the achievements and the difficulties still existing. First, the attention was focused on the particularly relevant matter of the reasons leading this university to join the project. Then she discussed the cases actually analyzed, mainly pertaining to the field of Street Law rather than the typical contents of legal clinics, since the national legislation does not provide funds to invest in this type of education and especially live client clinics. Based on the students' interest in those issues, the clinic has been able to deal with topics such as migrant exploitation, the international scandal of Cambridge Analytica and Facebook, women's rights and domestic violence, acting as a boost for law enforcement to do justice.

On this thoughts VINCENZO ZENO-ZENCOVICH, Professor at the University of Roma Tre, built his final remarks by emphasizing the benefits brought by clinical teaching, thanks to the variety and diversity of experiences of the STARS project, as highlighted by the conference. STARS project represents an institutionalization of legal clinics that should be promoted together with all those "learning by doing" activities that pursue that same goal of teaching and involving students in what they have learned in a practical way.

Professor ZENO-ZENCOVICH concluded his speech by reaffirming the general role of legal clinics: strengthening universities' Third Mission by introducing into society people, such as graduate students, who have already matured a high level of knowledge and skills. Legal clinics have a fundamental role in this context, as the Street Law cases but also the information provided to the community through the website demonstrate. In conclusion, the way in which the universities are assessed in the European academic landscape and consequently their ability to be funded depends on their robust approach to the Third Mission, which should not necessarily concern only the world of law but the general involvement in public activities. By putting legal clinics into this public engagement effort, STARS project could achieve even more significant goals in the future.

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