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Winter School Final Report – Roma Tre University

Table of contents:

[PART A: Summary of Event 1](#_Toc45792029)

[**Introduction** 1](#_Toc45792030)

[**Dissemination of call and application process** 2](#_Toc45792031)

[**Admission procedure and criteria** 3](#_Toc45792032)

[PART B: Organization (teams and tutors, documents and logistic) 3](#_Toc45792033)

[**Teams and tutors** 3](#_Toc45792034)

[**Documents.** 4](#_Toc45792035)

[**Case solving** 6](#_Toc45792036)

[**Description of thematic sessions** 8](#_Toc45792037)

[**Other activities** 9](#_Toc45792038)

[**Budget** 9](#_Toc45792039)

# **PART A: Summary of Event**

## **Introduction**

The Winter School of the University of Roma Tre has taken place from Monday 10th to Friday 14th of February 2010. It is part of a European project, funded by the European Commission through the Erasmus+ Program, whose goal is to promote clinical teaching methods in European Universities. Five Universities are part of the project: The University of Olomouc (Czech Republic), the University of Roma Tre and the University of Brescia (Italia), the Romanian American University (Romanian) and the University of Luxembourg.

It aims to promote the innovative teaching within law school across Europe, exposing students to new business management skills in the field of legal services, contributing to a change of behavior in the legal professions through exchange of ideas with successful legal entrepreneurs and professional trainers from the universities.

In this framework, two previous Summer Schools were organised (Brescia and Luxembourg), the Roman one being the third (but the first that took place in winter).

During this Winter school, the Small Savers Protection Legal Clinic (SSPLC), as part of the project, offered a structured replica of its traditional clinical activities, holding special clinical sessions and reproducing the methods and the pedagogical approaches applied in Rome.

The Winter School had strong ties to contemporary, real-world problems, characterized by the clinical method and problem-based learning, making students work on high interactive cases studies, with participatory approaches.

The one-week event has been delivered by academic staff as well as eminent lawyers.

A scientific committee was set up, composed by: Vincenzo Zeno-Zencovich; Maria Cecilia Paglietti; Matteo Ghisalberti.

The present report will be divided in two parts: PART A: Summary of Event; PART B: Organization (teams and tutors, documents and logistic).

## **Dissemination of call and application process**

The call for applications was widely disseminated through the PU with the help of ENCLE (European Network of Clinical Legal Education), AIDC (Associazione italiana di diritto comparato) and Coordinamento Nazionale delle Cliniche Legali Italiane; and so was the Roma Tre Winter School Poster. The first call for application to students outside Partner Universities was made approximately two months before (5 December 2019) the closing date for applications (31th January 2020) and two months before the event. In total 16 applications were received and evaluated by the Winter School working group.

Each PU was invited to select up to 4 students in order to participate to the Winter School.

## **Admission procedure and criteria**

The procedure for the admission consisted in a two steps verification.

The PU Professors were asked to pre-select up to 4 students, in order to assess their level of English and their academical skills in law.

The second step was the evaluation by the assessing staff of the hosting University of the students’ qualifications (valuated by CV and motivation letter).

The criteria of the admission to the Winter School required an assessment of the command of English of candidates (a good knowledge was considered not sufficient, requiring students to be able to conduct a legal reasoning in English) and of their general level (especially verifying which classes related to the core topic of the Winter School they attended). Students that applied without these requirements would not been admitted.

So, applications were evaluated according to the advertised criteria, as follows:

* Level of English;
* Suitability of student’s subject of study to Winter School themes;
* Motivation letter;
* CV.

# **PART B: Organization (teams and tutors, documents and logistic)**

## **Teams and tutors**

Since, as mentioned before, the Winter School was meant to offer a structured replica of the Small Savers Protection LC, we decided to divide the class into teams. Accomplish a good team work skills in group assignments is considered one of the goals of the Small Savers Protection LC.

The students were divided into 3 groups (2 of 5 and 1 of 6), selected by balancing geographical and gender representation amongst the participants.

The tutors' group was composed by two former students of the SSPLC Legal Clinic – one of them is also a Phd Candidate –, the lawyer of the SSPLC, and a Phd Candidate from the Luxembourgish legal clinic. From previous Summer Schools, in fact, we learned that the tutors really have a crucial role in management of learning. In particular, previous experiences showed us that tutors are important not only to assist and help students in their work, especially in group discussions solving problems related to cases that they are dealing with, but also to facilitate the students’ personal interaction.

So, we thought that it would be preferable to assign one tutor for each group that could supervise and support students during the whole event.

From the point of view of students’ needs, in fact, classes, no matter how competent their participants are, showed the need of tutoring assistance for the whole duration of the WS.

From the point of view of the tutor’s profile, we learn also that former students can be excellent tutors, not only because they understand from experience the challenges facing other students, but also because the know from the inside how the clinic works.

So, as it has already been said, focus had also been placed on the interplay between student and tutor characteristics.

## **Documents.**

Before the actual start of Winter School’s activities, we provided the students with (by email) all documents necessary for the seminars could be found, such as:

- the final version of the program;

- the indication of the teams;

- an introduction of the Small Savers Legal Clinic;

- an introduction of the Methodology of the Small Savers LC;  
- an overview of the Roma Tre Legal Clinics;

- the directions to get Tommaseo building, were the whole WS took place;

- the directions to their Accommodation>/Roma Tre University.

The choice of documents appears to have been correctly made, as all of them found their purpose during the event.

The documents related to the explanation of Roman clinical method proved to be particularly important to students, as they could use them in a sustained manner during the activities.

A printed version of all documents was thus handed to participants on the first day, upon their arrival and their official registration on the attendance list.

In order to avoid organizational problems, such as participants forgetting their documents or losing some of them, we provided to hand them out before each session slowed down the pace of the day. So, at the end of each day we provided to collect back all the documents and give them on the other day.

During the Winter School, common sessions and separate sessions have been organized.

As stated before,the Winter School offered a structured replica of the Roma Tre Legal Clinic traditional clinical activities.

Since the SSPLC provides students with education on the legal framework about consumers and small savers protection in the banking and financial sector, especially as regards the enforcement of their rights, it aims to combine both the consumers’ protection and the ADR promotion.

In Italy, in fact, we have the Banking and Financial Ombudsmen (“Arbitro Bancario Finanziario” ABF - for banking issues and the “Arbitro delle Controversie Finanziarie” ACF – for financial issues), an out-of-court settlement scheme for disputes between customers and banks and other financial intermediaries, established in 2009 by the Bank of Italy to introduce an alternative mechanism that is faster and less expensive than civil litigation.

During the Winter School common sessions and separate sessions have been organized.

The common sessions were run by experts in ADR, Banking Law, Economics and Philosophy, who have a solid background, in a consumer perspective.

In specific:

**-Monday, February 10th,** the common session was run by Prof. Alberto Franco Pozzolo (Professor of Economics, Università di Roma Tre), who held the inaugural lecturer on “ABF Model and Consumers Disputes Resolution”;

- **Tuesday, February 11th,** the common session was run by Prof. Enrica Rigo (Professor of Philosophy of Law, Università di Roma Tre) and Prof. Romy Lerner (Lecturer in Law and Associate Director with the Immigration Clinic, Miami School of Law) on “Legal Ethics”;

- **Wednesday, February 12th**, the common session was run by Prof. Marcello Gaboardi. (Lecturer in Civil Procedure, Università Commerciale Bocconi), on ADR and Civil Justice System;

**- Friday, February 14th,** the common session was run by Damien Negre (Phd candidate at Luxembourg University), on Banking Arrangements in European Dimension.

Other common sessions (**Monday, February 10th, afternoon, and Friday, February 14th, morning)** were dedicated to:

**- Monday, February 10th (afternoon):** there was delivered a presentation of a Case zero.

- **Friday, February 14th, morning:** the final round table took place: each group presented its outcomes.

## **Case solving**

The main work of the students was to provide a solution to real cases assigned to each group.

We thought it would be useful for students to have a first approach to matter, in order to guide them in carrying out an activity to which they were not necessarily accustomed, as getting used quickly to a new clinical methodology would sometimes been difficult for them.

As Case Zero, we choose an instructive case of incorrect unique identifier provided by the payer and liability of the payee’s payment service provider.

While working to solve the cases, there was no particular language issue. The level of English, with the exception of a few students, was good and homogenous (although in some group we had up to 3 different home languages) and allowed participants to interact with each other.

While language was not a problem, issues raised about academic skills. From this point of view, we noticed different levels of legal knowledge between the students.

Selecting students is an important component of an effective Winter School program.

As for the selection, please refer to dedicated section.

As for the background and profile of the participants involved, we have to underline that some of them were too mature. Winter School (as much as the Summer Schools) is meant to be an occasion which allows the student to meet with other students and to learn from experts of other clinics from different countries. The main goal of the Winter School is to introduce the "learning by doing” approach and the aim is to provide a specialist training on banking law. Students are encouraged to work in group in order to ensure the skills integration in the processing of the data collected. They learn to investigate and organize facts, by defining and analyzing the problem; to use legal databases; prepare written advice. Since participants are divided in group it is crucial that they have similar characteristics and abilities: group member need to be homogenous enough to communicate and work with each other, in order to achieve the best results. In this way, we saw that putting together advanced and junior students may fail to challenge high-ability students and that junior students adopt a passive role and benefit at the expense of their more successful partner.

We believe that the integration of knowing and doing required by the Winter School is best accomplished with homogenous junior students.

**Concerning case resolution, as stated before, students were helped by tutors. They insisted, as part of the SSLPC method, on the need to understand the facts and** identify key information, encouraging students, once that had accomplished a good understanding of «what really happened», ensuring that everyone understands the technical terms used and that everyone had a similar understanding of the situation described in the problem.

As for the **legal analysis, students were encouraged to** qualify the legal issue, and identify the applicable norms according to the current European legal framework in the consumers’ and small savers’ area. This meant that they had to refer to the European legal framework (such as Regulations and Directives) and the sentences of the European court of justice.

Once checked the available evidence to support the client’s position, they had to decide if there was the case.

## **Description of thematic sessions**

We have decided to circumscribe the legal matters to the payment services area, for two groups, and to the reimbursement of costs for early repayment of credit to consumers, subject of an important ruling by the European Court of Justice, regarding the third group.

This in order to encourage students to analyze, in the first case, a new legal formant: the constant presence of the tutors helped the students better follow the methodology of the legal clinics with a structured research on legislation so recent as to be devoid of jurisprudential rulings on the subject.

In the second case, we wanted to focus the work of the students in particular on the use of databases in order to foster an orientation ability on these specific systems.

For the correct treatment of the cases, we have noticed the importance of having immediately provided a paper support with useful - technical information related to the case, with the intent to remedy any linguistic problems (as we have been expressly told by some students) and restrict the legal research field to European law only.

The presence of the tutors has proven to be particularly effective for the analysis of the issue according to the typical methodology of legal clinics. Once verified the correct understanding of the case facts, the tutors, always present in the classroom, allowed the students to consider the issues proposed in the case, at first individually, then opening a constructive discussion between themselves.

The tutors promoted the dialogue between the students (ensuring that the discussion would not take place under excessively aggressive tones) by letting them interact with each other and stimulating those most shy students in taking the initiative. Only once this phase was over, the tutors intervened to guide the class to the correct solution of the case, asking questions and encouraging the students to think about the possible applicability of alternative ways.

This strong collaboration was required until the last step. The students had to arrange the final presentation of the case and its solution, according to the tutors' indications, in order to prepare a presentation coherent with the work done and within the time established.

## **Other activities**

Students also enjoyed the extra-curricular conference program, such as the visit to the Unidroit. Taking part to these activities had multiple benefits. Not only because having the opportunity to build exciting memories in Rome in their free time increased productivity and built camaraderie between participants, but also because they could enrich their experience. We have noticed that combining work with diverse free-time activities with the team has a positive impact on learning and team dynamics.

## **Budget**

With regard to the refunding of participants to Winter Schools, Rome Tre University‘s administration has applied the rules as interpreted by Anefore, in the December e-mail.

So, Roma Tre had covered both students’ accommodation and travel costs within the limits as shown in the Contract. According to Rome Tre University policy, the whole tickets purchase process will be managed by Roma Tre University. Students could not purchase tickets directly; in this case, no refund has been made by Roma Tre University.

Once issued, the tickets had been sent via email to each traveler from Roma Tre University.

We have to underline the inappropriate attitude of early departures of a few participants, although the early applications to the Winter School were finalised also to avoid possible overlapping of other events.

As for the accommodation and travel costs of the representatives of the partners, even if they had not been covered by Roma Tre University, and each PU was requested to take care of their own reservations, so as to lower the accommodation costs for them, Roma Tre made a pre-reservation with a Hotel, with which it had a partnership.

To summarize:

-Roma Tre covered the costs (travel and accommodation) of the students from Luxembourg (4), Brescia (2) and Bucharest (4).

-Roma Tre had also covered the accommodation costs for the students from Olomouc (4), but not their travel costs, since they bought the tickets by themselves.

The Winter STARS School has been supported by:

* STARS founding
* financial support from the Università di Roma Tre.

In detail:

The Winter School costed euro 7000, 3.500 on STARS founds, and 3.500 on Università di Roma Tre.

STARS found covered:

The lights lunches for the whole duration of the event;

The participants’ dinner;

4 flight tickets (Zulaika, Xayyahong, Comoreanu, Dascalu).

The remaining costs had been covered by Università di Roma Tre.

**Participants’ feedback**

1 = I strongly agree

2 = I agree

3 = Neutral

4 = I disagree

5 = I strongly disagree

6 = No opinion

|  |  |
| --- | --- |
| Questions | Answers |
| I received sufficient information about the course prior to my arrival | 1,5 |
| The practical organisation of the course and venue was well organised | 1,8 |
| Material and documentation in general is useful and appropriate | 2,3 |
| The course taught me new skills | 1,5 |
| The course will help me improving my studying skills | 1,9 |
| I would recommend a similar Winter School to other people | 1,2 |
| The pace of the course was just right | 1,7 |
| The number of participants in the course was just right | 1,2 |
| How do you perceive your teachers’ knowledge? | 1,7 |
| How would you rate the interest that the teacher generates in class? | 1,7 |
| What do you feel are the strong points of the course? | // |
| Overall, I was satisfied with the course | 1,3 |
| Would you like to suggest any changes or points for improvement? | // |