**Comenius University / International Journal of Clinical Legal Education Conference**

**ENCLE - IJCLE 2019 Improving the Future: Using Clinical Legal Education to Educate Lawyers for a Just Society**

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| Organisation of Lead Presenter | University of Osijek, Faculty of Law |
| Name/s and details of other presenters | Adrian Koch, coo-director of Freiburg Refugee Law Clinic, Germany |
| Title of Proposal  | Defining the concept of law clinics as a basis for developing clinical standards |
| Summary of Proposal | To set the scene, in the first part of the text the authors will seek the definition of a law clinic based on our own views and available texts, mostly those of American origin. An insight into the materials produced by the Association of American Law Schools, American Bar Association, practitioners and academics will help us to sort out the place and role of the clinics. In the second part of the text, an emphasis on the present situation regarding the legal framework for legal aid in the authors’ own countries and some others will be stressed. As we shall see, in both countries the rules on provision of legal services are now much more liberal than fifteen years ago. That has opened opportunities for different organizations and structures willing to collaborate with, or at least to help the state funded legal aid scheme(s). As both authors firmly believe that every law clinic must serve the purpose of providing legal aid to individual clients, we shall consider legal frameworks regulating legal assistance to see whether there are legal constraints preventing clinics and law schools from engaging into provision of legal advice in the second part. Bearing in mind the social responsibility aspect of law clinics, we can hardly argue in favor of clinics which lack legal aid component, if the legal system allows them to render legal aid. As usual, lastly comes the conclusion in which we shall argue that confusing terms in use with clinical legal education is fundamentally flawed if we wish to set the standards for European law clinics in the future. |
| Abstract Proposal | As of late, law clinics flourish across Europe, even in countries such as Germany which is, due to its unique system of legal education observed as a place which resisted the acceptance of clinical legal education for a very long time. If we limit here our findings only to the countries of origin of the authors of this paper, it suffices to say that in Germany we have more than 150 clinics operating as student run ngos or as clinics at law schools, while in Croatia three law clinics operate under one rather unique legal framework which will be discussed later in the text. Apart from Germany and Croatia, the rise of the clinical movement can be traced in many other countries. As listing of law clinics would not make a lot of sense, we would only like to mention information that are actually quite new for both of us; in Hungary, Pecs Law School has recently started Campus Legal Aid Clinic with the purpose of helping foreign students in legal matters like housing and similar, in Serbia the Free Legal Aid Act delivered in November 2018 expressly authorizes Serbian law schools to provide a service called free legal support and at the Faculty of Law in Bratislava there is now an institute fully devoted to the development and promotion of clinical legal education. It is also worth noting that the newly established LLM program at the Charles University in Prague now offers specialization in different forms of experimental learning. Although Europe is still very far from having clinical legal education as a regular part of law school study programs, the fact is that different forms of clinical legal education are gaining more and more ground. Many would agree that all that happened so far is a remarkable development, especially if we take into account the observation made by Rekosh twenty years ago, when he said that clinical legal education by the late 1990s was virtually unknown among Central European law schools, at least in its dominant form of legal aid clinics. The latest remark calls for further investigation on what kinds of other teaching methods fall under the umbrella term of ‘clinical legal education’ We also ask ourselves what are law clinics after all? Other questions arise too, for example, why do we need to precisely distinguish law clinics from other types of clinical legal education? Any kind of misunderstanding in terminology can be, in our opinion, very dangerous since the process of setting the standards for clinical legal education should follow a carefully designed taxonomy. We hold that establishing precise taxonomy is necessary as it is undesirable to have a situation in which virtually any kind of innovation in legal education can be tucked into the concept of a law clinic. The main thesis of the authors is that misapprehension of the term ‘law clinic’ has enormous potential to undermine the commencement of new law clinics and full integration of the old ones in the law schools’ study programs and consequently one school’s budgeting. As it can be easily detectable from available materials on law clinics and clinical legal education, there is little unity on what clinical legal education is and whether having a link to genuine legal assistance and legal aid is of crucial importance for maintaining a structure that could rightfully call itself a law clinic. Namely, terms such as ‘experimental learning’, ‘experimental education’, ‘simulation courses’, ‘law practicums’, ‘live client clinic’, ‘legal aid clinic’, ‘street law clinic’ are commonly used to describe diverse types of learning programs with or without live clients under the umbrella term. As said in the proposal, the session objective is to give direction to the future discussion on the standards for European law clinics. As clinical activities can vary greatly due to some structural factors as well as economic, political and legal environment in different countries, in near future it will be important to tailor the standards in a way that will be inclusive, but not overly inclusive as we find that dropping out or minimizing the importance the legal aid component from a law clinic definition have potential to undermine the social responsibility aspect of the clinics. The latter was from the very beginning serving as the foundational element and driving force for many European law clinic initiatives, no matter whether they originated as student groups or law school organizational units. We find that the session proposal is relevant to the first conference stream. Both presenters are experienced clinical directors in their home countries and they are eager to promote further development of law clinics in Europe. |