**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**

|  |  |
| --- | --- |
| Title | Ms |
| Lead Presenter First Name | Ewelina |
| Lead Presenter Last Name | Milan-Gee |
| Organisation of Lead Presenter | Acting Director of Lazarski Legal Clinic, Civic Procedural Law Tutor at Lazarski University, Legal Practitioner, PhD candidate |
| Name/s and details of other presenters | Peter Gee (Academic English Tutor)  Pawel Klimek (Vice-Director of AFM Krakow University Legal Clinic, Director of AFM Krakow University Legal Clinic Tax Law Section, Financial Law, Public Procurement Law, Local Self-Government Law, Pleadings in Administrative, Tax and Administrative-Court Procedures, Establishment and Tax Settlement of Private Business Tutor at AFM Krakow University, Trainee Attorney at Law, Civil Advisor, Permanent Mediator Authorised by Presidents of District Courts in Krakow and Katowice, PhD candidate) |
| Title of Proposal | Mediation and other skills improvement as the next steps  in the Polish clinical movement development |
| Summary of Proposal | In 2015 the Sejm (the Polish Parliament) enacted the Ustawa z dnia 5 sierpnia 2015 r. o nieodpłatnej pomocy pomocy prawnej oraz edukacji prawnej - Dz.U. z 2015 r. poz. 1255 (The Free-of-charge Legal Help and Legal Education Act). Through the enacting of this the mentioned source of law, which concerns free-of-charge legal help and free-of-charge legal education, reform to the Polish justice system began. The lawyers who could be involved in this system were: adwokaci (advocates), attorneys at law (radcy prawni), lawyers with at least 3 years of experience (including legal clinic experience) and to a minimum extent also doradcy podatkowi (tax advisors). The system is based on 1, 500 free-of-charge legal help points, which employ at least 1 or 2 lawyers per point. With the beginning of the system the local governments, non-governmental organisations and self-governments of attorneys at law and advocates started to spend the money provided by Polish government. The amount was approx. 94 mil PLN (€22,1 mil) in 2016, 96 mil PLN (€22,5 mil) in 2017, 99 mil PLN (€23,2 mil) in 2018 and will be 101 mil PLN (€23,7 mil) in 2019 . Despite the efforts of the Polish Legal Clinics Foundation, legal clinics still have not been financed by this system. |
| Abstract Proposal | Many students are interested in legal clinics because of the minimum of at least 3 years of experience, which they can gain during their legal studies. This can give them the opportunity to gain valuable practical legal experience and employment in free-of-charge legal points, which is a good solution for not wealthy graduates, who cannot afford opening their own legal business immediately after graduation. What is more, many students are interested in playing a part in legal clinics activities, such as AFM Krakow University Legal Clinic Tax Law Section, because of the possibility of future employment with the firm KPMG, which was provided to at least 20% of students of this section. This was possible thanks to the 7-year tradition of taking part in the national finals of the Tax’n’You Competition, while taking a part in the national final of the Tax’n’You Competition guarantees employment in the firm KPMG. Many students are also interested in AFM Krakow University Legal Clinic Tax Law Section, because it gives more and more opportunity in the field of international cooperation. While Lazarski Legal Clinic was recently rated as the second best Legal Clinic in Poland by the Polish Legal Clinic Foundation in cooperation with the newspaper Rzeczpospolita. The judges were particularly impressed with the size of their Street Law activities, with over 4000 participants. So AFM Krakow University Legal Clinic and Lazarski Legal Clinic are open to external cooperation.  On the other hand, most of the Polish legal clinics are not able to provide civil advise and mediation courses for their students, and what is more they do not develop client consultation skills and pleadings preparation skills. However the last ones are more and more often improved by students during workshop classes, which are often conducted by clinical teachers.  Therefore, there are many reasons why the next steps in the Polish clinical movement development should may be:  1. organising competitions which develop client consultation, mediation and preparation of pleadings skills and provide international cooperation programs,  2. the development of cooperation with teachers and NGOs, which are able to provide civil advise and mediation courses.  One of the most recent achievements of the Polish clinical movement, was participating in 2017 in organising the Brown Mosten International Client Consultation Competition, which was a fantastic opportunity for client consultation skills development, practicing mediation as well as for international cooperation, especially for tutors and students from Poland and Ukraine .  What is more it should be noticed, that mediation as a form of conflict resolution is becoming more and more popular not only with free-of-charge legal points (because of the Sejm regulations) but also within the legal business. Modern Polish lawyers have begun to understand that conflict does not only have to be resolved in a court. That is why more and more conflicts are being resolved by a mixture of methods used in mediation, negotiation and arbitrage.  The use of these methods requires spoken and written language skills as well as soft skills. That is why the authors of this presentation will try to define these skills on the basis of the Brown Mosten International Client Consultation Competition criteria and they would like to try answer a question, what kind of other competitions and courses should be based on these criteria and implemented by the Polish clinical movement? |