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Mihajlo Dika, Slađana Aras Kramar & Ivana Martinović

THE CURRICULUM FOR HUMAN RIGHTS LEGAL CLINICAL EDUCATION IN MONTENEGRO

FIRST PART

- Desk research on legal framework and the existing models of clinical legal education in Montenegro -

1. LEGAL FRAMEWORK OF MONTENEGRO: CLINICAL LEGAL EDUCATION AND LEGAL AID

The aim of this part is to give a review and analysis of the existing normative and institutional legal framework of the legal aid institute and the procedure of obtaining legal aid in Montenegro. Furthermore, the existing normative framework for clinical legal education will be discussed (Act on Higher Education).

1.1. Legal framework of legal aid institute in Montenegro

In Montenegrin legal system, the right for legal aid is recognized by the Constitution¹ and protected in the scope of human rights. By introducing the right of legal aid in the part of Constitution – Human rights and freedoms, the (free) legal aid gained the status of a guaranteed human right. Every person has the right on legal aid under equal conditions. More precisely, Articles 19 and 21 of the Constitution recognized the right for legal aid and equal protection of rights and freedoms, which can be free in accordance with the law. Moreover, Montenegro, by enacting the Montenegrin Legal Aid Act² in 2011, which was legally applicable from 1 January 2012, created normative framework which ensures the respect of right to approach justice in a way that through the system of free legal aid poor financial conditions of citizens will not be an obstacle in the process of exercising their rights on court.

Legal aid is regulated through following legal sources:

- Montenegrin Legal Aid Act (Official Gazette of Montenegro, 20/2011, 20/2015);
- Regulation on Application Form and Form of Voucher for Legal Aid (Official Gazette of Montenegro, 58/2011);
- Regulation on Form of Record for Legal Advice (Official Gazette of Montenegro, 58/2011);
- Regulation on Records for Legal Aid (Official Gazette of Montenegro, 58/2011).

Under Article 21, paragraph 2 of the Constitution, lawyers as an independent profession, are eligible to provide legal aid, as well as other services. In the Montenegrin Legal Aid Act, the Montenegrin legislator foresaw that legal aid may be provided by lawyers from the list of the Bar Association of Montenegro compiled as per territorial jurisdiction of basic courts (Art. 30 MNLAA). Nevertheless, it has to be noted that Montenegrin legislator in the Article 5 of the MNLAA, prescribes that providing legal aid in accordance to this Act does not limit other services, non-government organization and other organizations to provide legal aid.

Basic institutional framework for the legal aid, depending on the place of residence of the applicant, consists of 15 offices (services) in the scope of basic courts³ in Montenegro. Legal aid is granted by the basic court, i.e. president of the court or the judge authorised by within the territory of whose jurisdiction the applicant is domiciled or resides (Art. 28

¹ The Constitution of Montenegro, Official Gazette of Montenegro, 1/2007 - October 26, 2007, Amendments I to XVI to the Constitution of Montenegro (hereinafter: Constitution).

² Montenegrin Legal Aid Act, Official Gazette of Montenegro, 20/2011, 20/2015 (hereinafter: MNLAA).

³ Act on Courts, Official Gazette of Montenegro, 11/2015.

MNLAA). Legal aid services that have been set up in each basic court are responsible for the execution of technical and administrative tasks in the procedure for granting legal aid. The service provides information and advice to interested persons regarding the possibilities and requirements for the exercise of the right to legal aid and other matters related to granting legal aid, and assist the applicant in filing the application. The legal aid services are established within basic courts with ten or more judges in office. In addition, within basic courts with fewer than ten judges in office are established the legal aid sections. The service will employ at least one person meeting the requirements for performing the tasks of advisors of courts. The president of the court may assign advisors of the court, judicial trainees and volunteers to work within the service (Art. 28 MNLAA).

1.2. Type of legal aid

Legal aid in the same subject shall be granted for:

- Legal counselling (providing general legal information and legal advice);
- Preparation of pleadings in court proceedings (preparation of the claim or any other document initiating proceedings, and of the appeal, constitutional complaint or a document initiating procedure for the protection before the European Court of Human Rights),
- Representation in court proceedings and in out-of-court settlement;
- Legal advice and representation in the proceeding in the front of State prosecution;
- Legal advice and representation at first and second instance courts;
- Legal advice and representation in the case of extraordinary legal remedies;
- Legal advice and representation in the case of constitutional complaints (Art. 26 MNLAA).

Legal aid is not provided in proceedings before commercial courts and procedure involving registration of an economic activity; procedure for the award of damages in relation to defamation and insult; proceedings initiated on the basis of the lawsuit for reducing the amount of child support where the person who is obligated to pay for the support failed to fulfill such obligation, except if the failure to fulfill such obligation has not been his/her fault; enforcement proceeding based on authentic document (Art. 7 MNLAA).

1.3. Eligibility for legal aid

Legal aid may be provided to:

- a Montenegrin citizen;
- a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro;
- a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro;
- any other person in accordance with the ratified international treaties (Art. 12 MNLAA).

The right to legal aid, without the assessment of financial standing, may be provided to:

- a beneficiary of family allowance or any other social care benefit, in accordance with the law governing social and child care;
- a child without parental care;
- a person with a disability;
- a victim of the criminal offence involving family or domestic violence or violence in domestic unit and human trafficking;
- a person of poor financial standing (Art. 13 MNLAA).

The exercise of the right to legal aid in accordance to the MNLAA, is provided to any person that fulfills the previously mentioned conditions, without any discrimination on the grounds of the ethnic origin, race, color, language, religious or political belief, sex, sexual orientation, medical condition, disability or other personal feature (Art. 8 MNLAA).

1.4. Procedure for obtaining legal aid

Application has to be submitted to the competent authority via the service using the stipulated form. The application must contain: name, unique citizen registration number, and address of the applicant; name, unique citizen registration number, and address of the applicant's family members; case data; description of the requested form of legal aid; data on being the beneficiary of family cash benefits or other social protection benefits; the information that the applicant is a child without parental care; declaration of property and income of the applicant and his family members (Art. 34 MNLAA).

When deciding on an application, the competent authority assesses all circumstances and facts of the application subject matter, and in particular whether the complaint or other

claim in case for which the application was filed is manifestly ill-founded, or whether there are probable chances of successful action (Art. 38 MNLAA). However, there is an exception to this rule: when deciding on the application requesting legal aid for the submission of a constitutional complaint and conducting the procedure on a constitutional complaint, if the legal requirements for lodging a constitutional complaint have been met (Art. 40 MNLAA).

Under the Article 39 of the MNLAA, the case is deemed as manifestly ill-founded and therefore is not eligible for legal aid, if: 1) the value of the claim is disproportionate to the actual state of affairs, 2) the applicant is abusing the possibility of being granted legal aid for a legal matter for which the applicant would not have otherwise sought legal services, even if his/her financial situation would allow that, or 3) it is contrary to the case law in legal matters with similar factual state and legal grounds, except when deciding on the application requesting legal aid for the submission of a constitutional complaint and conducting the procedure on constitutional complaint if the legal requirements for lodging a constitutional complaint have been met (Art. 39 MNLAA).

The decision by which legal aid is granted contains in particular the data on the applicant, the form of legal aid granted, and detailed data of the case or the legal matter for which legal aid has been granted. The decision rejecting an application must be reasoned (Art. 42, para. 3. MNLAA). As a rule, legal aid is granted separately for each case for which the application is filed. Nevertheless, the competent authority may grant legal aid for several cases if they are mutually linked for the reasons of the same factual state, or if the dispute resolution depends on the resolution of several cases (Art. 43 MNLAA). Should the applicant fail to state the specific form of legal aid in his/her application, the decision on the form of legal aid is passed by the competent authority at its discretion (Art. 45 MNLAA).

1.5. Act on Attorney-at-Law

Under the Article 51 of the Act on Attorney at Law⁴, the Bar association may provide legal aid to citizens independently or, based on a contract concluded with the public organ or local government which guarantees material or other conditions necessary for providing legal aid.

In accordance with the Professional Codex which regulates professional ethics and responsibilities, a practicing lawyer (attorney-at-law) is expected to perform its duties in a concise, caring, sincere and resolute manner, without unnecessary procrastination, and by

⁴ Act on Attorney-at-Law, Official Gazette of the Republic of Montenegro, 79/2006, and Official Gazette of Montenegro, 11/2015, 22/2017.

exercising and protecting the interest of the client. Furthermore, the Codex exhaustively states situations in which the lawyer may deny the representation or must deny it, with reasons that justify the deniability.⁵

1.6. Criminal Procedure Act

In the area of criminal justice, the question of granting legal aid is regulated by the Criminal Procedure Act (hereinafter: CrPA).⁶ The right of the defendant (suspect) to receive legal aid is defined with the Article 12 of the CrPA.

Under the Article 66 of the CrPA, the defendant has the right to an attorney-at-law, while the Article 69 of the CrPA prescribes the institute of mandatory defense, with the legislator foreseeing situations in which the defendant must have an attorney-at-law. Furthermore, the Montenegrin legislator foresaw the right to an attorney-at-law to a person who cannot bear the cost of its defense due to poor financial situation. Precisely, where there are not reasons for mandatory defense, but the interest of equity finds that it is appropriate, the defendant on its request, may be provided an attorney-at-law (from the Bar association) if the defendants' financial conditions demand that solution. Decision to provide an attorney-at-law to a defendant, in the process of investigation can be made by the State prosecutor, but if the indictment has been made than the decision shall be called by the president of the court who decides about the indictment (Art. 70 CrPA).

1.7. Civil Procedure Act

Under the Article 168 of the Civil Procedure Act⁷, the legislator foresaw that, when the party, in accordance with its poor financial situation is not able to bear the cost of a qualified attorney-at-law, the court may, on its request, provide an attorney-at-law if that is necessary to protect the interest of the party in the proceeding. The party that received the qualified attorney-at-law does not pay the real cost to the attorney-at-law. The president of the court enlists the qualified attorney-at-law.

⁵ For more about layers professional ethic, see: Codex of professional ethics of lawyers <https://www.advokatskakomora.me/kodeksi1.html>.

⁶ Criminal Procedure Act, Official Gazette of Montenegro, 57/2009, 49/2010, 47/2014, 2/2015, 35/2015, 58/2015 – other Act, and 28/2018.

⁷ Civil Procedure Act, Official Gazette of the Republic of Montenegro, 22/2004, 28/2005, 76/2006, and Official Gazette of Montenegro, 47/2015 – other Act, 48/2015, 51/2017, 75/2017, 62/2018, 19/2019, 34/2019, and 42/2019.

1.8. Family Violence Protection Act

The Family Violence Protection Act (hereinafter: FVPA)⁸ prescribes that the victim of violence has the right on free legal aid in accordance to a special law. By this special law is meant the MNLAA (Art. 13 FVPA).

1.9. Family Act

Under the Family Act of Montenegro (hereinafter: FA),⁹ in cases of child protection and the disputes on parental care where there is collision of interests between the child and its legal representative (usually, a parent), the child is granted with a collision guardian (Art. 356 FA). In a child protection and parental care matters, the court has to guide itself with the best interest of the child. If the court assesses that, in child protection or parental care disputes, the interest of the child as a party is not represented in a proper manner, it will grant a temporary representative to the child. The temporary representative will be enlisted from the list of attorneys-at-law that attended trainings for child protection in the scope of family law. These trainings are conducted by the Ministry of Justice (Art. 357 FA).

In cases of extension or termination of the right of parents to parental care (Art. 77 of the Non-Contentious Procedure Act; hereinafter: NCPA), the court or the social welfare body that provides the custody, may provide a special guardian in the proceedings, nonetheless if the other parent is alive, if they assess that it is in the best interest of the child.

1.10. Non-Contentious Procedure Act

In the Article 48 (paragraphs 2, 3, 4) of the NCPA,¹⁰ the act of forceful accommodation of a person in a psychiatric institution is regulated. The Montenegrin legislator foresaw that the person who is forcefully accommodated in an adequate psychiatric institution must have an attorney-at-law.

If the person in question is not able to obtain an attorney-at-law, it must be granted with one as a person of poor financial overall state in accordance to the MNLAA. If the person who is forcefully accommodated in an adequate psychiatric institution, does not engage an attorney-at-law or it is not eligible for legal aid, the court, acting on its own motion, will provide him/her an attorney-at-law from the list of the Bar association.

⁸ Family Violence Protection Act, Official Gazette of Montenegro, 46/2010.

⁹ Family Act, Official Gazette of the Republic of Montenegro, 1/2007, and Official Gazette of Montenegro, 53/2016.

¹⁰ Non-Contentious Procedure Act, Official Gazette of the Republic of Montenegro, 27/2006, and Official Gazette of Montenegro, 20/2015, 75/2018 – other Act, and 67/2019.

1.11. Act on Higher Education

Montenegrin legislator in the Article 81 of the Act on Higher Education¹¹ (hereinafter: AHE), foresaw that at least 25 % of the classes must be conducted with practical teaching/education.

Each Institution should organize practical and theoretical classes for all students as well as other forms of lectures, in accordance with the educational program goals. Practical knowledge, skills, practice classes may be acquired within the faculty's facilities or in other facilities if convenient (Art. 86, para. 1 and 2 AHE).

2. CLINICAL LEGAL EDUCATION AT THE LAW FACULTIES OF UNIVERSITIES IN MONTENEGRO: OVERVIEW OF THE EXISTING MODELS

The aim of this part is to give a review of the existing models of clinical education implemented at the law faculties in Montenegro.

The Constitution of Montenegro guarantees the autonomy of universities, higher education and scientific institutions (Art. 75 Constitution).

As it is stated earlier, the Montenegrin legislator foresaw that at least 25 % of the classes must be conducted with practical teaching/education (Art. 81 AHE). In three universities in Montenegro, practical education is implemented with the participation of legal practitioners (judges, attorneys-at-law, prosecutors) in the classes at universities, and by organizing the participation of students in Montenegrin courts, in accordance with the signed memorandums of cooperation.

The Statute of the University of Montenegro (hereinafter: SUM) guarantees that the load of students should be equal and that the theoretical and practical education, tutorials, seminars, etc. should be mandatory (Art. 128, para. 1 SUM).¹² Under the Article 3, paragraph 4 of the Rules of study at undergraduate level¹³ of the University of Montenegro (hereinafter: RSUL), each study program should contain practical lectures. Moreover, practical lessons and

¹¹ Act on Higher Education, Official Gazette of Montenegro, 44/2014, 52/2014, 47/2015, 40/2016, 42/2017, 71/2017, 55/2018, 3/2019, 17/2019 – other Act, 47/2019, 72/2019.

¹² Statute of the University of Montenegro, <https://www.ucg.ac.me/objava/blog/6/objava/3708-statut-univerziteta-crne-gore>.

¹³ Rules of study at undergraduate level of the University of Montenegro, https://www.ucg.ac.me/skladiste/blog_6/objava_3716/fajlovi/Predlog%20novih%20Pravila%20studiranja%20_korigovano%20nakon%20sjednice.pdf.

practices can be organized as an integral part of the regular studying program, or separately if convenient (Art. 6, para. 5 RSUL). Pursuant to paragraph 8, practical lessons/teaching shall be conducted in at least 25 % of the classes in accordance with the students load. Under the Article 8, paragraph 3 of the Rules of study at postgraduate level of the University of Montenegro, except theoretical classes, practical classes are also foreseen (tutorials, seminars, projects etc.).¹⁴

The University of Montenegro Faculty of Law has established cooperation with the national institutions of judicature, through which students acquire the appropriate practical knowledge and skills. Students of the specialist study program have the following simulated legal clinical activities, as compulsory parts of different courses:

- debates;
- pair work;
- dealing with specific cases in practice;
- competently and expert read and analyze of legal texts;
- written submissions;
- drafting relevant judicial decisions;
- undertaking certain actions and preparation of acts that are the basis of judicial decision-making;
- writing a civil claim;
- drawing up an agreement on civil legal relationships;
- writing adage of civil judgment and examine the essential elements which each civil judgment contains;
- using all available legal means and remedies to the final clarification and solution, and analyzing cases in practice and make his/her own conclusion and take his/her own position in relation to the present case, etc.

These simulated clinical legal activities are part of the following courses:

- Criminal Law Legal Clinic;
- Civil Law Legal Clinic;
- Business Law Legal Clinic;
- Clinic for Legal History;
- Family Law Legal Clinic;

¹⁴ Rules of study at postgraduate level of the University of Montenegro https://www.ucg.ac.me/skladiste/blog_6/objava_3716/fajlovi/POSTOJECI%20003.pdf.

- International Law Legal Clinic.

The mentioned clinical legal activities are organized on the postgraduate specialist studies. Classes on legal clinics correspond to 8 and 10 ECTS credits.

Students from the University of Montenegro Faculty of Law have the opportunity to participate and compete on the Competition for International Trade and Arbitration Law, ect.¹⁵

Under the Article 40 of the Statute of the University of Donja Gorica Faculty of Law,¹⁶ the following studying/teaching methods should be included in studying process: practical and theoretical classes, professional practice, seminars, consultations, proactive work with mentor, students scientific research etc. At the Faculty of Law of the University of Donja Gorica,¹⁷ practical education is implemented through the signed memorandums of cooperation with the courts, where students in a certain period stay and volunteer; through the signed memorandums of cooperation with the national institutions of judicature, in which students acquire the appropriate practical knowledge and skills; with participation of the legal practitioners (judges, attorneys-at-law, prosecutors) in the classes at the Faculty; with using certain number of classes for practical education (dealing with assignments from practical cases, writing law suits, etc). On the second year of basic studies, students have Human Rights as an individual course, where they get theoretical and practical education from this area of law studies. Every year, students from this Faculty have the opportunity to participate and compete in the Moot Court regional competition in a simulation of European Court of Human Rights.

Under the Article 117, paragraph 3 of the Statute of the University “Meditaran”,¹⁸ 25 % of classes will be conducted with practical teaching/education, in accordance with the students load. Under the Article 10, paragraph 2 of the Rules of undergraduate studies,¹⁹ practical lessons and practices can be organized as an integral part of the regular studying program, or separately if convenient. Furthermore, practical lessons/teaching is also foreseen on postgraduate studies. Students of the judicial course, on the third year of basic studies at the “Meditaran” University, have Human Rights class which corresponds with 6 ECTS credits.²⁰

¹⁵ See at <https://www.ucg.ac.me/pf/>.

¹⁶ Statute of the University of Donja Gorica Faculty of Law, <https://fpn.udg.edu.me/>.

¹⁷ Faculty of Law, University of Donja Gorica, <https://fpn.udg.edu.me/>.

¹⁸ Statute of the University “Meditaran”, http://unimeditaran.net/fajlovi/Statut_UM_JUL2018.pdf.

¹⁹ Rules of undergraduate studies of the University “Meditaran”, http://unimeditaran.net/fajlovi/odluke/Pravila_studiranja.pdf.

²⁰ See at <http://pf.unimeditaran.net/index.php/mne/editions-a-pricing/osnovne-studije>.

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SECOND PART

- Desk research on clinical legal education in a comparative perspective and the curriculum of legal clinics in Montenegro -

3. CLINICAL LEGAL EDUCATION IN A COMPARATIVE PERSPECTIVE

The aim of this part is to give a review and analysis of the existing concepts of clinical legal education in the countries from the region. In this context, a term 'clinical legal education' and different models of law clinics will be analysed. In addition, clinical legal education as part of the curriculum or as extracurricular activities of law students, as well as the benefits of clinical legal education will be discussed. Special part will be devoted to the aim of clinical legal education: serving a student or a client. Furthermore, the focus of this part will be on cooperation with the law firms, local and national governmental bodies or agencies, and/or the non-governmental sector, as well as on policy work and outreach projects, such as Streetlaw projects and others voluntary pro bono activities of law clinics.

3.1. What is clinical legal education?

Clinical legal education is a term connected with different learning activities involving law students. Kerrigan (2011a: 5) defines clinical legal education as a concept that encompasses 'learning through participation in real or realistic legal interactions coupled with reflection on this experience.' Indeed, clinical legal education is about educating the law students through application, practice and reflection. Thus, in the focus is experiential learning.²¹

These definitions of clinical legal education offer some basic elements of the concept. First, it is about learning by doing. Namely, clinical legal education is an example of experiential learning that plays a significant role in the process of learning.²² Secondly, linked to this first, it is learning by doing in a legal context, acting as a lawyer or other participant in the professional arenas of the law.²³ Although there are some debates about what is or not clinical activity, it has been argued that clinical legal education is a broad concept that

²¹ See more in: Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 3-5, 11-12; Kemp, V., Munk, T. & Gower, S. (2016), pp. 1-2.

²² See more in: Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 3-4; Kerrigan, K. (2011a), pp. 5-6; Kemp, V., Munk, T. & Gower, S. (2016), pp. 1-2.

²³ See more in Kerrigan, K. (2011a), pp. 6-7.

encompasses different activities. That means not only providing legal services as a lawyer on real legal issues, but also acting as a participant in the simulated clinical legal activities (for example, as a client, opponent, investigator, judge, etc.).²⁴

Thirdly, it is learning by reflecting on the clinical experience. Indeed, learning is a basic element of clinical legal education.²⁵ Nevertheless, there are debates about distinction between education and practical training for skill development. The question is, namely, which activity counts as clinical legal education. There has been suggested that clinical learning and activities offer much more than skill development, such as a comprehensive understanding of legal rules and procedure, the role of the legal professional and legal system and their impact on citizens, legal persons and other organizations.²⁶ In addition, it has been stressed that a key process of clinical legal activity is reflection. Kerrigan (2011a: 8) and Murray (2011: 226-227) describe reflection as a process of 'reviewing and analysing experience so that you can identify and absorb the elements of learning arising from it.' In other words, reflection is 'what turns experience into learning.'²⁷

3.2. Models of the law clinics

In a comparative context, there are recognised and described some basic models of law clinics: in-house real-client clinics, out-house real-client clinics or placement/externship schemes, and simulation clinics.²⁸

In-house real-client clinic means that students provide legal services to the public/clients, dealing with real cases, interviewing and advising clients under the supervision of academic teacher and/or practitioners.²⁹ These clinics may cover a number of different areas of law³⁰ or may specialise in some areas (for example, a law clinic specialising in women's rights, in particular in the case of domestic violence and abuse, children's rights, rights of asylum seekers, or prisoner's rights, etc.).³¹ There are differences also in the question

²⁴ Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 15-16; Kerrigan, K. (2011a), pp. 6-7, 9.

²⁵ See more in Kerrigan, K. (2011a), pp. 7-9.

²⁶ See more in: Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 17-18; Kerrigan, K. (2011a), p. 7.

²⁷ For the models and methods of reflection, see more in Murray, V. (2011b), pp. 226-246.

²⁸ For terminology and the law clinic models, see in Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 12-16; see in Kerrigan, K. (2011a), pp. 1-3; see in Kemp, V., Munk, T. & Gower, S. (2016), p. 2.

²⁹ See in Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 12-14; see in Kerrigan, K. (2011a), pp. 1.

³⁰ For example, see the Iuss-Buss Legal Aid Clinic in Oslo (at <https://foreninger.uio.no/jussbuss/english/>), the Student Law Office at Northumbria University (at <https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/areas-of-work/>), the Kent Law Clinic at Kent University (at <https://www.kent.ac.uk/law/kent-law-clinic>), the Legal Advice Centre of the University of Manchester School of Law (at <https://www.socialsciences.manchester.ac.uk/legal-advice-centre/services/practice-areas/>), the Zagreb Law Clinic (at <http://klinika.pravo.unizg.hr/law-clinic-zagreb>).

³¹ Com. Kerrigan, K. (2011a), pp. 1.

of legal services provided by the law students. Usually, these clinics operate in the area of general legal information and legal advice (primary legal aid), not covering a representation before courts and other authorities. Nevertheless, this later is much more connected with the legal system of the country in question.³² In the case of this model of legal clinic, other key question is the sustainability of the law clinic, and connected with this, the investment in human resources, case management system, premises and funding issues.

Out-house real-client clinic or placement/externship schemes are terms for the involving students in the existing law work and activities out of the law faculty in private legal practice, usually, in the law firms, or local and national governmental bodies or agencies, private industries and business, and the non-governmental sector (for example, in notary offices, public prosecutor's offices, ombudsman's office, non-governmental organizations, etc.).³³ This type of model operates without the need to develop a legal service infrastructure within the law faculty itself. Further then, it has been argued that the main difficulty of this model is the fact that the academic staff of law faculty does not have the supervision and (quality) control over the learning process.³⁴ Nevertheless, the comparative practice of clinical legal education shows that this way of involving students in the existing law work in private and public sector is an appreciate additional activity of the in-house law clinics of law faculties.³⁵

Simulation clinic is a term connected with the involvement of students in the simulated clinical legal activities of the law faculties. This means that students work on simulated legal issues and that clinical methodology is used without a real client or real problems.³⁶ This can be done in a way to act out in the entirety of the case, from taking the initial instruction to a court settlement or judgment, or as a preparatory work (for example, client interview, court hearing, etc.). In the comparative literature, the question of whether the

³² See in Brayne, H., Duncan, N. & Grimes, R. (1998), p. 13. In the UK, for example, the Legal Advice Centre of the University of Manchester School of Law provides only legal advice. In the region, this is the case also with the Zagreb Law Clinic. In Croatia, the legal clinics and their students, in general, are not allowed to provide representation before courts and other authorities (to provide secondary legal aid). See Art. 4., pt. 8 and Art. 6, para. 1 of the Legal Aid Act of the Republic of Croatia, Official Gazette of the RC, 143/2013, 98/2019 (hereinafter: CroLAA). On the other hand, in some others countries from the region, legal clinics are not recognised at all as providers of (primary) legal aid in the legal aid schema. See, for example, the Arts. 30 – 33 of the Montenegrin Legal Aid Act from 2011, Official Gazette of Montenegro, 20/2011 (hereinafter: MNLAA).

³³ Comp. Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 12-14; see in Kerrigan, K. (2011a), p. 2.

³⁴ See in Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 14-15; Kerrigan, K. (2011a), p. 2.

³⁵ For the outreach work and cooperation of the Iuss-Buss Legal Aid Clinic in Oslo, see at <https://foreninger.uio.no/jussbuss/english/About%20us/outreach-work/>. For the Zagreb Law Clinic and cooperation with the non-governmental sector, see Puljčan, L. (2015), p. 59. For the externship schemes of the University of Belgrade Faculty of Law, see at <http://www.ius.bg.ac.rs/pravna%20klinika/pravna%20klinika.htm>.

³⁶ See in Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 15-16; see in Kerrigan, K. (2011a), p. 2, 9.

real-client clinic is the best example and method of clinical legal education has been arisen.³⁷ Nevertheless, the fact is that the practice of clinical legal education points the models of clinic that use simulation as a preparatory and/or integrated activity in the real-client work.³⁸

When discussing and analysing the standard types of legal clinics, it must be stressed that the existing clinics in the comparative context combine different clinical legal activities. Thus, there are also mixtures between the standard types of clinical legal schemes, for example, the in-house real-client clinic with the successful cooperation with the law firms, local and national governmental bodies or agencies, and/or the non-governmental sector, and with additional outreach projects, such as Streetlaw projects and others voluntary pro bono activities (see *infra ad* 3.9. and 3.10.).³⁹

3.3. Clinical legal education as part of the curriculum or as extracurricular activities of the law students

As comparative researches show, there are two types of the clinical legal education schemes: law clinics as part of the curriculum of the law faculties and as extracurricular activities of the law students.⁴⁰

Clinical legal education activities may be extracurricular. In this case, clinical legal education does not constitute a formal part of law studies and the students do not get credits for their involvements in the project. Students work on a voluntary basis. These activities may be student-organised, where the law faculty permits the activity but has little commitment to it, or law faculty-organised, where the law faculty supports the activity with resources, usually including the academic staffs as the coordinators and/or supervisors of the activity.⁴¹ When the clinical legal education activity is extracurricular, there are challenges with the sustainability of this activity, and connected with this, the investment in human resources,

³⁷ See Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 15-16; see Kerrigan, K. (2011a), p. 9.

³⁸ For example, the Student Law Office at Northumbria University and the York Law Scholl Clinic are much more education-oriented model of the legal clinics. The Law Office at Northumbria University has developed the Student Law Office Manual (see at <https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/>). For the Student Law Office at Northumbria University and the York Law Scholl Clinic, see more in Kemp, V., Munk, T. & Gower, S. (2016), pp. 22-24. In the region, the Belgrade law clinic modules are an example of the law clinics based on the simulation and placement of students in the existing law work outside the law faculty (see at <http://www.ius.bg.ac.rs/pravna%20klinika/pravna%20klinika.htm>).

³⁹ For clinical legal activities and pro bono activities, see more in Kerrigan, K. (2011a), pp. 1-3.

⁴⁰ See in Kerrigan, K. (2011a), pp. 11-13.

⁴¹ See Kerrigan, K. (2011a), p. 12. An example of the UK law clinic that operates extracurricular is the Legal Advice Centre of the University of Manchester School of Law. See Kemp, V., Munk, T. & Gower, S. (2016), p. 31. The students are eligible to receive a certificate for each semester in which they have volunteered. See in The University of Manchester School of Law, Legal Advice Centre (2011), p. 6.

case management system, premises and funding issues resources. There is no, namely, obligation of the law faculty to provide needed support.

If clinical legal education is within the curriculum of the law faculty, this activity may be part of the compulsory or optional module.⁴² In this case, the law faculty provides a quality control, appropriate resources, and the work of students is recognised by credit on their programme of the law study. In the comparative context, it has become common for clinical legal education to count as part of the curriculum of the law faculties.⁴³ In addition, there is a general tendency that law clinic is an optional module.⁴⁴ In fact, this is usually the case with the in-house live-client law clinics. In the case of simulation as a basis of clinical legal education, there are a large number of compulsory modules at the law faculties (e.g. participation in a court hearing, moot trials, legal writing and drafting, interviewing, and others modules for skill development).⁴⁵

3.4. What are the benefits of clinical legal education?

Clinical legal learning is an interactive and engaging way of learning the law at the law faculties around the world. It is about learning by doing in the professional arenas of the law. By using the clinical methodology in the real legal context, students develop in-depth knowledge in a specific area of law and need to understand that area to be able to advise the client.⁴⁶ In addition, they gain the skills they will need for their future work as legal professionals, such as independence of mind, preparing a practical legal research, reasoning of pleadings, judgments and other submissions in legal proceedings, in general, legal writing skills, as well as organizational skills, case management and communicational skills.⁴⁷

Furthermore, the students develop also a sense for legal ethics, professional conduct and pro bono work in the community.⁴⁸ This way of learning and preparing students for the

⁴² In the UK, an example of the in-house law clinic as a compulsory module is the Student Law Office at Northumbria University. It is the compulsory element of their fourth year degree for LLB students. Kemp, V., Munk, T. & Gower, S. (2016), p. 18; The Student Law Office at Northumbria University (2011-2012), p. 2.

⁴³ Kerrigan, K. (2011a), p. 12. In the UK, this is the case with the in-house real-client clinics at Northumbria, Sheffield Hallam, Queen's Belfast and Kent Universities. Kemp, V., Munk, T. & Gower, S. (2016), p. 18. In the region, this is the case with the Zagreb Law Clinic (see at <http://klinika.pravo.unizg.hr/law-clinic-zagreb>).

⁴⁴ Kerrigan, K. (2011a), p. 12. In the UK, this is the case with the in-house real-client clinics at Sheffield Hallam, Queen's Belfast and Kent Universities. Kemp, V., Munk, T. & Gower, S. (2016), p. 18. In the region, this is the case with the Zagreb Law Clinic (see at <http://klinika.pravo.unizg.hr/law-clinic-zagreb>).

⁴⁵ Com. Kerrigan, K. (2011a), pp. 12-13.

⁴⁶ See more in Kerrigan, K. (2011a), p. 13.

⁴⁷ See more in: Gowland, J. & McKeown, P. (2011), p. 96 *et seq.*; McKeown, P. (2011), pp. 107-124; Boothby, C. (2011), pp. 126-146; Hall, J. (2011), pp. 148-169; Foster, C. (2011), pp. 171-184; Gowland, J. (2011), pp. 187-210; Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 37-38.

⁴⁸ See more in: Kerrigan, K. (2011c), p. 56 *et seq.*; Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 38-39.

future legal profession raises their employability. Even in the case where clinical legal and pro bono activities of the students are not recognised in the curriculum of their law faculties and they do not get credits for their work, the fact that they have experienced the law in practice has a significant and growing potential for them in the labour market.⁴⁹

3.5. Development of clinical legal education: a comparative perspective

Clinical legal education has expanded in different forms in higher education as an extracurricular activity, as well as in the curriculums of the law faculties. In the beginning of the twentieth century, some law schools in the USA offered law clinics as an extracurricular activity. The law schools, namely, focused much more on the development of the case method based on analysis of appeal court decision. Thus the practical work of students and providing legal services to the community was mainly outside the academic focus.⁵⁰ In the 1970s, the modern American clinical legal education, having its roots in the social justice education projects and the idea of law societies to promote pro bono work among the existing and future legal professionals, was in place and has continued to grow.⁵¹ Nowadays, there are clinical legal education programmes in almost all law schools in the USA. In addition, they are well connected through the Clinical Legal Education Association (CLEA) and the Association of American Law Schools Clinical Section.⁵²

In England and Wales, law clinics began to develop in the early 1970s, partly influenced in what was happening in the USA and partly as a response of academics and student to the social justice issues.⁵³ In 1973, the Law School at the University of Kent opened the first clinic, followed by the University of Warwick in 1976. By the 1980s, there were four clinics at Birmingham, Warwick, South Bank and Northumbria Universities.⁵⁴ In the 1990s, there was sporadic development of the clinical legal education schemes, and the Clinical Legal Education Organisation (CLEO), offering mutual support, was established.⁵⁵

⁴⁹ See more in Murray, V. (2011b), pp. 269-272 *et seq.*

⁵⁰ Kerrigan, K. (2011a), pp. 9-10; Kemp, V., Munk, T. & Gower, S. (2016), pp. 5-6.

⁵¹ Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 236-237; Kerrigan, K. (2011a), p. 10.

⁵² The Clinical Legal Education Association (CLEA) is the interest group that promotes clinical methodology in higher education and scholarship in this field (see at <https://www.cleaweb.org/>). In addition, the Association edits the Clinical Law Review as a peer-reviewed journal devoted to issues of lawyering theory and clinical legal education (see at <https://www.cleaweb.org/clinical-law-review>).

⁵³ Brayne, H., Duncan, N. & Grimes, R. (1998), p. 5, 236; Kerrigan, K. (2011a), p. 10; Kemp, V., Munk, T. & Gower, S. (2016), p. 17.

⁵⁴ The Law Clinic at Kent University, namely, closed in 1976. Kemp, V., Munk, T. & Gower, S. (2016), p. 17.

⁵⁵ The Clinical Legal Education Organisation (CLEO) is a UK-based charitable organisation aimed at fostering, promoting and developing clinical legal education. The CLEO supports law schools in developing clinical legal education and pro bono work, advances the law curriculum and teaching methodologies and promotes research and other scholarly activities (see at <http://www.cleo-uk.org/>).

The University of Northumbria at Newcastle and Sheffield Hallam University developed in-house clinical credit programmes that continued to be recognised as a model of the modern clinical legal education.⁵⁶

Nowadays, clinical legal education as a way of experiential learning the law is present in the majority of the UK law schools, as well as in the USA, Australia, Canada, South Africa, Nigeria, Norway⁵⁷ and Poland.⁵⁸ In the recent years, there are also expanding opportunities in Western Europe (Austria, Belgium, France, Germany, Spain, Ireland, Italy and the Netherlands), as well as in the countries of the former Soviet Union.⁵⁹ In addition, there are clinical legal education associations in many countries.

The Global Alliance for Justice Education (GAJE), as a network for those working in clinical legal education schemes worldwide, organises a bi-annual conference with delegates representing every region of the world.⁶⁰ Furthermore, the Northumbria Law School publishes the International Journal of Clinical Legal Education, a peer-reviewed open access journal,⁶¹ and organises the International Journal of Clinical Legal Education Conference,⁶² in cooperation with the European Network for Clinical Legal Education (ENCLE).⁶³ The Global Network for Public Interest Law, a non-governmental organisation based in New York and

⁵⁶ For the further development in the UK, see more in Kemp, V., Munk, T. & Gower, S. (2016), pp. 17-18, 22-35. See Brayne, H., Duncan, N. & Grimes, R. (1998), p. 66.

⁵⁷ One of the strongest providers of legal services among alternative legal aid institutions in the Nordic countries is Juss-Buss, a legal aid clinic run by students of the Faculty of Law of the University of Oslo. Inspired by the trends from the USA in outreach legal aid and clinical legal education, the Juss-Buss Legal Aid Clinic emerged from the radical student movements of the late 1960s and early 1970s and a climate of strong social commitment of the law students and young lawyers to the questions concerning access to legal services. The Norwegian scholars wanted to combine scientific knowledge with the establishment of legal aid infrastructures benefitting to the disadvantaged social groups. See more in Hammerslev, O., Olesen, A. & Halvorsen Rønning, O. (2018), pp. 147-167. For the Juss-Buss Legal Aid Clinic, see at <https://foreninger.uio.no/jussbuss/english/>.

⁵⁸ In Poland, the Polish Legal Clinics Foundation has been operating since 2002. It supports and coordinates a network of 25 legal clinics and promotes pro bono engagement of lawyers. See at <http://www.fupp.org.pl/en/foundation/history-mission>.

⁵⁹ See Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 7-8, 267-274; Kerrigan, K. (2011a), p. 11; Wilson, R. J. (2018), pp. 263-285.

⁶⁰ For the Global Alliance for Justice Education (GAJE), see at <https://www.gaje.org/>. See in Kemp, V., Munk, T. & Gower, S. (2016), p. 3.

⁶¹ For the International Journal of Clinical Legal Education, see at <https://www.northumbriajournals.co.uk/index.php/ijcle>.

⁶² For the International Journal of Clinical Legal Education Conference, see at <https://www.northumbria.ac.uk/about-us/news-events/events/2020/07/ijcle-dublin-2020/>.

⁶³ The European Network for Clinical Legal Education (ENCLE) is a non-for-profit association registered in the Czech Republic, aimed to bring together persons from different countries, who exchange perspectives and work collaboratively from a variety of legal, educational and organizational settings in order to promote justice and increase the quality of law teaching through clinical legal education (see at <http://www.encle.org/about-encle>).

Budapest devoted to advance human rights around the world,⁶⁴ organises an annual European Pro Bono Forum.⁶⁵

In 2013, the EU Rights Clinic was launched, based in Brussels, as a joint activity of the University of Kent's Brussels School on International Studies and the European Citizen Action Service (ECAS). This EU Clinic offers a legal service to the EU citizens and their family members to resolve complex problems in the context of the EU right of free movement when they cannot otherwise access to legal advice.⁶⁶

3.6. Developments in the countries from the region: good practice example

From the 2000s, the establishment of clinical legal education projects has been highlighted at the universities of countries from the region. The University of Zagreb and its Zagreb Law Clinic is a pioneer in the field of in-house real-client clinical programmes.⁶⁷

The Zagreb Law Clinic was launched in 2010. In the beginning, it was conceived as an experimental form of teaching, which involved students, teaching and research assistants, and a number of professors at the Faculty of Law in Zagreb, to examine whether there was the possibility of introducing such a form of education in the regular curriculum in the final year of the law programme. The aim was and is to develop knowledge and skills of students for their future work as legal professionals, but also to enhance the access to legal service to the poor and disadvantaged social groups. In addition, the Zagreb Law Clinic operates within the state funded legal aid system.⁶⁸

The Zagreb Law Clinic is an in-house real-client programme. Compared to the common law model of law clinics, the Zagreb Law Clinic is much more oriented to social justice. Here, namely, the Iuss-Buss Legal Aid Clinic in Oslo served as a model.⁶⁹ Real cases are handled both independently and collectively by the third, fourth and fifth year students, while being given supervision and guidance by the academic mentors – teaching and research assistants, professors of the Zagreb Faculty of Law, as well as practicing lawyers.

All students from the Law Clinic are organised into groups specialising in the particular areas of law, which are recognised to be of the greatest importance for the clients of

⁶⁴ For the Global Network for Public Interest Law, see at <https://www.pilnet.org/public-interest-law.html>.

⁶⁵ For the European Pro Bono Forum, see at <https://www.pilnetevents.org/globalforum/>.

⁶⁶ For the EU Rights Clinic, see at <https://ecas.org/focus-areas/eu-rights/eu-rights-clinic/>.

⁶⁷ For the Law Clinic of the University of Zagreb Faculty of Law, see at <http://klinika.pravo.unizg.hr/law-clinic-zagreb>.

⁶⁸ See Kovilić, J. (2015), p. 6.

⁶⁹ For the Iuss-Buss Law Clinic and its concept, see in Hammerslev, O., Olesen, A. & Halvorsen Rønning, O. (2018), pp. 147-167.

the Clinic. Currently, the Clinic consists of the Group for asylum seekers and aliens, the Group for the elimination of discrimination and the rights of minorities, the Group for the rights of children and family maintenance, the Group for the protection of and assistance to crime victims, the Group for the protection of workers' rights, the Group for the protection of patients' rights, the Group for the protection of citizens in enforcement proceedings, and the Group for public relations – the editorial board of the magazine *Pro Bono*.⁷⁰

The Zagreb Law Clinic has a lot of outreach projects, *inter alia*, provides legal services to the citizens outside the City of Zagreb. The students from the Clinic, namely, visit various cities across Croatia in cooperation with NGOs, thus allowing citizens in more remote areas, whose financial circumstances might not allow travel to Zagreb, to obtain needed legal services.⁷¹

The Zagreb Law Clinic is an optional credit course in the final fifth year of the study programme. Nevertheless, the third- and fourth-year students work also in the Clinic on a voluntary basis. Once students join the Law Clinic, they are obliged to work there at least one academic semester, and they can stay longer if they wish to. For their engagement in the Clinic, the students obtain 8 ECTS credits. Beside their work in the residential Clinic, the students are involved in the existing law work outside the faculty (in the partner organisations (NGOs) with whom the Clinic has the cooperation agreements).⁷² Since the beginning of its work, the Zagreb Law Clinic was seeking partners among the relevant NGOs.⁷³

Up until 2020, the Zagreb Law Clinic educated more than 800 law students who provided its legal services in more than 14.000 cases. In about two-thirds of the cases, the service provided was an elaborate legal advice, produced in a written form. The remaining third of the cases consisted in general legal information provided orally to the clients.⁷⁴

Clinical legal activities are also present at other Universities in the region. In general, these activities are education-oriented and based on the simulation and/or placement of students in the existing law work outside the law faculty (law firms, notary offices, NGOs, etc.). In contrast from Zagreb University, there is no a law clinic as an integrate programme and unit at the university, rather more compulsory or optional modules/courses in the curriculum of law faculties.

⁷⁰ See Kovilić, J. (2015), pp. 7-8.

⁷¹ See Kovilić, J. (2015), p. 7.

⁷² See Kovilić, J. (2015), p. 7.

⁷³ The Zagreb Law Clinic has signed the cooperation agreements with around 50 NGOs, as well as the local governments in various parts of Croatia. See at <http://klinika.pravo.unizg.hr/suradnja>.

⁷⁴ For some statistics of the Zagreb Law Clinic, see in Čupić, T. & Zidarević, D. (2019), pp. 50-52.

The law clinic modules of the Faculty of Law of the University of Belgrade are an example of the optional clinic modules based on the simulation and placement of students in the existing law work outside the law faculty.⁷⁵ They are divided into two modules: A (a clinic for family law, clinic for law on obligation and clinic for criminal law) and B (a clinic for the discrimination issues, clinic for asylum and the immigration issues and clinic for trafficking in human beings).⁷⁶ At the University of Montenegro Faculty of Law in Podgorica, there are also introduced law clinic activities as compulsory courses, based in general on the simulated clinical legal activities (see more *supra ad 2.*).⁷⁷

In 2008, the University of Pristina Faculty of Law has introduced to the curriculum of the third year law studies the new courses based on clinical legal methodology, in cooperation with the American Bar Association.⁷⁸ In Albania, the University of Tirana Faculty of Law, in collaboration with the Center for Legal Civic Initiatives (CLCI), has implemented the project 'Empowering the Law Clinic course in the Faculty of Law, by increasing the students' capacity and practical skills for providing legal service for people in need (2014)' supported by the USAID's Albanian Justice Sector Strengthening Project (JuST).⁷⁹ In addition, there have also been clinical legal activities at 'Aleksander Moisiu' University in Durrës from 2018.⁸⁰ Within the Council of Europe project and that of the UNICEF, there have been some simulated clinical legal activities as extracurricular at the Universities in Bosnia and Herzegovina (the University of Mostar and the University 'Džemal Bijedić' in Mostar), devoted to human rights and the rights of the child (2019).⁸¹

3.7. What are the dilemmas in clinical legal education?

As has been already mentioned, the early development of clinical legal education has its roots in the social justice education projects and the idea of law societies to promote the

⁷⁵ For the law clinic modules of the University of Belgrade Faculty of Law, see at <http://www.ius.bg.ac.rs/pravna%20klinika/pravna%20klinika.htm>.

⁷⁶ See at <http://www.ius.bg.ac.rs/pravna%20klinika/pravna%20klinika.htm>.

⁷⁷ For the law clinic courses of the University of Montenegro Faculty of Law in Podgorica, see at <https://www.ucg.ac.me/studprog/4/1/2/2019-pravne-nauke>.

⁷⁸ For the law clinic courses of the University of Pristina Faculty of Law, see at https://www.americanbar.org/advocacy/rule_of_law/where_we_work/europe_eurasia/kosovo/news/news_kosovo_pristina_law_school_introduces_new_courses/.

⁷⁹ For the clinical legal activities of the University of Tirana Faculty of Law, see at <http://www.qag-al.org/ang/publication/Just.pdf>, <http://qag-al.org/ang/publication/lawclinic.pdf>.

⁸⁰ For the clinical legal activities at 'Aleksander Moisiu' University in Durrës, see at <https://followbusinessalbania.com/a-new-legal-clinic-in-durres-switzerland-support/>.

⁸¹ For some simulated clinical legal activities at the Universities in Bosnia and Herzegovina, see at <http://pf.sum.ba/8-vijesti/1345-pravna-klinika-iz-ljudskih-prava.html>, <https://pf.unmo.ba/novosti/pravne-klinike-pravda-za-djecu.aspx>.

pro bono work among the existing and future legal professionals. Thus, the law clinics had an important task to provide legal aid to those who would not otherwise be able to access to justice. In this context, the question is whether the law clinics should serve to a student or a client, especially to the vulnerable, marginalised social groups. Further to that, should the law clinics include only the real-client work, and/or the simulated clinical legal activities? Last but not least, should the legal services offered by in-house real-client clinics be means-tested?⁸²

In the comparative context, there are models of the law clinics that are more education-oriented. These law clinics include much more the simulated clinical activities in their curriculum. In the United Kingdom, an example is the Student Law Office at Northumbria University. The involvement of students in the Student Law Office at Northumbria University is compulsory at their fourth year LLB degree.⁸³ In the region, the Belgrade law clinic modules are an example of the clinical activities based on education, simulation and placement of students in the existing law work outside the law faculty.⁸⁴ In contrast, there are also social justice-oriented models of the law clinics. In the United Kingdom, an example is the Kent Law Clinic.⁸⁵ In the region, the Zagreb Law Clinic is an example of the law clinic much more oriented on the client and social justice. Here, namely, the Iuss-Buss Legal Aid Clinic in Oslo served as a model.^{86 87}

Clinics that provide the in-house legal services to clients operate without charging them a fee. Link to the question of the commitment of law clinics, law clinics have different approach to the question of the eligibility criteria for obtaining legal services. Some use the means test for potential clients, others allocate their resources by targeting the services that are relevant to the vulnerable and marginalised social groups, and/or have an education value test to decide whether to take a case and provide a service.⁸⁸

⁸² See more in: Kemp, V., Munk, T. & Gower, S. (2016), p. 22 *et seq.*; Kerrigan, K. (2011a), pp. 16-17; Brayne, H., Duncan, N. & Grimes, R. (1998), pp. 18-19.

⁸³ For the Student Law Office at Northumbria University, see at: <https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/>. See more in Kemp, V., Munk, T. & Gower, S. (2016), pp. 22-23.

⁸⁴ For the law clinic modules of the University of Belgrade Faculty of Law, see at <http://www.ius.bg.ac.rs/pravna%20klinika/pravna%20klinika.htm>.

⁸⁵ For the Kent Law Clinic, see at <https://www.kent.ac.uk/law/kent-law-clinic>. See more in Kemp, V., Munk, T. & Gower, S. (2016), pp. 24-25.

⁸⁶ In contrast to the Student Law Office at Northumbria University, the Iuss-Buss Legal Aid Clinic is a social justice model of the law clinics. The Iuss-Buss Legal Aid Clinic, namely, started in the 1970s by using an old bus and providing legal services to the poor and disadvantaged social groups in villages of Norway. For the Iuss-Buss Legal Aid Clinic and its concept, see in Hammerslev, O., Olesen, A. & Halvorsen Rønning, O. (2018), pp. 147-167.

⁸⁷ For the Zagreb Law Clinic, see at <http://klinika.pravo.unizg.hr/law-clinic-zagreb>.

⁸⁸ See in Kerrigan, K. (2011a), p. 17.

3.8. Clinical legal education and legal aid

As the comparative researches show, the push for a clinical legal education project can have its basis in the need to ensure pro bono legal services and legal aid to the vulnerable citizens who are unable to access to legal services, in general to justice. Linked to this, is the obligation of the state to ensure the vulnerable the access to justice through the state funded legal aid system. In the region, a good example for this is in the establishment of the Zagreb Law Clinic. The Croatian Legal Aid Act, namely, was a powerful impetus to the establishment of the Clinic in 2010 and maintaining its work with the disadvantaged and the vulnerable social groups.⁸⁹

In Croatia, legal aid reform was given high priority on the agenda of judicial reforms. One of the reasons was the EU integration process, but also social changes that made justice more complex and expensive. In 2008, the Croatian Legal Aid Act had been finally adopted. Soon after its enactment, it had become apparent that its complexity and the restrictive requirements have an adverse effect on the improvement of the access to justice. Furthermore, two years after its enactment, the Constitutional Court of the Republic of Croatia ruled on the unconstitutionality of several key provisions of the Act, ordering their change within a period of three months.⁹⁰ Within this time limit, the 2011 Amendments of the Legal Aid Act were passed and have further restricted the availability of (primary and secondary) legal aid.⁹¹ In 2012, the then newly elected Croatian government announced that additional changes in the legal aid system might be necessary. In 2013, the new Croatian Legal Aid Act was adopted.⁹²

The CLAA 13 distinguishes between two forms of legal aid – primary and secondary legal aid. Primary legal aid includes general legal information, legal advice, the preparation of submissions to government agencies, representation in proceedings before government agencies and legal assistance in the peaceful resolution of disputes out of court.⁹³ On the other hand, secondary legal aid includes legal advice, drafting pleadings in court proceedings, legal assistance and representation in court cases, and legal assistance in the peaceful resolution of disputes.⁹⁴ Four categories of persons and organizations are authorised to provide legal aid: attorneys – at – law (advocates), non-governmental organizations (NGOs) registered in the

⁸⁹ Legal Aid Act of the Republic of Croatia, Official Gazette of the RC, 62/2008 (hereinafter: CLAA 08); currently in force the Act from 2013, Official Gazette of the RC, 143/2013, 98/2019 (hereinafter: CLAA 13).

⁹⁰ Decision of the Croatian Constitutional Court, No. U- I-722/2009 of 6 April 2011, Official Gazette of the RC, 44/2011.

⁹¹ Act on Amendments to the Croatian Legal Aid Act from 2011, Official Gazette of the RC, 81/2011.

⁹² See more in Aras Kramar, S. (2017).

⁹³ Art. 9 CLAA 2013.

⁹⁴ Art. 12, para. 1 CLAA 2013.

registrar of legal aid providers, institutions of higher education through legal clinics and state administration offices at the county level.⁹⁵ Under the CLAA 13, attorneys – at – law may offer only secondary legal aid while NGOs,⁹⁶ legal clinics and state administrative offices are limited to primary legal aid.⁹⁷

In contrast, in some other countries from the region, legal clinics are not recognised at all as the providers of (primary) legal aid in the state funded legal aid schema. This is also the case with the Montenegrin Legal Aid Act from 2011.^{98 99}

3.9. Clinical legal education and Streetlaw projects

In the comparative context, clinical legal education schemes sometimes include activities such as Streetlaw projects. In this type of project the students are involved in the education process of the community group about an area of law or legal rights issues relevant to the members of this group. This idea of going onto the street to educate certain community groups about the law has been taking place since the 1970s. In the United States, the umbrella organisation for coordination of such activities is Streetlaw Inc.¹⁰⁰ In addition, in the United Kingdom there are also a large number of Streetlaw projects.¹⁰¹

The governmental bodies and/or non-governmental organizations may need the education for their beneficiaries on certain areas of law (for example, education for asylum seekers on immigration matters, including the right to accommodation and other social welfare issues; for persons with disabilities on the social welfare and health issues; for victims of domestic violence on the social welfare issues, including the right to accommodation; for Roma people or other minorities on their rights, etc.). A good practice example for this way of working for the community is a project aimed at educating the homeless people about their social insurance rights, run by the Zagreb Law Clinic,¹⁰² or that aimed at educating the prisoners about their rights, run by the Iuss-Buss Legal Aid Clinic in Oslo.¹⁰³ The Iuss-Buss

⁹⁵ See Art. 6 CLAA 13.

⁹⁶ Art. 6, para. 3 CLAA 13.

⁹⁷ Art. 6, para. 1 and 2 CLAA 13.

⁹⁸ See the Arts. 30 – 33 MNLAA.

⁹⁹ For the legal aid system of countries of the region and legal clinics as possible providers of (primary) legal aid, see in Hadzimusic, K. (2016), pp. 8-21.

¹⁰⁰ For Streetlaw Inc in the United States, see at <https://www.streetlaw.org/>.

¹⁰¹ See Kerrigan, K. (2011a), p. 2; see more in Murray, V. (2011a), pp. 213-214.

¹⁰² See Mihajlović, A. (2016), pp. 75-76.

¹⁰³ For the Iuss-Buss project regarding the prisons and prisoner's rights, see at <https://foreninger.uio.no/jussbuss/english/About%20us/outreach-work/>.

Legal Aid Clinic, as a result of the project dealing with the prisons and prisoner's rights, has developed The Prisoner's Handbook (2012).¹⁰⁴

3.10. Clinical legal education, policy work and cooperation with NGOs

Law clinics may include policy work activities. Indeed, they can be a powerful stakeholder in planning and implementing reforms, especially those concerning their beneficiaries. In the comparative context, the law clinics take part in drafting various policies and laws concerning the state funded legal aid system, and legal issues dealing with their beneficiaries (for example, asylum seekers, persons with disabilities, victims of domestic violence, Roma people or other minorities, etc.), as well as in various round-tables and discussions on the topics relevant for the legal aid system and human rights.¹⁰⁵

The comparative researches also show that it is important and useful to explore in a local context the potential for a law faculty to develop partnerships with other legal advice providers (attorney-at-law offices, NGOs, etc.). When discussing on the advocacy, especially, in the context of legal aid reforms, they can be, namely, a good partner. In addition, members of these partner organisations can participate as supervisors of students and/or in the quality control procedure of legal clinics, as well as in the training of students. The students from law clinics can also be placed in these organisations for practical work.¹⁰⁶

4. CURRICULUM OF THE CLINICAL LEGAL EDUCATION AT THE UNIVERSITIES IN MONTENEGRO: PROPOSAL OF THE CLINICAL MODEL AND RECOMMENDATIONS

The aim of this part is to identify the best suited concept of clinical education that will ensure long-lasting and sustainable results in this area for the law faculties in Montenegro. Furthermore, this part contains a proposal of the clinical model and recommendations for the curriculum of the clinical legal education at the Universities in Montenegro.

There is APPENDIX 1 Law clinic – Legal aid for women, for academic year 2020/2021.

¹⁰⁴ See at <https://foreninger.uio.no/jussbuss/english/Legal%20areas/prison-law/>.

¹⁰⁵ For policy work activities of the law clinics, see more in Johnsen, T. (2012).

¹⁰⁶ See more in Kerrigan, K. (2011b), pp. 23-25.

RECOMMENDATIONS

4.1. Concept of the law clinic

1. As the comparative analysis suggests, the existing clinics combine different clinical legal activities. In addition, there are successful models of the in-house real-client clinics with a rich cooperation in the existing law work with the law firms, local and national governmental bodies or agencies, and/or the non-governmental sector, and with additional outreach projects, such as Streetlaw projects and others voluntary pro bono activities. This model of practical work of the law students is highly recommended. The in-house real-client clinic and programme offers to law students, namely, both opportunities at the highest possible level: to develop knowledge and skills for their future work as legal professionals, and to enhance the access to legal service to the poor and socially disadvantaged social groups. In addition, the law clinic can include the simulated clinical legal activities, especially as part of the training for the students who have joined the clinic. Most of the benefits of clinical legal education can also be attributed to the simulated legal activities if they are well designed.

2. When planning the concept of the law clinic for the Universities in Montenegro, it is recommended to think about launching a law clinic as an integrated unit and programme at the university (rather than more subjects as part of the existing compulsory or optional courses/modules in the curriculum of law faculties). The clinic may cover a number of different areas of law or may specialise in some areas (for example, women's rights, in particular in the case of domestic violence and abuse, children's rights, rights of persons with disabilities, rights of asylum seekers, the elimination of discrimination and the rights of minorities, the protection of and assistance to crime victims, especially in the case of trafficking in human beings, or prisoner's rights, etc.). It is, namely, needed to identify the target client group to which the clinic wants to address. Thus, the students from the law clinic can be organised into groups specialising in the particular areas of law, which are recognised to be of the greatest importance for the clients of the clinic, as well as for the law students and faculty.

3. The law clinic can be an optional credit course of the basic and/or the specialist and master programme for the law students. Compulsory clinic course involving the real client work, namely, can include the high cost of providing such a service, as well as the question of recruiting the supervisors of student work. The law clinic course can involve the law students in the final year of the basic study programme and/or students of the specialist

and master study programme. Nevertheless, the second year students of the basic study programme can work also in the law clinic on a voluntary basis. Once students join the law clinic, they will be obliged to work there at least one academic year, and they can stay longer if they wish to (on a voluntary basis). For their engagement in the law clinic, students will obtain 6/8/10 ECTS credits (depending on the study programme and ECTS credits for other courses).

4. Beside their work in the in-house clinic, the students can be placed in the existing law work outside the faculty (in the partner organisations (law firm, NGOs, etc.) with whom the law faculty will have the cooperation agreements). Since the beginning of clinic work, it is important to seek partners among the relevant law firms, local and national governmental bodies or agencies, and/or the non-governmental sector. The members of these partner organisations can participate as supervisors of students and/or in the quality control procedure of in-house real-client legal clinics, as well as in the training of students. They can also help with the development of clinic visibility by referring clients to the clinic. Furthermore, the students from law clinic can be placed in these organisations for practical work.

4.2. Legal framework for the law clinic

5. When planning and working on the concept of the law clinic at the Universities in Montenegro, it is needed to consult widely with the University management, academic staff, student representatives and community. For establishing and sustainability of the law clinic is important to have at least the tacit support from the Faculty/University. In addition, it is recommended to think about drafting and adopting certain provisions in the statutes and other internal acts of the law faculties, dealing with the status, management, ethical and quality issues, as well as the sustainability of the law clinic and cooperation with the partner organisations.

4.3. Law clinic as part of the legal aid system: policy work

6. Law clinic can be a powerful stakeholder in planning and implementing reforms, especially those concerning the state funded legal aid system and their beneficiaries. It is highly recommended for the law clinic to include policy work from its beginning. As the research shows, law clinics in Montenegro are not recognised as providers of legal aid in the state funded legal aid system. The state founded legal aid system can be a good environment for the development of in-house real client programmes at the Universities in Montenegro.

7. Furthermore, it is important and useful to explore in a local context the potential for a law faculty to develop partnerships with other legal aid providers (attorney-at-law offices, NGOs, etc.). When discussing on the advocacy in the context of legal aid reforms, they can be a good partner.

4.4. Law clinic as part of the curriculum

4.4.1. Management of the law clinic and students

8. There are three important components of the law clinic: students, academic staff of the law faculty, and practicing lawyers, judges and other legal practitioners.

9. It is recommended that the leadership of the law clinic is recruited from the academic staff of the law faculty (professors, teaching and research assistants). It can be a person or collegium in charge of the law clinic dealing with the coordination of student work and various organizational issues related to the work of the law clinic. In addition, it is important to secure that the voice of the students from the law clinic is represented in the management of the clinic (for example, through membership in a council as a collective body of the clinic dealing with the organizational and other issues, or similar).

10. Students in the law clinic can work in groups specialising in particular areas of law (for example, women's rights, in particular in the case of domestic violence and abuse, children's rights, rights of persons with disabilities, rights of asylum seekers, the elimination of discrimination and the rights of minorities, the protection of and assistance to crime victims, or prisoner's rights, etc.). It is recommended that the group have about 7 students. They can work, individually and collectively, on real-client cases and other clinical activities. The suggested process of resolving real-client cases can be as follows: students work individually or in groups of two students maximum per case if it is a more complex case. Once the student has studied and researched the case, the whole group specialising in this area of law has a meeting. At the meeting, the student informs the others about the case and draft proposal of the legal advice to be given to the client. After the meeting, the student contacts the supervisor to whom he or she proposes the advice to be given to the client in written form. It is, namely, recommended that each student group specialising in particular areas of law has a supervisor who oversees the work of the group, reviews and approves legal advice given by the students. In addition, one way of mentoring the work of students can be keeping a working journal about student activities in which the tasks performed are specified and described, as well as the working hours.

11. It is recommended that the academic staff of the law faculty (professors, teaching and research assistants) and legal practitioners (practicing lawyers) participate in the work of the law clinic as supervisors of the student groups and its work.

4.4.2. Selection criteria and the number of students

12. As has been already indicated, the law clinic course can involve the law students in the final year of the basic study programme and/or students of the specialist and master study programme. Nevertheless, the second year students of the basic study programme can work also in the law clinic on a voluntary basis. Once students join the law clinic, they will be obliged to work there at least one academic year, and they can stay longer if they wish to (on a voluntary basis). For their engagement in the law clinic, students will obtain 6/8/10 ECTS credits (depending on the study programme and ECTS credits for other courses).

13. The total number of students enrolled in the clinic depends on the field of its work, as well as of available human and other resources of the clinic (the number of supervisors, the task of the students (real-client cases, simulated activities, other projects), facilities of the clinic, funding of the clinic, etc.). The students can work in small groups specialising in particular areas of law and individually where appropriate. It is recommended that the group have about 7 students.

14. The process of enrolling new students in the clinic is very important. It is important, namely, to have a high motivate students for this type of work that usually includes different activities targeting the vulnerable social groups. Thus, it is recommended that the process of enrolling new students in the clinic includes the application stage where a motivation letter of the students is needed, and the interview conducted by the representatives of older students and supervisors of the clinic.

4.4.3. Training of the students and ethical issues

15. Even in the case of real-client clinic and work on real-client cases, training activities for the students are essentially part of the law clinic. There is, namely, a need for teaching/supervision sessions in order to provide case reviews and opportunities for discussion and analysis, as well as for acquiring knowledge of the ethical issues and conduct, and developing practical skills. These sessions can be led by the academic staff of the law faculty in collaboration with the practicing lawyers (outside the faculty staff).

16. It is recommended to develop the student manual guide which will be devoted to all important issues regarding the practical work in the clinic, including also the confidentiality issues and standard office procedure (office opening hours, initial client contact, conducting interview with the client, dealing with messages, supervisor availability, etc.).

4.4.4. Sustainability of the law clinic

17. When establishing the real-client clinic, it is important to assess the need for premises (office space, including a meeting room, interview rooms, computers and others technique, file management materials, etc.) and other resources (staff resources - supervisors). From the beginning of clinical work, it is important to develop a case management system (for example, using the appropriate computer system for entering the cases received in the clinic). It is recommended to keep the statistics on the case work and records about other clinical activities that can be published in an annual report. The annual reports of the law clinic may be used for various project applications and other funding options.

18. One of the first considerations is also the question of how the law clinic will remain sustainable in the long term. In this context, it is recommended that each academic year some of the older students stay in the clinic (on a voluntary basis) and a part of the new students is enrolled. Thus, it is good to involve more than one year of students in the clinic to enable them to become involved at an early stage and to ensure the sustainability of the law clinic. Of course, they will obtain ECTS credits for one academic year, rest of their work in the clinic is on a voluntary basis for which they can get a prize or/and certificate of the law faculty.

4.4.5. Working with other organizations and attorneys at law

19. Since the establishment of the law clinic, it is important to seek local partners among the relevant law firms, local and national governmental bodies or agencies, and/or the non-governmental sector. The members of these partner organisations can participate as supervisors of students and/or in the quality control procedure of in-house real-client legal clinics, as well as in the training of students. They can also help with the development of clinic visibility by referring clients to the clinic. Furthermore, the students from legal clinic can be placed in these organisations for practical work. In the context of policy work, legal reforms and advocacy, these organizations can be good partners.

4.4.6. Quality assurance and risk assessment

20. A common principle is that students are not allowed to give legal advice on their own. There must be a quality control. Student must consult with and get the approval of their supervisors for any form of legal service. Thus, it is recommended that each student group has a supervisor (for example, it can be a professor, teaching and research assistant and/or legal practitioner outside the law faculty) who oversees the work of the group, reviews and approves legal advice given by the students. In addition, each student group can have its own student supervisor who helps them in everyday work. They can be recruited from the students who have worked in the law clinic and have already gotten the necessary (practical) knowledge. The role of the student supervisor can be very important in enrolling new students in the clinic, especially, in their training and obtaining knowledge about the functioning of the clinic.

21. It is recommended to have a written complaints policy that can be given and explain to the client on request. In addition, when establishing the real-client clinic, it is important to discuss the need to have a professional indemnity insurance contract.

22. It is important to discuss and assess some risks connected with the work of students in the law clinic and identify an appropriate response (for example, client visiting the premises of the law clinic, students interviewing clients, etc.).

4.4.7. Visibility of the law clinic

23. From the establishment of the real-client law clinic, it is important to keep in mind the questions of its visibility. Thus, the development of the logo of the clinic, the website, leaflets and other PR material is recommended. In addition, the law clinic can develop its own magazine where the important information about its activities and projects can be published.

24. The law clinic can, in cooperation with its local partners, work on Streetlaw project and others pro bono activities (for example, humanitarian action to help some marginalised social groups). The governmental bodies and/or non-governmental organizations may need the education for their beneficiaries on certain areas of law (for example, education for asylum seekers on immigration matters, including the right to accommodation and other social welfare issues; for persons with disabilities on the social welfare and health issues; for victims of domestic violence on the social welfare issues, including the right to accommodation; for Roma people or other minorities on their rights, etc.). These projects can

raise the visibility of clinic in the local community, as well as help the disadvantaged social groups.

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APPENDIX 1 LAW CLINIC - LEGAL AID FOR WOMEN

ACADEMIC YEAR 2020/2021

Concept of the law clinic	<ul style="list-style-type: none"> • in-house real-client clinic with a cooperation in the existing law work with the law firms, courts, local and national governmental bodies or agencies, and/or the non-governmental sector • including the simulated clinical legal activities, especially as part of the training for the students • including additional outreach projects, such as Streetlaw projects and others voluntary <i>pro bono</i> activities
Areas of law	<ul style="list-style-type: none"> • women's rights, in particular in the case of domestic violence and abuse • discrimination • the rights to social services, such as a temporary residence • the rights from the social and health insurance • the right to maintenance • the rights as a parent and other questions of parental responsibility
Study programme and ECTS credits	<ul style="list-style-type: none"> • optional credit course of the basic and the specialist and master programme for the law students • students will obtain 6/8/10 ECTS credits (depending on the study programme at the faculty and ECTS credits for other courses)
Years of study	<ul style="list-style-type: none"> • law students in the final year of the basic study programme and students of the specialist and master study programme (7 students from each faculty; total 21 students) • recommended: the second year students of the basic study programme can work also in the law clinic on a voluntary basis
Student engagement in the law clinic	<ul style="list-style-type: none"> • students are obliged to work in the clinic one academic year • recommended: students can stay longer if they wish to (on a voluntary basis)
Management of the law clinic	<ul style="list-style-type: none"> • it is recommended that the leadership of the law clinic is recruited from the academic staff of the law faculty (professors, teaching and research assistants) • it is important to secure that the voice of the students from the law clinic is represented in the management of the clinic (for example, through membership in a council as a collective body of the clinic dealing with the organizational and other issues, or similar)
Selection criteria and the number of students	<ul style="list-style-type: none"> • it is recommended that the process of enrolling new students in the clinic includes the application stage where a motivation letter of the students is needed, and the interview conducted by the representatives of (older) students and supervisors of the clinic

	<ul style="list-style-type: none"> • in the academic year 2020/2021, there will be 7 students from each law faculty; total 21 students
First academic semester: training of the students and ethical issues	<ul style="list-style-type: none"> • in the first academic semester, the training activities for the students are essentially part • there will be teaching/supervision sessions in order to provide case reviews and opportunities for discussion and analysis, as well as for acquiring knowledge of the ethical issues and conduct, and developing practical skills • the sessions will be led by the academic staff of the law faculty in collaboration with the practicing lawyers (attorney-at law, judges, public prosecutors, representatives of the police) • the sessions will last 12 weeks (2 times per week) • the sessions will cover the topics relevant for acquiring legal knowledge: <ul style="list-style-type: none"> ✓ Women's rights, in particular in the case of domestic violence and abuse ✓ Discrimination ✓ The rights to social services, such as a temporary residence ✓ The rights from the social and health insurance ✓ The right to maintenance ✓ The rights as a parent and other questions of parental responsibility • the sessions will cover the topics relevant for developing practical skills: <ul style="list-style-type: none"> ✓ What is clinical legal education? ✓ Ethics and professional conduct in clinic ✓ Interviewing and advising ✓ Legal writing and drafting ✓ Practical legal research ✓ Organising and strategising ✓ Advocacy and presentation ✓ Reflection and assessment • there will be the simulated clinical legal activities, such as simulation of the first instance procedure • students will visit the Basic court in Podgorica, and monitoring the trial
Second academic semester: real-client cases	<ul style="list-style-type: none"> • students in the law clinic will work in groups (3 groups x 7 students) • they will work, individually and collectively, on real-client cases and other clinical activities • the suggested process of resolving real-client cases is as follows: <ul style="list-style-type: none"> ✓ students work individually or in groups of two students maximum per case if it is a more complex case ✓ once the student has studied and researched the case, the whole group has a meeting ✓ at the meeting, the student informs the others about the case and draft proposal of the legal

	<ul style="list-style-type: none"> ✓ advice to be given to the client ✓ after the meeting, the student contacts the supervisor to whom he or she proposes the advice to be given to the client in written form • it is recommended to develop the student manual guide which will be devoted to all important issues regarding the practical work in the clinic, including also the confidentiality issues and standard office procedure (office opening hours, initial client contact, conducting interview with the client, dealing with messages, supervisor availability, etc.) • beside their work in the in-house clinic, the students will be placed in the existing law work outside the faculty (in the partner organisations (NGOs, etc.) with whom the law faculty will have the cooperation agreements) • students keep a working journal about their activities in which the tasks performed are specified and described, as well as the working hours
Supervisors of the student groups and its work	<ul style="list-style-type: none"> • each student group has a supervisor who oversees the work of the group, reviews and approves legal advice given by the students • the academic staff of the law faculty (professors, teaching and research assistants) and legal practitioners (practicing lawyers) participate in the work of the law clinic as supervisors of the student groups and its work
Sustainability of the law clinic	<ul style="list-style-type: none"> • the law faculties will assure the need for premises (office space, including a meeting room, interview rooms, computers and others technique, file management materials, etc.) and other resources (staff resources - supervisors) • it is recommended to keep the statistics on the case work and records about other clinical activities that can be published in an annual report • <i>pro futuro</i>, it is recommended that each academic year some of the older students stay in the clinic (on a voluntary basis) and a part of the new students is enrolled. Thus, it is good to involve more than one year of students in the clinic to enable them to become involved at an early stage and to ensure the sustainability of the law clinic.
Working with other organizations	<ul style="list-style-type: none"> • it is important to seek local partners among the relevant law firms, courts, local and national governmental bodies or agencies, and/or the non-governmental sector (cooperation agreements) • the members of these partner organisations can: <ul style="list-style-type: none"> ✓ participate as supervisors of students, as well as in the training of students ✓ help with the development of clinic visibility

	<ul style="list-style-type: none"> by referring clients to the clinic ✓ the students from legal clinic can be placed in these organisations for practical work ✓ these organizations can be good partners in the context of policy work, legal reforms and advocacy
Quality assurance and risk assessment	<ul style="list-style-type: none"> • there must be a quality control • student must consult with and get the approval of their supervisors for any form of legal service to the client • it is recommended to have a written complaints policy that can be given and explain to the client on request • it is important to discuss the need to have a professional indemnity insurance contract • it is important to discuss and assess some risks connected with the work of students in the law clinic and identify an appropriate response (for example, client visiting the premises of the law clinic, students interviewing clients, etc.)
Visibility of the law clinic	<ul style="list-style-type: none"> • it is important to keep in mind the questions of visibility of the clinic • the Council of Europe will support the law clinic within its project on women's rights • in cooperation with its local partners, it is recommended that the law clinic work on Streetlaw project (for example, education for women victims of domestic violence on the social welfare issues, including the right to accommodation, etc.) and others pro bono activities (for example, humanitarian action to help women victims of domestic violence, etc.). • <i>pro future</i>, the development of the logo of the clinic, the website, leaflets and other PR material is recommended • <i>pro future</i>, the law clinic can develop its own magazine where the important information about its activities and projects can be published