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## **A. BASIC INFORMATION ABOUT THE AUTHORS OF THE EXPERT ANALYSIS**

Prof. Dr. Alan Uzelac is the head of the Law Clinic of the Faculty of Law, University of Zagreb. He is a full professor at the Department of Civil Procedure, of which he has been the head of since 2012. He is also the Head of the Department of Civil Law Sciences and the Postgraduate Specialist Study in Civil and Family Law Sciences. He is professionally engaged in various activities related to the development of the legal system, including the system of free legal aid:

- conducting classes in the subject organization of justice at undergraduate and graduate studies, with special emphasis on access to justice and legal aid
- publication of a number of scientific and professional articles on clinical legal education and free legal aid
- (co)editing several scientific books and monographs on procedural legislation reforms, the rule of law, fair trial and law enforcement (published by renowned international publishers)
- introductory speaker and speaker at various meetings and conferences dedicated to free legal aid and access to justice
- organizer of the international seminar *Public and Private Justice* at the Inter-University Centre in Dubrovnik (2006– 2023)
- mentorship of graduate, master's and doctoral theses on the rule of law, access to justice and legal aid
- expert analysis of the functioning and evaluation of judicial systems (one of the founders of the CEPEJ – European Commission for the Efficiency of Justice)
- research in international and national projects dealing with the functioning of the judiciary, the rule of law, access to justice and clinical legal education
- legislative activity – a member of various working groups related to the reform of procedural legislation in Croatia (e.g. Courts Act, State Judicial Council Act, Arbitration Act, Mediation Act, Consumer ADR Act, Amicable Dispute Resolution Act, Legal Aid Act).

Dr. Juraj Brozović is a teaching assistant at the Department of Civil Procedural Law. He is also one of the key assistants to the head of the Law Clinic and the most active academic mentor. In the Law Clinic, as a student, he was a co-founder of the Patients' Rights Group and its first student mentor (2011), and later one of the first student administrators (2012). Since 2014, he has been an academic mentor of the Group for the protection of patients' right and has since mentored the production of more than 900 legal opinions. He was professionally engaged in

various activities related to clinical legal education and system of free legal aid:

- publication of scientific and professional articles on clinical legal education, legal aid and access to justice
- managing and training of the student teams within the international *Brown Mosten* competition in client interviewing and legal counseling
- administrative guidance and participation in international projects related to access to justice, legal aid and clinical legal education
- legislative activity – member of the working group on the new Amicable Dispute Resolution Act.

## **B. MODEL OF CLINICAL LEGAL EDUCATION AT THE FACULTY OF LAW, UNIVERSITY OF ZAGREB**

The Law Clinic of the Faculty of Law of the University of Zagreb was established in 2010 after the first Legal Aid Act of 2008 explicitly allowed, for the first time, the law clinics are to register as providers primary legal aid. In 2010, it was integrated into the curriculum, as one of semi-mandatory courses of practical teaching in the fifth year of integrated studies which, along with moot competitions and attorney internships which can also be chosen by students, grants 10 out of 60 ECTS in the final year. In 2014, the Faculty Council passed the Act on the Organization of the Law Clinic as a separate “statute”. Since 2017, the Statute of the Faculty of Law has been envisaged as an independent organizational unit which has the same role as the institutes. In more than a decade, it has received over 20,000 cases, involved almost 1,000 students and concluded cooperation agreements with more than 50 partner organizations.

The management of the Law Clinic is conceived more as a teamwork than as a typical hierarchical organization. Although it has leadership made up of a narrower team of teachers, as well as academic mentors, the key governing bodies are the plenum of all clinical students and the Administrative (‘Small’) Council. The latter is key at the operational level because it makes the most important management decisions, and it is made up of leader and assistants, academic mentors, and student group mentors, as well as student administrators. Student administrators are the students that are paid because they are on duty twice a week in the Law Clinic, enter cases into the online database (*‘Klinikarij’*), coordinate outreach projects in rural parts of Croatia and perform other administrative tasks on a daily basis.

Although it originally had three groups (criminal, civil and administrative), today students in

the Law Clinic are organized into seven groups, each of which is divided into two subgroups. The division is based on the type of clients, so there is Group for asylum seekers and aliens, Group for the elimination of discrimination and the rights of minorities, Group for the rights of children and family maintenance, Group for the protection of and assistance to crime victims, Group for the protection of workers' rights, Group for the protection of patients' rights Group for the protection of citizens in enforcement proceedings. Each subgroup is on call once every two weeks for a period of three hours and has a separate student and academic mentors. On-call services are held in the morning from 9 a.m. to noon, and on Wednesdays and Thursdays and in the afternoons from 4 to 7 p.m. In addition to these groups, there are *ad hoc* groups – for public relations, for natural disasters – and a special group consists of the editorial board of the *Pro bono* newsletter, which is published twice a year and is produced almost entirely by students, with minimal supervision of teachers.

All students, once they are involved in the work of the Law Clinic, undergo basic education, which together with the assistant leader Dr. Brozovic is done by student administrators. This education covers the topics of student obligations, the conduct of basic work processes, and legal ethics. Each group also has specialized education conducted by either academic mentors or partner organizations. Students learn on duty from older colleagues, who have been in the Law Clinic for more than one semester, as well as from student administrators.

The Law Clinic provides primary legal aid, which means it provides parties with general legal information and legal advice. The difference is in the treatment because general legal information is supervised only by student mentors and groups and provided in oral form, while legal opinions are also supervised by academic and external mentors and provided in writing. Clients reach the Law Clinic by phone, by arriving at the premises of the Law Clinic, by filling in the electronic form on the website and by mail. One part of cases also comes through the outreach projects. As part of this projects, students go once a month to rural areas, i.e. a total of sixteen cities or municipalities, thus receiving 25% of the total subjects.

The premises of the Law Clinic are in a building separated from the Faculty of Law, within 1 kilometer. The space is 113 m<sup>2</sup> in size, consists of a waiting room, two interview rooms, an administrator room, a telephone room, two toilets, a kitchen and a storage room. It is equipped with modern equipment, with four computers, one copier and two printers/scanners. The Law Clinic has separate websites that contain basic information about the experience, mode of operation, and its activities. The online case management system is separate and accessed securely.

**C. ASSESSMENT OF THE CONCEPT OF CLINICAL LEGAL EDUCATION AT THE UNIVERSITIES HASAN PRISHTINA, KADRI ZEKA AND HAXHI ZEKA**

**1. DESCRIPTION OF THE STATUS QUO**

During the visit to three universities in the Republic of Kosovo in the first week of July, the delegation consisting of eight members visited three universities for 6 days. The main findings of the delegated can be summarized as in the table below:

	<b>Hasan Prishtina</b>	<b>Kadri Zeka</b>	<b>Haxhi Zeka</b>
<b>Integration into the curriculum</b>	Accreditation pending; new clinical model based mostly on Zagreb live client model integrated into the bachelor studies	After the accreditation process, law clinics are integrated in the 4 <sup>th</sup> year (7 <sup>th</sup> semester) and can be chosen, along with internship in courts, to obtain 6 credits	Plans for changing the curriculum (no accreditation process); they have had 5 elective simulation clinics, but plan to expand it in the live-client direction, based on Zagreb model, and make it a mandatory course
<b>Training and mentorship</b>	By professors and external partners (members of the National Legal Aid Agency)	By professors and external partners (judges and prosecutors)	Academic and external mentors
<b>Activities so far</b>	Simulation clinics and moot courts from 2005, greater live-client activities yet to start; 4 students helped the representatives in the National Legal Aid Agency	First call for application started in February 2023, with 12 students applying; more expected in October)	7 students started working in May 2022, they got special training in Oct 2022; 2 <sup>nd</sup> group expected in September 2023;
<b>Number of cases until July 2023 (as reported)</b>	60 cases so far during externship in the Agency (externship lasting 3 months, with students merely observing the interviews); no cases reported in one-month cooperation with the UNHCR); no own live client cases reported	1 (human rights/citizenship)	1
<b>Premises</b>	The special Center established and equipped (two rooms for live-clients), but it is also used for other practical courses (simulations, moot	Within the University premises; Special room with computers, no desks for client interviews – also shared for the purpose of other teaching	Special room within the Faculty building, fully equipped with tables and computers; special courtroom for mock trials

	courts, etc.)	activities (moot courts); There is one room for clients that are extra vulnerable or require extra confidentiality – but it is shared with the Faculty of medicine	
<b>Plans for promotion and expansion</b>	Cooperation agreement with National Legal Aid Agency; Legislative amendments to expand the possibilities for law clinics; students provide legal aid, professor as a mentors, joined by representative of agency; Memoranda with Kosovo Judicial Council and Bar Association planned	Cooperation agreement with National Legal Aid Agency (students would observe activities within externship); Considering partnering up with NGOs for greater visibility	Considering partnering up with NGOs for greater visibility and for street law (maybe even outreach) activities (indirectly – clients); expanding the working hours; thinking outside the box – or finding the areas which are not covered by National Legal Aid Agency
<b>Reported issues</b>	Monopoly of Agency is the biggest obstacle to greater expansion in legal aid sector	No motivation of teaching staff to be more included in clinical activities; Thrust of citizens is also something yet to be earned	Currently no possibility to have a clinic with separate entrance; it is not easy to motivate students (currently no credits)

## 2. EVALUATION

The law clinics at the three Kosovo universities are in the process of implementing the basic characteristics of the Zagreb model of clinical legal education.

It seems that all three universities have some experience with some forms of clinical legal education, but not with the live client one. This explains why their clinical activities relate to other practical courses like mock trials and moot courts, which have nothing or very little to do with clinical legal education. Sometimes even the premises that are used are used for multiple purposes, which may be an issue for some clients expecting maximum confidentiality and privilege. However, it would seem that all universities are putting many efforts into changing their curricula and introducing live-client clinics. The monopoly of the National Legal Aid Agency represents a big obstacle in expanding live client activities. Some good examples of cooperation, like in Prishtina, are certainly one way to deal with the issue.

Since all programs are still in the development phase, it is difficult to assess the programs as

such. Some universities consider the motivation of students and some motivation of teaching staff to be another obstacle. Stronger integration into the curriculum may resolve that issue, but adequate incentives are currently lacking.

Modest number of cases is normal for the first year of functioning. Partnership agreements and various projects (street law and outreach) may promise a greater number of clients, but probably a more comprehensive PR campaign will be needed. In that regard, we are not aware of any special websites or social media pages that are used for the promotion.

#### **D. RECOMMENDATIONS**

Regardless of the fact that we believe that the Law Clinic of the University of Hasan Prishtina, Kadri Zeka and Haxhi Zeka is based on the good grounds, below we present recommendations, based on our own ten years of experience, that can help to make the work of the law clinics even more successful in the future and – more importantly – to make the concept of clinical legal education in all Kosovo universities sustainable in the long term.

1. *Clinical legal education should receive an appropriate institutional framework.* The minimum that is necessary is to recognize the law clinics as an independent teaching form, i.e. a course that would be separated from the basic courses at the undergraduate and graduate studies. To the extent that it is useful and necessary, a legal clinic can be established as a separate organizational unit within the faculty on par with departments. Further lobbying with the competent ministries is required to authorize legal clinics to provide legal aid.

2. *The development of a legal clinic is easiest to achieve through the exchange of relevant experience, i.e. study visits.* In doing so, it is extremely important that the delegations are of a mixed type and that they include not only academic and external mentors, but also students, who can thus get to know firsthand the best clinical methods abroad. They can also pass on some of this experience to other colleagues who have not participated in the international exchange.

3. *It is necessary to extend the activities of the law clinics outside the capital area and ensure access to free legal aid in rural areas* as well. For this purpose, separate sources of funding need to be found in order to cover basic travel expenses and per diems for students. It is also necessary to find partners (local self-government, branches of suitable chambers and /or NGOs).

4. *Once more cases active in the clinics, it will be necessary to ensure an appropriate form of specialisation within the groups.* Although specialization can be carried out with regard to legal branches or procedures (e.g. criminal, civil and administrative), our recommendation is to follow the Zagreb example and to organize groups with regard to vulnerable groups. Which vulnerable groups will be involved will depend on current social developments at the time of the founding of the groups. It is important to involve students in this process of groups creation, as they can also help with ideas and suggestions. External partners (especially NGOs) may also be helpful in identifying the vulnerable groups.

5. *An increased intake of cases will require operability and speed, which is difficult to achieve if the distribution of cases and other administrative tasks are carried out by teachers who are burdened with other teaching obligations.* For this reason, it is necessary to involve the students themselves in the decision-making process, i.e. decision-making of an organizational nature. Depending on the faculty's capabilities and available sources of funding, it is desirable to engage one or more student administrators separately in student affairs who would independently, according to earlier instructions of teachers, perform the administrative tasks. A part of significantly engaged students could, according to the instructions of teachers, conduct interviews independently, and to some extent, train new students.

6. *Despite the large number of cases, the idea of group decision-making and teamwork should be maintained as much as possible.* This is important not only for encouraging student autonomy and activism, but also because of the dispersion of responsibility for a given legal opinion. Legal opinion should always be the responsibility of the entire group and/or legal clinic as a whole, not of the individual student.

7. *The premises of the law clinics are well equipped, but they will require adaption and perhaps even additional rooms.* It would be best if the law clinic could completely be divided from the university premises. If that is not possible, universities should carefully schedule the teaching activities, so that the confidentiality of clients is respected.

8. *It is necessary to ensure cooperation with institutional partners even after the project is completed.* It is desirable that such engagement be based on a *pro bono* basis. External mentors are useful not only as potential educators and mentors, but also because they can refer parties, potential beneficiaries of free legal aid, to a legal clinic, which could increase the number of cases.



9. *It is necessary to increase the presence in the media, by bringing to the forefront students and specific clients who have been provided legal assistance and are willing to come forward to the media.* Media exposure and citizens' trust has been building for a long time, but it is important to try again and again to inform the public about clinical activities. Students are the best PR and it should be imagined that a part of the engaged clinicians join together in a separate *ad hoc* group that would deal with public relations. An attractive website with basic information is a great start.

10. *It is necessary to form a club of clinical alumni who could return to the law clinic after graduation as external mentors.* Over time, their number will be higher, which will contribute to the popularization of clinical legal education at the universities, and in the future, potential employers (lawyers/notaries/public bailiffs/state attorneys/judges) will appreciate lawyers who have done clinical practice during their studies.

In Zagreb, 13 October 2023

Prof. Dr. Alan Uzelac

Dr. Juraj Brozović