



## European Network for Clinical Legal Education

### Quality Standards for Legal Clinics<sup>1</sup>

#### **PREAMBLE**

The European Network for Clinical Legal Education (ENCLE) has published these standards to support its principal objectives. These standards are designed to support the development of clinical legal education within Europe thus furthering the goals of ENCLE.

Information about ENCLE's objectives and goals are available at:

<https://www.encle.org/about-us/what-is-encle>

#### **SECTION 1 – GENERAL PROVISIONS**

##### ***Article 1 – Aim and Purpose of the Standards***

- 1) The purpose of these quality standards is to ensure the quality of activities carried out by ENCLE members, but at the same time to provide goals for the further development of clinical legal education activities within the European region.
- 2) These standards should be read as illustrative of best practice in clinical legal education activities. It is recognised that some aspects of these standards may not be possible due to the context in which the clinical legal education activity is being delivered.
- 3) Nothing within these standards is intended to inhibit innovation within clinical legal education.
- 4) Clinical legal education activities should be conducted within the spirit of these standards.

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<sup>1</sup> Adopted at the 8<sup>th</sup> ENCLE Conference in Brescia Italy on 15<sup>th</sup> July 2022.

### ***Article 2 - Definitions:***

- 1) Clinical legal education is a legal teaching method based on experiential learning, which fosters the growth of knowledge, personal skills and values as well as promoting social justice at the same time. Clinical legal education uses practice-oriented, student-centred, problem-based, interactive teaching methods, including, but not limited to, the practical work of students on real cases and social issues supervised by academics and professionals. These educational activities aim to develop professional attitudes and foster the growth of the practical skills of students with regard to the modern understanding of the role of the socially oriented professional in promoting the rule of law, providing access to justice and peaceful conflict resolutions, and solving social problems.
- 2) The legal clinic is an educational organizational unit applying clinical legal education methodology providing services to clients.
- 3) Services are all types of work resulting from the cooperation of students, supervisors and/or clients that benefit people or organizations outside the clinic.
- 4) Client is a person, a group of people, an organization or a community that are in demand of services from the law clinic.

## **SECTION 2 – STANDARDS FOR ORGANIZATIONAL STRUCTURE AND OPERATION OF LEGAL CLINIC**

### ***Article 3 – Student well-being***

- 1) The legal clinic aims to provide a secure and safe learning environment for students, designed in a way to optimize the learning experience and quality of provided services.
- 2) Students are selected for participation in the clinic in a non-arbitrary and transparent manner, which ensures they fulfil necessary requirements for participation in the clinic, which are clearly stated.
- 3) At the commencement of their clinical activities, students are informed in a clear manner about their rights, responsibilities and duties including:
  - a) liability for clinic's services,
  - b) confidentiality,
  - c) conflict of interests,
  - d) professional ethics,

- e) internal regulations and procedures of the clinic,
  - f) scope of their work in the clinic, and
  - g) the requirements to successfully pass the clinic and/or receive credit for it.
- 4) At the commencement of their clinical activities, students receive training on skills, procedures, internal regulations and other areas necessary for participation in the clinic, which are not developed in other parts of the law school curriculum.
- 5) Supervisors are regularly available to students for consultation, provision of feedback and the development of professional behaviour and attitudes.
- 6) The legal clinic adopts measures to ensure that students do not exceed reasonable workload during their participation in the legal clinic and provides training in time and case management to enable students to organize their work in a sustainable and healthy way.

#### ***Article 4 - Transparency***

- 1) Basic information about the clinic, the services it provides, the procedure for requesting its services and its rules are publicly available.
- 2) At the commencement of clinical activities, clients are informed about the rules that regulate their relationship with clinic, the services that the clinic provides and protection of confidential information and personal data.
- 3) The legal clinic regularly reports about its activities.
- 4) Students and supervisors record and report the amount of their time dedicated to activities of the legal clinic.

#### ***Article 5 - Resources***

- 1) Higher education institutions should play a significant role in clinical legal education.
- 2) The higher education institution ensures that basic resources, both human and material, are available to the clinic.
- 3) The legal clinic provides its students with the necessary resources for clinical activities:
- a) Secure space for confidential communication with clients and work on client cases.
  - b) Secure space to store confidential information.
  - c) Secure digital technologies necessary for activities of the legal clinic (computers, telephone, e-mail, legal information system, client database and others)

- d) Access to sufficient legal information relevant for areas of provided services.
- 4) There are sufficient administrative and academic staff working in the clinic. At least one of the supervisors must have substantial practical experience in the area of law, where the legal clinic provides its services.
- 5) The supervisor/student ratio must be appropriate within the context of the legal clinic taking into consideration the risk of the clinical activities, the volume and type of matters being undertaken, the provision of appropriate student supervision and the workload of the supervisor.
- 6) In case of change amongst the members of administrative or academic staff involved with the legal clinic, the clinic has procedures ensuring continuity of the services and protection interests of clients.

#### ***Article 6 – Legal Clinic Staff***

- 1) Members of academic staff who supervise the work of the students in the clinic should have a clear formalized permanent or long-term employment contract with the law school and their time spent on clinical activities is recognised as part of the workload of their position.
- 7) Supervisors have sufficient professional qualification in the subject matter addressed by the legal clinic, such as doctoral degree, bar examination or substantial practical experience.
- 8) The members of administrative and academic staff should have opportunities to develop their skills, knowledge and professional values related to their activities in the clinic.

#### ***Article 7 – Documentation***

- 1) The rules and internal procedures of the clinic, including rights and obligations of students and code of professional ethics regulating the activities of the clinic, are included in formal written documents readily available to students, staff and clients.
- 2) The clinic keeps record of all communication with clients and consent forms signed by the clients. Files of clients are archived for at least 5 years after the file was closed.

## **SECTION 3 – STANDARDS OF EDUCATIONAL PROCESSES IN CLINICAL LEGAL EDUCATION**

### ***Article 8 – Educational Design***

- 1) The legal clinic should be a course formally recognized within the higher education institution curriculum or programme and students should receive credit upon successful completion of the course.
- 2) The legal clinic provides substantial professional experience in particular area of law practice by using practice-oriented, student-centred, problem-based, interactive learning methods to promote reflective learning.
- 3) The legal clinic has clearly stated educational objectives and learning outcomes consisting of knowledge, skills and values.
- 4) The legal clinic is designed in a manner that ensures reasonable and ethical balance between educational objectives and quality of services to clients.
- 5) The requirements for the students to successfully complete the legal clinic are clearly defined in advance and correspond with educational objectives.

### ***Article 9 – Learning and Teaching Objectives***

- 1) The educational objectives of the legal clinic include, amongst other things:
  - a) deepening of theoretical knowledge and integration of doctrine and theory from different areas of law.
  - b) development of practical skills such as communication with client, drafting of legal documents, time and case management and others.
  - c) development of understanding of professional values and professional responsibility.
  - d) fostering awareness of social justice.
  - e) multiple opportunities for student performance, self-evaluation, and feedback from their supervisor.

## **SECTION 4 – STANDARDS FOR SERVICES PROVIDED BY LEGAL CLINICS**

### ***Article 10 – Quality of Services***

- 1) The legal clinic aims at providing services of professional quality.
- 2) The supervisor must approve information provided to the client as part of the legal clinic's service by students in advance.
- 3) The legal clinic only accepts clients or provides services in the area where it has sufficient expertise. The clinic ensures sufficient expertise of supervisors and students in areas of law, where it provides services.
- 4) The legal clinic sets internal procedures for referring clients to other specialist services or organisations in situations where the clinic cannot provide sufficient level, extent, amount, or quality of services.

### ***Article 11 – Position of Clients and Protection of their Interests***

- 1) Students, supervisors and all other staff involved in the legal clinic respect the dignity of their clients and act in accordance with professional standards and values.
- 2) The legal clinic shall not discriminate against clients in relation to the services it provides based upon gender, sexual orientation, race, religion or belief, race (including colour, nationality, and ethnic or national origins), disability, or age.
- 2) At the commencement of the legal clinic's services, the client must be informed about types of services the clinic provides, legal basis and principles of relationship between the client and the clinic and about extent of students' work within the legal clinic.
- 3) The legal clinic acknowledges to their client the liability for the services that the legal clinic provides to the client. The Legal entity responsible for legal clinic has insurance covering all activities of the clinic or equivalent internal policy ensuring protection of interests of clients.
- 4) At the commencement of their relationship, the legal clinic informs clients on how the case is processed by the clinic and about the basic rules regulating the activity of the legal clinic. The legal clinic should, if possible, implement a system of reporting problems that clients could encounter during the provision of the clinic's services.

***Article 12 – Confidentiality and Personal Data Protection***

- 1) The legal clinic must have an internal policy which implements all relevant national, international and professional rules related to activities carried out by the legal clinic to ensure the protection of confidential information of clients.
- 2) The client must be informed about the extent of legal protection of confidential information.

***Article 13 – Protection of Client Interests***

- 1) The legal clinic provides its services in the best interest of the client and based on explicit agreement as to the goals of the client.
- 2) The legal clinic has a clear policy to prevent conflict of interests between current and previous clients, entities connected with the legal clinic and all staff and students involved within legal clinic. The legal clinic keeps records of clients in order to be able to assess whether there is a conflict of interest relating to previous and/or current clients.
- 3) Students participating in legal clinic receive training to identify and avoid conflict of interest.