

CLINICAL LEGAL EDUCATION AND THE BOLOGNA PROCESS

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CLINICAL LEGAL EDUCATION AND THE BOLOGNA PROCESS

Introduction

Since the primary goal of legal education is to prepare students to practice the profession, law schools play an important role in ensuring that students obtain the knowledge, skills, and values necessary to become competent in their jobs and capable of upholding the ideals of the legal profession. One measure of the success of any system of legal education is how effectively it imparts these skills.¹ Today, legal education systems around the world are grappling with the problem of how to adequately prepare future lawyers, with many failing to provide the core competence necessary to practice law after a university education.² This issue has become a particular challenge within the current systems of legal education in Europe and is a main topic of discussion within a broad pan-European framework for promoting a convergent restructuring of higher education throughout Europe. This EU-led effort, dubbed the Bologna Process, is creating a space for practice-oriented approaches in law school curricula - for example, through the creation of clinical legal education programs. Such innovations suggest that the Bologna Process may foster sustained attention to law curriculum reform.

Today, legal education systems around the world are grappling with the problem of how to adequately prepare future lawyers.

This paper examines the concept of clinical legal education, describing its goals and benefits for the legal profession. Clinical legal education programs have been developed over the past five years or so in the new member states of the European Union, as well as in other countries of Central and Eastern Europe.³ The methodology has been successful in filling some of the gaps that exist in traditional legal education and may therefore serve as a model for other European countries in their efforts to improve higher education.⁴

What is the Bologna Process?⁵

In June 1999, the European Ministers of Education adopted the Bologna Declaration, in which the signatory countries pledged to reform the structures of higher education systems in a “convergent” way. Since the goal of the Bologna Process is to bring about convergence in higher education, including higher legal education, it has direct implications not only for the structure of legal education but also for its methodology and content.⁶ The Declaration seeks to create a “European space for higher education,” more recently referred to as the European Higher Education Area (EHEA), by 2010, with three main goals: international competitiveness, mobility and employability.⁷ The Declaration and the reforms it promotes focus not on the harmonization of higher education in Europe as such, but rather on the transparency necessary to increase the mobility of students and professors. It places great importance on the need for institutes of higher education in Europe to become more competitive internationally, so as to better rival American universities. It further recognizes the link between education and employment, casting the suggested reforms as a way to increase the labor market for graduates in a “globalized market for a high-grade work force.”⁸

The means for creating the EHEA include the adoption of readable, easily comparable degrees, the continuing endorsement of a two-tier (bachelor/masters) system, the introduction of a credit transfer system (ECTS) and other methods of encouraging student mobility, support for the mobility of faculty and staff, emphasis on European cooperation in quality assurance, and promotion of European dimensions in higher education itself.

Through the European Law Faculty Association (ELFA), various European law schools and governments have raised concerns about the potential impact of the structural changes to legal education that the Bologna Process encourages. By holding conferences and issuing reports, ELFA promotes discussion of issues related to the “Europeanization of the study of law” and the incorporation of practice-oriented education into European law school curricula.⁹

Challenges to Legal Education

The first questions I would like to raise involve the relationship between the quality of legal education and the demands of the legal profession. To what extent does legal education meet the requirements of the profession in preparing future practitioners to enter the workplace? And who bears responsibility for its failures? As the influential MacCrate Report of the American Bar Association states, the process of acquiring legal skills and knowledge is one that continues throughout the lawyer’s professional life, from before law school to the end of his or her career.¹⁰ Hence the future of law as a profession depends on how effectively those responsible for legal education—a group composed not only of law teachers but equally of practitioners and the judiciary—ensure that the learning process is a continuing one. At the same time, the dynamic changes taking place in the legal profession will inevitably have a profound effect on legal education. Since law schools are the principal sites for the first stage of legal education, they bear primary responsibility for imparting the necessary knowledge and skills to ensure that students are readied to enter the legal workplace and continue the lifelong learning process.¹¹ Schools are accountable both to the legal community, for producing lawyers who will shape the profession in constructive ways, and to society, for producing the practitioners who will help address societal needs.

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In the article by Roy T. Stuckey, where the author analyzes the current state of legal education globally and concludes that it’s inadequate and needs to be improved, he suggests that one of the reasons graduates of university law programs are insufficiently prepared to practice law is that systems of legal education are not designed to train students in legal problem solving, a skill required for competence as a lawyer.¹² Further, Stuckey contends, legal education systems do not establish a framework for guiding education from the time students enter the process until they represent clients and beyond, thus failing to ensure continuity of learning, or what Robert MacCrate has termed “the continuum of legal education.”¹³ Instead, legal education represents a number

of disconnected educational experiences that artificially separate instruction about theory from the practice of law. Law schools take responsibility for teaching the content of the law but leave the practice-related study to postgraduate courses or apprenticeships, where practicing lawyers and judges impart information about how to practice law, in most cases through informal interaction.

Frequent discussions at various international and regional forums about the need for change in legal education to improve its effectiveness suggest a rough consensus within legal academia and among legal professionals regarding the inadequate preparation of students. In Europe, for example, this has become a topic high on the agenda of the legal education reformers engaged in the Bologna Process, a focus that encourages not only the structural changes the process promotes, but also the improvement of curriculum content.¹⁴

While the Bologna Process opens a space to introduce practical approaches into traditional legal education and to address the need for better preparation of students, the European context nonetheless presents a number of challenges.¹⁵ European legal education descends from a variety of traditions and represents a diversity of models, making it difficult to establish a common structure.¹⁶ This becomes particularly relevant when thinking about Europe in terms of a single market comprised of many different legal jurisdictions and more than thirty languages.¹⁷ These factors affect the content of European curricula, raising a number of fundamental questions: should the university teach the national law of the country in which it is located, or a foreign system of law? Should students be instructed in the national language or a foreign one? Such questions ultimately boil down to a discussion of how universities might enhance the overall competitiveness of their law schools in a pan-European context.

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Other challenges abound. For example, there is little precedent in the world for achieving the ambitious goal of preparing students for direct entry to the labor market after three years of undergraduate education.¹⁸ The Bologna Declaration's emphasis on student mobility, a goal to be achieved through the recognition of foreign credits and diplomas, raises additional questions. How can the quality of legal education be assured across national boundaries? Is there a need for a European-wide accreditation system, and, if so, how it would be structured? What authority would be responsible for it?

Furthermore, Frans J. Vanistendael in his paper "Blitz Survey of the Challenges for Legal Education in Europe" predicts difficulties with the realization of the ideas contained in the Bologna Declaration because legal education in Europe is changing not only in the structure and content of the curricula, but also in the methods of teaching and grading.¹⁹ This dynamism increases the complexity of the task set out by the Bologna Declaration.

Suggestions for Improvement

The need to reform the system of legal education is apparent; the paramount question is how. Stuckey focuses on this issue, suggesting that legal educators should place more emphasis on the development of problem-solving skills to help students see legal issues in connection with both individual and overall societal concerns. According to Stuckey, this approach will enhance analytical thinking, and research ability, and creativity regarding alternative solutions to problems, among other skills. It takes practical experience to develop the capacity for legal problem solving. Because practical techniques are best taught in combination with a theoretical foundation, the early stages of legal education provide the best environment for the acquisition of new practical skills.

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Furthermore, problem-solving skills need to be tested before students have the opportunity to work with actual clients. Students require supervised practice and guidance

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by experienced lawyers in a well-structured educational setting. The system of internships in the United States and *praktikum* in the countries of Central and Eastern Europe arguably offers this opportunity, since it tasks students

with resolving real legal problems under the supervision of qualified lawyers and judges. The current system, however, is intrinsically flawed: it relies on practicing lawyers and judges to teach about the practice of law in unstructured settings such as law offices and courts. As a result, the student's experience of legal practice is mostly one of trial and error without clear instructions and guidance, generally without significant pedagogical value.²⁰ Interns run the risk of wasting time and may even be discouraged from pursuing a career in law.

Finally, although practical learning continues throughout a lawyer's career, it cannot be effective without a solid foundation in fundamental lawyering skills, as the MacCrate Report suggests.²¹ This approach involves teaching students not only how to act like a lawyer but how to think like a lawyer, so that they may successfully resolve the clients' problems, become reflective about their lawyering roles through self-evaluation and self-critique, understand the meaning of justice and their responsibilities as lawyers, and learn about the social responsibility to ensure equal access to the legal system and about the impact of the law on people's lives.

In sum, law schools today must pay closer attention to the preparation they offer law students, with a focus on developing students' practical skills before they finish school, rather than simply ensuring they acquire a comprehensive body of knowledge. This approach suggests the importance of a new methodology in legal teaching, one that aids law schools in shifting from a traditional content-focused curriculum to an outcome-focused program of instruction—the innovative methodology known as clinical legal education.

Clinical Legal Education

History

The concept of clinical legal education first developed during the early to mid-twentieth century, but spread widely only in the United States in the 1970s as a response to the call from many law students for legal education that would give them sufficient practical engagement with meeting the needs of the poor.²² It has further developed during the last three decades, encouraged by law school accreditation standards to gain firm hold in U.S. law school curricula. Today, almost every law school in the United States has a clinical legal program. Similar developments have taken place in other parts of the world: in the United Kingdom, where the clinical legal education is a slowly emerging field; in Australia and Canada, where clinical legal education is becoming a major and integral part of legal education; and in Latin America and Africa. In South Africa, it began to develop in the 1980s with the initiation of a handful of clinical programs, increasing to more than twenty in the 1990s, with a program now operating in nearly every South African law school. In the second half of the 1990s, law schools in Central and Eastern Europe²³ began to introduce clinical legal education into their curricula, first on an experimental basis and later as an integral part of higher education programs. Finally, in China, the development of clinical legal education began in early 2000; currently there are more than forty Chinese law faculties in which clinical programs are part of the curriculum.²⁴

The proliferation of clinical programs in these countries has led to the creation both of associations embracing numerous countries and of country-specific clinical networks. The number of networks continues to increase as more forums are organized for educators of various kinds to exchange ideas and information.²⁵ Among these organizations are the Clinical Legal Education Association (CLEA);²⁶ the Global Alliance for Justice Education (GAJE), which seeks to achieve justice through education;²⁷ the Association of American Law Schools (AALS), which has a separate section on legal clinics in the United States; the Clinical Legal Education Organization (CLEO) in the United Kingdom; the Association of University Legal Aid Institutions in South Africa; the Polish Foundation for Legal Clinics in Poland;²⁸ and the recently established Clinical Legal Education Foundation in Russia.²⁹

Defining Clinical Legal Education

In its broadest sense, the term *clinical legal education* refers to any kind of edu-

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cation that uses interactive methods to teach practical skills, sometimes called lawyering skills, to law students. These skills include legal analysis and reasoning, legal research and factual investigation, communication, counseling, negoti-

ation, litigation and alternative dispute resolution procedures, the organization and management of legal work, and the recognition and resolution of ethical dilemmas.³⁰

Clinical legal education is different from traditional theory-oriented legal education, in which students learn about legal principles, laws, codes, and regulations. In the clinical classroom, law students work with clients and practice their lawyering skills under the close supervision of a legal practitioner. This format encourages learning by doing—through application, repetition, and reflection—rather than by listening.

Students enrolled in clinical programs develop good communication skills and know how to effectively listen to and conduct interviews with clients and other parties in proceedings. They also enhance their research, writing, and critical thinking skills. In the process of teaching lawyering skills, clinical legal education prepares students to think about the uses to which they will put their newly acquired skills and about the social purposes behind their practice.

Clinical education is essentially a process of *learning how to learn from experience*, a more profound educational goal than the simple transmission

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of certain skills from teacher to students in the course of representing clients.³¹ In meeting with clients and working on their cases in clinics, students come to under-

stand how the law affects people's lives, both positively and negatively. Facing this reality, students learn that the actual results of legal processes can be quite different from the results predicted by an academic analysis of the facts and the law. This is particularly true for jurisdictions

undergoing rapid transformation. Through exposure to the clinical experience, students grow to understand the responsibility they bear toward their clients as individuals, especially those who cannot afford legal representation by professional lawyers and whose legal needs often go unmet.

Properly delivered, clinical legal education incorporates these key elements: (1) the teaching of practical skills and professional responsibility to law students as they represent live clients with real cases under the supervision of an experienced faculty member; and (2) the provision of legal services to vulnerable groups in society free of charge, a charitable objective of the clinical program. Clinics involved in the process offer a methodology that prepares students to become competent lawyers and may therefore be at least part of the solution to the problems faced by the European legal community. But should it be incorporated into the European legal pedagogical system? To answer this question, it is worth considering a few examples of the benefits of clinical legal education programs.

Benefits of Clinical Methodology

A Focus on Problem-Solving Skills

Clinical legal education teaches problem-solving skills, the lawyering skills needed for students to become competent and ethical lawyers and to fulfill their main function of helping people. Primarily, this entails teaching the key skills of interviewing, counseling, and investigation of facts in an organized instructional setting, under the supervision and guidance of a qualified lawyer. Clinical education employs interactive methods such as role-play, small group work, brainstorming, and interviews with real clients to teach these skills.³² In clinical classes, students solve real cases. Instead of simply memorizing legal rules, they learn how to think critically, a skill that they will use in other law school courses and throughout their professional life.

A Structured Instructional Setting for Learning by Doing

Among the many challenges facing law schools today is the difficulty of teaching a body of law through the existing four- to five-year law curriculum. In fact, in some areas, the legal system is changing so quickly that laws may be significantly different by the time the student graduates, thus robbing the legal education of its intended value. A system in which learning how to become a lawyer is based on practical clinical experience is an attractive alternative. Clinical legal education proposes that legal education is most effective when students learn through experience, participating in their own educations by representing actual clients. Placing the student's performance at the heart of clinical education ensures that the methods used in the clinical setting are those that enhance learning from experience.

This learning takes place in an organized and structured educational environment, with the participation of qualified lawyers (teachers and/or practicing lawyers) who supervise the work of the students and provide constructive feedback. Supervision is one of the most important components of clinical legal education, as it ensures the effective and ethical representation of each client's interests. The supervisor is available to consult with the student, observe his or her interaction with clients, and provide feedback. The supervision occurs in the classroom, in one-on-one meetings, and in interactions with clients, witnesses, and other parties. A person who learns how to perform from such experience is building and shaping advocacy skills with each encounter. William P. Quigley explains the critical difference between the person who learns from experience and the one who does not: the former will progress, developing into a different kind of lawyer with five years of experience, whereas the latter will essentially repeat his or her initial years in practice over and over again.³³

A Comprehensive Approach to Teaching

By teaching students fundamental lawyering skills, clinical legal education does more than simply serve the educational goal of preparing competent lawyers. Students learn to understand the interrelationship of various theories about lawyering within actual law practice situations. They learn how to apply a theory to actual legal problems, to analyze facts and law, and to develop strategies for resolving clients' problems in the most effective and

efficient way. To be able to do that, students learn to understand the ethical and professional dilemmas that lawyers face in their daily lives and the ways they are resolved and to build their own system of values and sense of responsibility. This exposure also helps students learn to deal with psychological aspects of practical experience and associated emotions such as anxiety, anger, competitiveness, and dissatisfaction. In their practical work, clinical students interact with their student colleagues, clinical teachers, lawyers, and judges, creating great opportunities for collaborative learning, a skill that will serve them well throughout their careers.

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Students also learn the skill of reflection through frequent evaluation and critiquing exercises. The skill of self-evaluation is an important addition to a law school curriculum. First, it reinforces the learning that has already taken place within skills programs. Second, it enhances students' independence and sense of responsibility by encouraging the reflective judgment that will guide them throughout their careers.³⁴

By representing the interests of the needy segment of the population, clinical students learn about the importance of the rule of law and the system of justice and their own roles in securing them. They learn about how the law affects people's lives, which may often be discouraging. Nevertheless, work with underrepresented groups creates a unique opportunity for students to learn about poverty and other important social issues. Representation of the poor, who otherwise have limited access to the legal system of protection, sensitizes students to social issues and teaches them to appreciate the importance of social responsibility.

To this end, clinical legal education provides many of the elements necessary for improving the existing systems of legal education and increasing their effectiveness. It focuses on the development of problem-solving skills, exposes the students to real-life situations with clients in a structured educational environment, and teaches skills that lawyers need in order to practice their profession in a competent, conscientious, and ethical way.

Clinical Legal Education in Central and Eastern Europe

The development of clinical legal education in Central and Eastern Europe is a recent phenomenon, dating back only to the mid-1990s. Clinical legal education

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programs started on an experimental level in a number of universities and then spread around the region within a few years, gaining importance and recognition from law school programs and students. Currently there are well over one hundred clinical

legal programs in the region, including many in Russia.³⁵

One issue that merits attention is why clinical legal education was perceived as a necessary teaching method at universities in the region when the practice of externship programs known as *praktikum* was already in place. While reasons may vary from country to country, especially between Russia and the countries of Central and Eastern Europe, some common features can be identified.

Edwin Rekosh suggests that law schools in transitional democracies were pressured by a rapidly changing legal environment and, at the same time, by the growing number of students. These pressures encouraged law schools to revise their approach to teaching law, modernizing the curriculum and providing better possibilities for the students to obtain practical experience. The *praktikum* requirement during law school, while firmly entrenched in “traditional” legal education in Central and Eastern Europe, has proved to be insufficient for achieving educational goals, primarily due to the lack of any real pedagogical content.³⁶ While recognizing the importance of the practical elements of existing curricula, some law schools in the region acknowledged that the acquisition of practical lawyering skills takes place mostly when students work on real cases.³⁷

The same reasoning can be applied to the apprenticeship requirement after law school. For example, Poland requires a five-year apprenticeship after academic education for qualification in the practice of law. Even so, clinical legal education was considered an important addition to the law school curriculum, and it ultimately became widely adopted in Poland.³⁸

In addition, there has been a trend among a growing number of private law schools toward adopting clinical legal education methods. Private law schools tend to involve a younger generation of individuals – both academics and prac-

ticing lawyers – as faculty. They offer innovative new curricula, including clinical courses and a variety of optional courses for the students to choose from, creating a more competitive environment for higher legal education for the traditional universities.

These and other elements have played an important role in implementing clinical legal education as part of the law school curricula in the region. Overall, this improved the quality of legal education through changes in the curriculum, and ultimately it has made programs more attractive for students.³⁹

Clinical Legal Education in the Framework of European Higher Education Reforms

Legal educators today understand that any reform of legal education must include in the curriculum both instruction about the practice of law and the development of problem-solving skills from the early stages of legal education. This approach requires a shift in orientation from the traditional content-based curriculum to one centered on problem solving. Clinical legal education demonstrates certain benefits in ensuring a higher quality of education and better-qualified professional lawyers. But to what extent can clinical legal education contribute to higher education reforms taking place in the Europe as a whole?

There is now a growing consensus among some European scholars and legal practitioners about the need to focus on practical training at the early stages of legal education to ensure better preparation of lawyers in the practice of law. Universities in the United Kingdom, for example, have introduced courses combining academic and vocational stages of legal education, whereby students are given the opportunity to work with clients.⁴⁰ German legal academia favors a proposal that suggests integrating theoretical and practical legal education into one course, so that students will be exposed to practical training in courts, law firms, and other institutions.⁴¹ The idea is similar to the *praktikum* model described earlier, which teaches law students that practicing law is not only about finding “correct solutions” to legal problems, but also about considering the interests of their clients, strategic thinking, and conflict resolution. Recent developments indicate something of a trend toward integrating a problem-solving

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approach into legal education. Good examples include the newly established clinical programs in Spain such as the Prisoner's Rights Clinic at the University of Tarragona, the Human Rights Clinic at the University of Amsterdam,⁴² and discussions in France provoked by a recent article in the French legal journal *Recueil Dalloz* by Norbert Olszak, the dean of Robert Schuman University of Strasbourg.⁴³

As stated earlier in this paper, clinical legal education develops problem-solving skills by teaching key lawyering skills under the supervision of qualified teachers with experience in legal practice, which helps students learn how to solve real-life situations and think critically. It provides a proper instructional setting for teaching law students, encouraging active participation and learning. Finally, clinical legal education offers a comprehensive approach to teaching by helping students see and understand the interrelationship of theories and concrete situations.

The integration of clinical legal education into the law school curriculum also serves longer-term objectives: improving the quality of legal education and making it more effective, promoting the attractiveness of law school programs for students, and ultimately improving their competitiveness. In their efforts to establish the European Higher Education Area according to the Bologna Process, the member states of the European Union seek, *inter alia*, to make higher education systems (including legal education systems) more compatible, enhance the quality of education on different levels, and promote the attractiveness of European Higher Education, the goals that clinical legal education also strives to achieve.⁴⁴

Clinical legal education can serve the goals of the Bologna Process, as it represents an existing model for improving the preparation of lawyers for practice.

This symmetry suggests that clinical legal education can serve the goals of the Bologna Process, as it represents an existing model for improving the preparation of lawyers for practice and thus fills the gaps in current systems of higher education. It provides a model of how to help law schools

make the shift from knowledge-based education toward problem-centered learning.

The experiences of Central and Eastern European countries in integrating this methodology into their curriculum are therefore valuable for law schools in Western Europe to consider as they work on building a European Higher Education Area.

ENDNOTES

- 1 Roy T. Stuckey, “Preparing Students to Practice Law: A Global Problem in Need of Global Solutions,” 43 *South Texas Law Review* 649 (2002), p. 672.
- 2 *Id.* In comparing U.S. legal education with the European system of higher legal education, the author admits that the latter is arguably more sensible, providing more years of specialized education and additional practical training after university before allowing students to practice law. At the same time, the author notes that despite these positive elements, the legal education system so far does not appear to be any more effective at preparing students for the practice of law than the U.S. system.
- 3 Clinical legal programs have recently been developed at the University of Tarragona in Spain and the University of Amsterdam in Netherlands. In the United Kingdom, there are a handful of more established clinical legal education programs, such as the clinics at the University of Kent and Northumbria University.
- 4 This paper draws primarily from the author’s experience in developing clinical legal education programs in Armenia, as well as her experience as a trainer and facilitator at numerous clinical legal education workshops for other countries in Central and Eastern Europe.
- 5 The Bologna Process refers to the procedures for implementing the Bologna Declaration, which was signed on June 19, 1999 by twenty-nine countries: Austria, Belgium (French Community), Belgium (Flemish Community), Czech Republic, Bulgaria, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Swiss Confederation and the United Kingdom. Three additional countries were added at the Prague Summit of Ministers of Higher Education on May 19, 2001: Croatia, Cyprus, and Turkey. Another thirteen countries have signed the Declaration since 2001, including the countries of the former Yugoslavia and former Soviet Union.
- 6 In signing this Declaration, the states agreed to coordinate their policies in higher education and create overall convergence at the European level. The term *convergence* does not imply “standardization” or “harmonization,” as the process is voluntary and provides an opportunity for each state to reform its own higher education system based on the principles of autonomy and diversity.
- 7 “Towards the European Higher Education Area: Communiqué of the meeting of European Ministers in charge of Higher Education in Prague on May 19th 2001.”

Available at <http://www.bologna.msmt.cz/files/KomunikePrahaEN.pdf> (last viewed on September 19, 2006).

8 *Id.*

9 ELFA is a representative organization of European Law Faculties. It was founded in 1995 by more than 80 law faculties in various universities across Europe. It currently has about 160 members from European Union and beyond. For more information, see <http://www.elfa-afde.org/html/frameset.html> (last viewed on September 19, 2006).

10 Robert MacCrate, *A Vision of the Skills and Values New Lawyers Should Seek to Acquire* (Chicago: American Bar Association Section of Legal Education and Admissions to the Bar, 1992). See also recently published reflections on the report titled *Yesterday, Today & Tomorrow: Building the Continuum of Legal Education and Professional Development*, Research Paper Series No. 03/04-1 (New York: Clinical Research Institute, New York Law School, September 2003).

11 European Commission of the European Communities, *Progress Towards the Common Objectives in Education and Training: Indicators and Benchmark*; Annex 1, Commission Staff Working Paper (Brussels, 2004).

12 Roy T. Stuckey, *supra* note 1.

13 Robert MacCrate, *supra* note 10.

14 The Bologna Process suggests structural changes in higher education. In the context of the ongoing debate, the European Law Faculties Association (ELFA) is coordinating the discussion on impact of Bologna on legal education and has submitted a proposal for a European model of legal education. This model consists of a two-tier system in which students can qualify to practice in their own countries after the first degree (3 years of education) and an apprenticeship phase, and then qualified to practice on EU level after an additional Masters degree (1–2 years).

15 Frans J. Vanistendael, “BA-MA Reform, Access to the Legal Profession, and Competition in Europe,” (in *Proceedings of Symposium on Continuing Progress in Internationalizing Legal Education—21st Century Global Challenges*), 21 *Penn State International Law Review* 1 (2002), p. 9.

16 *Id.*

17 Frans J. Vanistendael, “Blitz Survey of the Challenges for Legal Education in Europe,” Symposium: Emerging Worldwide Strategies in Internationalizing Legal Education, 18 *Dickinson Journal of International Law* 457 (2000).

18 Such a goal exceeds the ambitions of law school curricula in even the most competitive universities, such as those in the U.S. and Australia. The U.K. system arguably provides a precedent, but the bachelor’s degree in the U.K. does not give direct access to

the professional employment market, as there is a requirement for additional, intensive professional training prior to beginning a professional career. Frans J. Vanistendael, «Legal Education in Europe and the Challenge of The Sorbonne-Bologna Declaration », paper presented at the European Law Faculties Association (ELFA) Conference “Information Technology in Legal Education: Teaching and Learning” in Seville, Spain, March 2002.

- ¹⁹ Frans J. Vanistendael, *supra note 17*.
- ²⁰ See Edwin Rekosh, “The Possibilities for Clinical Legal Education in Central and Eastern Europe,” paper delivered at the meeting of law faculty deans in Budapest, May 1998 (available at <http://www.pili.org>).
- ²¹ *Supra* note 10. The lawyering skills refer to problem-solving skills and include “legal analysis and reasoning; legal research, factual investigation; communication; counseling; negotiation; litigation and alternative dispute resolution procedures; organization and management of legal work; and recognizing and resolving ethical dilemmas.”
- ²² Edwin Rekosh, Kyra A. Buchko, and Vessela Terzieva, eds., “Clinical Legal Education: Forming the Next Generation of Lawyers,” in *Pursuing The Public Interest: A Handbook for Legal Professionals and Activists* (New York: Public Interest Law Initiative 2001).
- ²³ For the purposes of this article, the region of Central and Eastern Europe refers to the new European Union member states, EU accession countries, the Balkan countries, and the countries of the former Soviet Union, including Russia.
- ²⁴ Edwin Rekosh, “The Development of Legal Clinic Teaching: A Global Perspective” in *The Legal Clinics: The Idea, Organization, Methodology* (Warsaw: The Legal Clinics Foundation, 2005), updated in interview with Liu Donghua, General Secretary of Chinese Committee of Clinical Legal Educators, March 15, 2006).
- ²⁵ In addition to associations on clinical legal education, there are publications in university law journals about clinical programs and issues related to clinical teaching, such as the *Clinical Law Review* of New York University School of Law and *Klinika Journal* of Jagiellonian University in Kraków, Poland (available at <http://www.law.uj.edu.pl/users/pncd/index.htm>); there are also materials provided by a national web-based network of clinics called the Clinical Legal Education Project of Russia, which serves as an information source for the Russian clinical network (available at www.lawclinic.ru).
- ²⁶ See www.cleaweb.org.
- ²⁷ See www.gaje.org.
- ²⁸ See www.fupp.org.pl.
- ²⁹ See www.pili.org/2005r/content/view/96/1/ and www.lawclinic.ru.

- 30 Robert MacCrate, *supra* note 10
- 31 William P. Quigley, "Introduction to Clinical Teaching for the New Clinical Law Professor: A View from the First Floor," 28 *Akron Law Review* 463 (1995), p. 474. The author argues that if a student's experience in a clinic simply results in the transmission of certain lawyering skills from teacher to student, it is not then clinical education.
- 32 *Id.*
- 33 William P. Quigley, *supra* note 31.
- 34 See Nina W. Tarr, "The Skill of Evaluation as an Explicit Goal of Clinical Training," 21 *Pacific Law Journal* 967 (1990).
- 35 For more information on the clinics in the region, see <http://www.pili.org>.
- 36 Edwin Rekosh, *supra* note 22.
- 37 L. A. Voskobitova, L. P. Mikhaylova, and E. S. Shugrina, *Legal Clinic Organization and Management: Experience of Practical Work in Contemporary Russia* (Moscow, "Delo" Publishing, 2003).
- 38 Stephen Golub, *Forging the Future: Engaging Law Students and Young Lawyers in Public Service, Human Rights, and Poverty Alleviation*, Open Society Justice Initiative Issues paper, January 2004. Available at www.justiceinitiative.org/db/resource2/fs/?file_id=12880 (last viewed on September 19, 2006)
- 39 Information about European clinics is taken from presentations delivered at the Annual Conference of the European Law Faculties Association (ELFA) in Graz, Austria, held in February 2005. See http://www.elfa-afde.org/html/activities_conferences.html (last viewed on September 19, 2006).
- 40 Northumbria University in the United Kingdom is one example of where a clinical legal education program was introduced.
- 41 See Johannes Riedel, "The Reforms of Legal Education in Germany," *European Journal of Legal Education*, vol. 1, no. 1 (2001), pp. 3-10.
- 42 See http://www.elfa-afde.org/html/activities_conferences.html (last viewed on September 19, 2006).
- 43 Norbert Olszak, "La Professionnalisation des Etudes de Droit: Pour le Developpement d'un Enseignement Clinique," *Recueil Dalloz*, 5 May 2005, No.18/7203, pp. 1172-73.
- 44 *Realizing the European Higher Education Area*, Communiqué of the Conference of Ministers Responsible for Higher Education in Berlin (19 September 2003, Berlin).

ABOUT THE PUBLIC INTEREST LAW INITIATIVE

The Public Interest Law Initiative (PILI) is an international NGO headquartered in Budapest, Hungary that advances human rights around the world by stimulating public interest advocacy and developing the infrastructure to sustain it.

PILI was founded at Columbia University in 1997 with the support of the Ford Foundation. In 2002, PILI established a new headquarters in Budapest, Hungary in order to be closer to the countries it serves. In 2006, PILI became fully independent, though it still collaborates closely with Columbia.

PILI's staff numbers about 20. In addition to its Budapest headquarters, PILI maintains offices in New York and Moscow and a presence in Belgrade (Serbia), Beijing (China) and Samara (Russia).

PILI pursues its mission through five programs:

- **Legal Aid Reform** – Improving state-supported legal-aid systems in order to enhance access to justice for socially vulnerable, poor and disadvantaged people.
- **Legal Education Reform** – Fostering new generations of more effective and socially oriented lawyers by making legal education more practical, with an emphasis on clinical legal education.
- **Promoting Pro Bono Practice** – Institutionalizing pro bono practice by law firms and individual lawyers in order to leverage private sector resources for the public good.
- **NGO Advocacy Training Program** – Building the advocacy capacity of civil society organizations.
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