

Practice Report: Clinic, the University and Society

THE FINANCIAL CHALLENGES OF CLINICAL LEGAL EDUCATION: AN EXAMPLE FROM A ZAGREB LAW CLINIC

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Authors lay out the debate over the composition and direction of legal education in an era of law school's curriculum reform and limited financial resources. Croatian Legal Aid Act created an opportunity for law students to become more actively involved in delivering primarily legal aid to local community. If law schools are not sufficiently financially resourced, they can hardly equip students with the needed skills to practice law and provide legal aid. Finally, the authors argue who should play a guiding role in financing a clinical legal education in law schools that are focused on educating students as social justice lawyers.

Keywords: clinical legal education, legal aid, financial sustainability

1. INTRODUCTION

The concept of practical problem solving is an important means of developing skills which employers are expecting from young lawyers on the

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labour market.¹ Therefore, modern law school curriculums require that they increase the quantity and quality of experiential education provided to students. Clinical legal education is one form of experiential education which has grown in importance globally due to its potential to improve the quality of legal education.² Clinical legal education aims at developing the perception, attitudes, skills and sense of responsibilities which lawyers are expected to possess when they complete their professional education.³ Thus, clinical legal education provides students with opportunities for professional and intellectual development and prepares them for the practice of law.⁴

The article is divided in four parts. The first part examines the role of clinical legal education at law schools and their service to the local community. The second section briefly discusses the financial challenges that law schools face when they want to introduce and sustain a clinical curriculum. The third section presents an example of financial sustainability of clinical legal education at

¹ Research has shown that the modern law firms share ideas of what they expect from law graduates. There are certain competencies which are most important in the hiring decision (Hamilton, N. W., *Law-Firm Competency Models and Student Professional Success: Building on a Foundation of Professional Formation/Professionalism*, University of St. Thomas Law Journal, Vol. 11, Issue 1, 2013, pp. 6-38).

² Bloch, F. S, *Access to Justice and the Global Clinical Movement*, Washington University Journal of Law & Policy, Vol. 28, 2008, p. 113. For a broader perspective and overview of different clinical models and experiences worldwide see Bloch, F. S. (ed.), *The Global Clinical Movement: Educating Lawyers for Social Justice*, Oxford University Press, New York, 2010.

³ Vadapalli, R., *The Perspective of Clinical Legal Education*" Selected Works, 2010, p. 1. Available at: http://works.bepress.com/ranganath_vadapalli/9/ (24/10/2016).

⁴ Ibid.

Zagreb Law School (the Law School).⁵ Finally, the fourth section discusses the general financial implications for clinical legal education sustainability based on the Zagreb Law Clinic (the Law Clinic) experience and discusses whether clinical legal education should be as done so traditionally, financed by law school, or if the burden should be also divided among legal practitioners, local community and the state.

2. THE ROLE OF CLINICAL LEGAL EDUCATION

The intellectual roots of clinical legal education date back in the 1930s when academics at the Yale Law School, together with colleagues at Columbia and one or two other law schools, developed a new approach to the study of law.⁶ Their teaching was based on the idea that law should be used to help solve social and economic problems, so students needed to be encouraged to question existing legal rules and procedures with an aim to learn to think like a lawyer, rather than memorising rules and doctrine.⁷ But it was not until the late 1960s that idea of clinical legal education received financial support and found effective advocates.⁸

Starting with a small number of demonstration grants in the late '60s and early

⁵ See <http://klinika.pravo.unizg.hr/law-clinic-zagreb> (16/08/2016).

⁶ Wizner, S., *The Law School Clinic: Legal Education in the Interests of Justice*, *Fordham Law Review*, 2002, Vol. 70(5), pp. 1931 -1933.

⁷ *Ibid.*, pp. 1931, 1932.

⁸ *Ibid.*, p. 1933.

'70s clinical legal education was introduced into the majority of American law schools.⁹ Today, more than 100 law schools in the United States have clinical programs which are permanently included in law school budgets, as do some in Canada, the UK, Australia, Latin America, Europe, China, Israel, etc.¹⁰

Although legal education has undergone rapid change since late 1960s, law schools are still in the midst of adjusting clinical curriculum to meet the demands of employers who increasingly want to hire students who are ready to practice law.¹¹ Therefore, clinical legal education is becoming popular within law schools, as it establishes an opportunity for the students to gain important practical experience whilst providing a valuable legal aid service to the local community.¹² They have become the primary places where law students can learn to be competent, ethical and socially responsible lawyers.¹³ Though in modern welfare state the primary obligation to provide legal aid services to the poor resides with the government and with the legal profession,¹⁴ law schools can also contribute

⁹ Barry, M., et al., *Clinical Education for this Millennium: The Third Wave*, *Clinical Law Review*, 2000, Vol. 7(1), pp. 19-20.

¹⁰ *Ibid*, p. 20-22.

¹¹ Radvany, P., *Preparing Law Students to Become Litigators in the New Legal Landscape*, *Review of Litigation*, 2014, Vol. 33(4), p. 881.

¹² Marson et. al. 2005, p. 29.; Quigley 1995, p. 471.

¹³ Wizner 2002, p. 1929.

¹⁴ Or at least that are the citizen's average expectations. See *Social welfare law: what the public wants from civil legal aid. Findings from a nationwide opinion poll*, LAG, The Baring Foundation, p. 7. Available at:

to the solution of the crisis in access to justice.¹⁵ On the basic level, law clinics become like law firms, where students can engage in supervised law practice by providing legal services to clients in the legal aid system and at the same time develop a critical view of that system.¹⁶ On the other hand, tasks that students perform in law clinics can be distinguished from the work they perform in law firms while attending law school.¹⁷ Students in law clinics have an exceptional opportunity to learn that legal doctrine, rules and procedure, ethical considerations and the social, economic and political implications of legal aid services are interrelated¹⁸ Thereby, law clinics can provide an instructional program that is intellectually situated within the law school curriculum as an integral part of legal education with particular valuable opportunities for

www.lag.org.uk/media/47770/social_welfare_law_what_the_public_wants_from_civil_legal_aid.pdf (24/10/2016).

¹⁵ Wizner et. al. 2004, p. 997.

¹⁶ Wizner 2002, p. 1930.

¹⁷ Ibid.

¹⁸ Law schools have a unique opportunity and obligation to make access to justice a more central social priority. Rhode, D. L., *Access to Justice*, Oxford University Press, 2004., p. 193. cited in Wizner et. al. 2004, p. 997. Students are in contact with real life clients and they are engaged in activities which are usually done by graduate lawyers. Such experience gives them unique opportunity to develop needed skills for working in practice. They interview the clients, do their own research, give their own advice etc. In order to do that in a proper manner, they need to understand the system in which they are going to work. For a further overview of the benefits of law clinics, see Kerrigan, K., Murray, V., *A Student Guide to Clinical Legal Education and Pro Bono*, Palgrave Macmillan, London, 2011, pp. 13-17.

students to learn how the law functions, or fails to function, while serving low-income clients.¹⁹

3. THE CHALLENGES OF CLINICAL LEGAL EDUCATION

Legal education curriculums that tend to satisfy labour market demands require law schools to increase the quantity and quality of experiential education.²⁰ At the same time, law schools are under pressure to control costs.²¹ It is the most pressing challenge many law schools face because they have a relatively fixed budget, which they can spend on matters that are most valued by the school.²² Law schools must weigh the relative costs and merits of clinical experiential learning against those of other aspects of practical courses such as externships, which usually allow higher student-to-faculty ratios, and therefore, lower costs per student.²³ The cost per student for clinical education varies

¹⁹ *Ibid.*, p. 998.; Rhode, D., L., *In the Interests of Justice: Reforming the Legal Profession*, Oxford University Press, 2000, p. 199.

²⁰ Katz, M., *Understanding the Costs of Experiential Legal Education*, *Journal of Experiential Learning*, 2015, Vol. 1(1), p. 28.

²¹ *Ibid.*

²² *Ibid.*, p.36.

²³ Joy, P. A., *The Cost of Clinical Legal Education*, *Boston College Journal of Law and Social Justice*, 2012, Vol. 32(2), p. 327.

greatly depending on the type of clinical program and course.²⁴ The variations in costs may stem from different factors such as status of the faculty teaching the courses, student-to-faculty ratios, the number of credit hours awarded, law clinic facilities, including a research library, interview rooms, conference rooms and offices equipped with state-of-the-art technology.²⁵ In comparing the costs, it is often difficult to understand the true financial costs of clinical courses versus other practical law school courses.²⁶ Therefore, law schools must decide how much experiential education they want to offer and what they need to trade off to accomplish that goal.²⁷ Beside the educational goal, law clinics also have the task to meet the needs of low-income clients and their communities whom depend on legal aid services which students provide. This is to help ensure their access to crucial legal rights and procedures that protect the basic necessities of life, such as social assistance, housing, health, education and human rights. Therefore, sustainability of clinical legal education is not only crucial for the academic community but also for local communities. We should not forget its significance for local law firms that could benefit of this type of legal education

²⁴ Ibid.

²⁵ Ibid., For detailed financial planning clinical legal education see more Katz 2015.

²⁶ Ibid, p.328.

²⁷ See Kuehen, R. R., Pricing Clinical Legal Education, *Denver University Law Review*, 2015, Vol. 92(1); Joy, P. A., The MacCrate Report: Moving Toward Integrated Learning Experiences, *Clinical Law Review*, 1994, Vol. 1(2), pp. 401, 404.

which makes students with this experience more employable and successful in law practice.²⁸ The broad scope of clinical legal education benefits are continually challenging law schools to find more cost-effective and innovative ways of gaining outside funding. This can be ensured from the state as funding for the representation of indigent clients and from law firms and attorneys as in-kind contributions.²⁹ Although clinical legal education programs can be more expensive than the Socratic or lecture and seminar classroom environment type of education, financial commitments from the whole community (academia, professional lawyers, local community and state) may be of great help to overstate that expostulations.³⁰

4. ZAGREB LAW CLINIC PRACTICE FOR BETTER LEGAL EDUCATION

4.1. Clinical legal education and the preservation of access to justice

Zagreb Law Clinic was established in October 2010, with an aim to enable direct and active, practical education of students by their participation in live client

²⁸ Marson, J., Wilson, A., Van Hoorebeek, M., The necessity of clinical legal education in university law schools: a UK Perspective, *International Journal of Clinical Legal Education*, 2005, Vol. 7, p. 29.

²⁹ Haydock, R. S., *Clinical Legal Education: The History and Development of a Law*, *William Mitchell Law Review*, 1983, Vol. 9(1), p. 142-144. In-kind contributions can be given basically in any goods, commodities or services, as long as they are not money-based.

³⁰ Kramer, J. R., *Who Will Pay the Piper or Leave the Check on the Table for the Other Guy*, *Journal of Legal Education*, 1989, Vol. 39(5), pp. 655, 661.; Kuehen 2015, pp. 21-22.

cases and delivering legal aid to socially vulnerable groups of citizens. In accordance with the Regulation on Study (the Regulation)³¹ and Statute of Zagreb Law Clinic (the Statute),³² the Law Clinic is defined as a form of teaching in which students provide free legal assistance in practical legal matters under the supervision of academics and legal practitioners.³³ The Law Clinic represents, along with simulated trials and internships in law firms and public notary offices, one of three forms of practical training in the ninth semester of the educational curriculum.³⁴ Student participation in the work of the Law Clinic is evaluated as equivalent to six hours of work per week during one semester, and equals 10 ECTS credits.³⁵ Students who enrol in the Law Clinic go through several stages and kinds of clinical education. At the start of their clinical practice students are obliged to attend introductory seminars, where they gain

³¹ Regulation on Study of 26 February 2014. For the whole text (Croatian only) see: www.pravo.unizg.hr/images/50000902/PRAVILNIK%20O%20STUDIJU%2014-04-11%20usvojen%20tekst.pdf Last cited 12/08/2016

³² Statute of Zagreb Law Clinic of 02 July 2014. For the whole text (Croatian only), see http://klinika.pravo.unizg.hr/sites/default/files/akt_o_pravnoj_klinici_-_statut_pk.pdf Last cited 12/08/2016

³³ Art. 16. of the Regulation 2014.; Art. 2., para. 1. of the Statute 2014.

³⁴ See Law study program, curriculum for IX semester available on website: www.pravo.unizg.hr/diplomski_studij/5.godina/nastavni_plan?_v1=ckIPgg_H0qGU0cWjvWoVg_aWNrIbP2a_roLtuulzyi6gzZcZXQmLjvLhyZB9Q659usnn9jmmFg-Q0G7pMAI1_gA==&_lid=22629#news_22629.

³⁵ Ibid.

knowledge on the techniques of taking on and processing legal cases.³⁶ After finishing introductory seminars students take their daily duties in the central office where they work in groups in order to provide general legal information, legal advice and prepare written legal opinions (primary legal aid)³⁷ to citizens who have applied for clinical legal aid.³⁸ Students are not allowed to directly represent clients in the court, but they may attend the hearings and, within the work of law clinics, they may assist persons authorised to represent clients in the court.³⁹ Students provide primary legal aid to socially vulnerable citizens, but they are also authorised to provide legal aid in various kinds of legal cases,⁴⁰ which are of great importance for gaining practical knowledge.⁴¹ Although students are obliged to work in the group, they also may undertake individual

³⁶ Preložnjak, B., Clinical legal education in Croatia – from providing legal assistance to the poor to practical education of students, *International Journal of Clinical Legal Education*, 2013, Vol. 19(1), p. 375.

³⁷ According to Art. 9. Of Croatian Legal Aid Act (Off. Gaz. 143/13), primary legal aid comprises of general legal information, legal advice, help with the drafting of submissions in administrative procedures and procedures before international courts and organisations, representation before administrative bodies and legal help in alternative dispute resolution.

³⁸ Art. 13. of the Statute 2014; See Uzelac, A., *Pravna klinika Pravnog fakulteta Sveučilišta u Zagrebu - Koncept programa ustrojstva i rada* (Legal Clinic of the Faculty of Law, University of Zagreb - The concept of program of its organization and operation), Zagreb, 2010., p. 3.

³⁹ Ibid. Those would primarily be lawyers, but also other authorised representatives in accordance with law (e. g. Union representatives in labour disputes).

⁴⁰ According to Art. 10. Of Croatian Legal Aid Act, primary legal aid can be provided if the client applying for legal aid does not have sufficient knowledge to exercise his or her rights, if the client has not received free legal aid elsewhere, if the application is not manifestly unfounded and if the financial background of the client is such that paying for legal help could jeopardize his or her maintenance, as well as the maintenance of the members of his or her household. So any case can potentially be subject to primary legal aid.

⁴¹ Art. 16. para. 3. of the regulation 2014; Art. 5. of the Statute 2014.

research regarding preliminary processing of cases.⁴² In our central office, students have at least one meeting per week of working groups, where they discuss the results of their clinical work and any problems they are facing during their clinical practice.⁴³ At least twice in a semester students and clinical leadership hold plenary meetings with the aim of discussing organisational and strategic issues of clinical work, such as enrolment of new students, new projects of cooperation with NGOs and other regional law clinics and planning the schedule for providing legal aid in mobile clinics (outreach projects).⁴⁴ Beside the work in the central office, students are obliged to work in a mobile clinic, where they provide legal aid in areas of Croatia where legal aid is most needed.⁴⁵

As the Law Clinic functions to provide assistance to members of especially vulnerable social groups and individuals who are not capable of exercising and protecting their legal rights, it aims to contribute to the overall system of legal aid. It is thus registered as one of the providers of legal advice and assistance at the Ministry of Justice.⁴⁶ This segment of the clinical education, which comprises

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.; Art. 4. para 3. of the Statute 2014. The idea behind outreach projects is to go outside the central office, located in Croatia's capital and visit other areas of Croatia. This decentralisation of legal aid was inspired by Norwegian model. See <http://gratisrettshjelp.no/testside/jussbuss/> (16/08/2016).

⁴⁶ See <https://pravosudje.gov.hr> (16/08/2016).

practical resolution of legal cases in the form of providing legal aid, represents a significant contribution not only to legal education, but also to the community. As a result, the Law Clinic became one of the major providers of legal aid in Croatia. During 2015 and in the first half of 2016 the Law Clinic has received more than 3,720 cases. The significance of this caseload can be judged on the background of the data supplied by the Ministry of Justice for the state sponsored legal aid and advice cases. In 2014 there were, altogether, approximately 2,758 legal aid and advice cases, and in the whole of Croatia the state gave support for only about 647 legal advice cases.⁴⁷

4.2. Organisational structure

The Law Clinic is governed and its work coordinated by the Clinical Leader, who is a law professor and member of Zagreb Law School.⁴⁸ The administrative affairs of the Law Clinic are carried out by Assistant Leaders with the help of Student Administrators.⁴⁹ All the important decisions on the provision of legal assistance in specific cases are brought independently by students⁵⁰. Strategic questions about the direction of clinical actions, organisation and other decisions

⁴⁷ Report Ministry of Justice 2015.

⁴⁸ Art. 17. para. 1. of the Regulation 2014.; Art. 11. of the Statute 2014.

⁴⁹ Art. 11. para 2., Art. 16. of the Statute 2014.

⁵⁰ One of the students is a reporter in charge of the case and the Group is the one deciding on the final opinion. Of course, legal opinions are subject to supervision, but supervisors tend to reach a mutual decision instead of simply correcting and amending the students' opinions.

that require the engagement of additional resources or work, are decided at joint meetings by students, in agreement with the Clinical Leader, his Deputies and Assistants, Academic Mentors.⁵¹

The Law Clinic has clinical groups that serve as working groups.⁵² They are independently formed in accordance with characteristics of specific cases and areas to which they pertain.⁵³ In the beginning the Law Clinic was operating through three working groups: civil and family law group - in which the cases concerning the property and status were handled; administrative and labour law group - in which the cases concerning labour and social issues were handled; and criminal law group - in which the cases concerning criminal implications in the broader sense (criminal, misdemeanour, disciplinary and similar cases) were handled.⁵⁴ However, since this classification of the working groups was too general and less client oriented,⁵⁵ at the end of academic year 2010/2011 a new

⁵¹ Meetings of clinicians are held monthly in the form of the Small Council. The Clinical Leader, his Deputies, Assistants, Academic Mentors, Administrators and students which represent clinical groups discuss important questions of clinical organisation, collaboration with civil society organisations, government agencies, legal practices, as well as presenting and analysing the performance achievements of students in providing of legal aid. Also at the meetings current difficulties in the work with which students and their mentors meet are discussed, with the aim of proposing concrete suggestions for their successful resolution. For more information, please see Art. 14. of the Statute 2014.

⁵² Art. 13. of the Statute 2014.

⁵³ *Ibid.*

⁵⁴ Uzelac 2010, p. 4.

⁵⁵ The clients started to address the Law Clinic with specific issues which needed inter-disciplinary approach. E.g. cases dealing with the issue of medical negligence needs to be

classification of working groups was made. Thus, the Law Clinic now operates in eight working groups: for asylum seekers and foreigners, anti-discrimination and rights of minorities; for the rights of children and family support; for protection and assistance of crime victims; for protection of workers' rights; for protection of patients' rights; for public relations and for special cases and projects.⁵⁶

With the growth in its popularity and coupled with the knowledge of the public about its existence, the Law Clinic has grown considerably. In 2010/2011, initial generation of students who worked in the Clinic counted about 20 persons. During 2012-2014, and now in 2015, the number of clinical students rose to 112. This number needs intense engagement of the mentors and supervisors. Currently, the Law Clinic has about 20 academic mentors (selected among the teaching staff and attorneys who are assisting in training of the students), 10 student-mentors (selected among the best clinical students of the past generation).⁵⁷ With the exception of people who are exclusively engaged in administration and strategic planning (Clinic Leader, Assistant Leaders and student administrators), all other collaborators (students and their mentors) are

assessed from a standpoint of criminal law (medical malpractice), civil law (negligence claim/insurance) and administrative law (special administrative procedures for patients). So the Law Clinic decided to focus on the client's case in whole and not just one aspect of their rights.

⁵⁶ See Art. 13. of the Statute 2014.

⁵⁷ The principle of autonomy is one of the cornerstones of the work in the Law Clinic, Not only are the students autonomous in regard to the solving of the cases (subject to supervision), but they also choose their own leaders (student-mentors). They are the ones we feel know their teams the best and who can truly evaluate their colleagues.

directly involved in provision of legal information and advice in concrete legal aid cases.

4.3. Mentoring

The Law Clinic has Academic Mentors, chosen among the professors and faculty associates, depending on their interest and knowledge in specific matters of significance for the Law Clinic.⁵⁸ Academic Mentors monitor the work of their clinical groups, they advise students regarding the direction of their research in solving the legal cases and discuss various legal issues that are needed for the successful providing of legal aid.⁵⁹ Although Mentors are involved in the student's work, they are not allowed to solve the cases instead of the students, nor are they allowed to impose on students their legal opinions.⁶⁰ In addition to Academic Mentors, the students are also mentored by 'senior' students who, after finishing one semester of active work in the Law Clinic, continue to volunteer within it.⁶¹

External mentors, selected on a voluntary basis among interested members of the legal profession (lawyers, lawyers in NGOs and other legal professionals),

⁵⁸ Art. 12. para 1. of the Statute 2014.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

also participate in activities of the Law Clinic.⁶² They help students with the practical training, mainly by participating in the reception and analysis of specific cases (receiving instructions from the client, identifying the main issues and advocacy strategies, etc.).⁶³ So far, the Law Clinic has successfully cooperated with several attorneys specialising in various aspects of the law, lawyers working in NGOs and bodies of state administration.

4.4. Funding

The standing financial source for the work of the Law Clinic is the Law School. It covers the basic costs of the Law Clinic (office space, postage, utilities and the costs of three student-administrators). Other costs (including the costs for equipment, promotional materials, field activities, external outreach programs, institutional visits, and occasional honoraria for the academic mentors and coordinators) are covered from the state budget (Ministry of Justice) and the local community budget (City of Zagreb Grant). The legal provision grants rights to the Law Clinic as a legal aid provider to request compensation from the state budget, but the annual value of budgetary funds allocated for the legal aid

⁶² Ibid., Art. 12. of the Statute 2014.

⁶³ Ibid.

providers are low and have been constantly decreasing.⁶⁴ Therefore, the Law Clinic was in 2010-2011 fully financed from the Law School budget and was supported by projects with international institutions, as well as foreign and international organisations.⁶⁵ When the projects were initially proposed, the Law Clinic was setting up its organisation, informing the public about its existence and activities and discussing the format and targets of its activities. In the second half of 2011, the Law Clinic started with its practical work but, until the end of 2011, it had altogether received approximately 300 cases.⁶⁶ The work of the Law Clinic was difficult *inter alia* because of the lack of resources for regular work on the cases. Although the Law School provided some office space to the Law Clinics, this was a rather limited space shared by several other organisations, with a low supply of computers, printers and other office equipment necessary for office work. The Law Clinic acquired some of the needed equipment and supplies with the financial support from the Law School and other donors (UNHCR, World Bank). However, the logistics were still insufficient, specifically

⁶⁴ Art 36. para 1. of Croatian Legal Aid Act (*Off. Gaz. 143/13*; CLAA); See European judicial systems Edition 2014 (data 2012): Efficiency and quality of justice European Commission for the Efficiency of Justice (CEPEJ), Council of Europe Publishing, Strasbourg, 2014, p. 77.

⁶⁵ In the period of 2011-2014 the Zagreb Law Clinic has succeeded in winning projects with the British Embassy, the Norwegian Embassy, and as well with the European Citizens Action Servis – ECAS. See <http://klinika.pravo.unizg.hr/medunarodna-suradnja-i-pomoc>.

⁶⁶ See <http://klinika.pravo.unizg.hr/broj-i-vrsta-predmeta>.

considering the dynamic growth of the number of cases and students working in the Law Clinic.

In the international project period (2011-2014), the Law Clinic was able to develop extensive activities in providing legal advice for marginalised groups and the less affluent parts of the Croatian population and to properly deliver practical experience to students.⁶⁷ Coupled with the growth in its popularity and the knowledge of the public about its existence, the Law Clinic has grown considerably. Initial generation counted approximately 20 students who worked in the Law Clinic. During 2012 and now in 2016, the number of student clinicians has increased over 100 students. The end result is that the Law Clinic became, in the period of international projects, one of the major clinical legal education programs and providers of legal aid in Croatia.⁶⁸

5. SUSTAINABILITY OF CLINICAL LEGAL EDUCATION

5.1. Global challenges in funding of clinical legal education

Resources are “a critical issue of the establishment and sustainability of clinics” and, more importantly, they “affect the size of program that can be

⁶⁷ Ibid.

⁶⁸ See ft. 47. This could not have been done without *pro bono* engagement of the Law School staff (young researchers, assistant professors and professors) and legal practitioners (mainly lawyers) who have supported the Law Clinic from the very beginning.

established".⁶⁹ It is of no surprise that the question of financing clinical legal education often arises in scholarly debates. However, one thing needs to be emphasized before discussing the different funding models. Financial challenges will differ depending on the source of faculty funds, so not all debates are applicable to every clinical model. For example, there is research analysing the influence of clinical legal education on the tuition of law schools.⁷⁰ This is certainly a very important question for privately funded law schools, however not of major importance for publicly funded law schools, such as the ones in Croatia.⁷¹ This needs to be taken into account when reading the about different economic models of law clinics.

⁶⁹ Giddins, J., *Promoting Justice Through Clinical Legal Education*, Melbourne, Justice Press, 2013, p. 145. Available at: www.justice-press.com/e-books/giddings/promoting-justice/projet/Promoting-Justice-Through-Clinical-Legal-Education---Jeff-Giddings.pdf (17/08/2016).

⁷⁰ The answer is negative. Research shows that 84% of law schools already have the capacity to provide the students with clinical legal training, so there is no need for them to increase the amount of tuition. Kuehn 2014, p. 39.

⁷¹ The tuition students pay is dependent on the ECTS credits. Each university is autonomous in regard to the rates of each ECTS point, however rates are determined in accordance with the recommendations of the Ministry of Science, Education and Sport. This means that faculty's decision to include law clinic in the program could hardly influence the rates determined by University. See Rules on the tuition rates of University of Zagreb (Croatian only) of 13 March 2013, available at: www.unizg.hr/fileadmin/rektorat/O_Sveucilistu/Tijela_sluzbe/Senat/Sjednice/2012_2013/PRAVILA_PARTICIPACIJE_03.2013._Odluka_Senata-corr_scan.pdf (16/08/2016).

The costs of law clinics depends on the status of the faculty teaching the course, student-to-faculty ratio, the number of credit hours awarded, etc.⁷² Katz adds faculty compensation costs and the complexity of the clinic to this list⁷³. He explains that there are three important variable costs: professor labour costs, other labour costs (e.g. for hiring administrative staff, outside attorneys etc.) and other expenses (e.g. travel, case management software etc.).⁷⁴ Of course, different types of experiential legal education models are faced with different costs.⁷⁵

Recent increase in market orientation and liberalisation of traditionally public education systems⁷⁶ will influence the need of alternative funding opportunities for publicly funded law school clinics. The general lack of support on the university and government level can be generally solved by way of using trusts,

⁷² Swords, P. D. & Walwer, F. K., Cost Aspects of Clinical Education, in: *Clinical Legal Education: Report Of The Association Of American Law Schools—American Bar Association Committee On Guidelines For Clinical Legal Education*, 1980, pp. 139-143., cited in Joy 2012, p. 327. Katz argues that such data is out-of-date (Katz 2015, p. 34).

⁷³ Katz 2015, p. 45.

⁷⁴ Ibid., pp. 36-38.

⁷⁵ Ibid., p. 44.

⁷⁶ Which is certainly one of the trends characteristic for Europe (Jongbloed, B., *Funding higher education: a view from Europe*, *Funding Higher Education: A Comparative Overview*, organised by the National Trade Confederation of Goods, Services and Tourism (CNC) Brasilia, October 13, 2008, p. 6). Available at: https://www.utwente.nl/bms/cheps/summer_school/literature/brazil%20funding%20vs2.pdf (16/08/2016)

cooperative agreements, international resources, where available, as well as by using the private bar.⁷⁷

An alternative solution for clinical sustainability is to adapt the clinical programme. For instance, a slightly cheaper alternative is to organise different types of externships.⁷⁸ However, if not planned carefully, they will not give the same effects as in-house clinical programs.⁷⁹ It is thus prudent to try to minimise the costs elsewhere, without risking the quality of law school education, e.g. by electrification of library collections or eliminating under-enrolled courses.⁸⁰

5.2. Financial challenges of the Law Clinic

The Law Clinic is today extremely well received by students, who regularly apply for work in the Law Clinic in numbers bigger than that of available places. It also enjoys a high reputation among numerous legal aid clients in Zagreb and in other areas which have been reached by project activities so far. Unfortunately,

⁷⁷ The need for finding the appropriate funding alternatives is the strongest in developing countries. Maisel, P., *Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Can Learn From South Africa*, *Fordham International Law Journal*, Vol. 30, Issue 2, pp. 388-398.

⁷⁸ Joy 2012, pp. 321.

⁷⁹ Although practitioners are well qualified to teach the students the necessary skills, academic mentoring and close supervision are required to achieve optimal education goals. *Ibid.*, pp. 322-323.

⁸⁰ *Ibid.*, pp. 329-330.

the Law Clinic faces several challenges to its future development as a legal aid provider.

	2010	2011	2012	2013	2014	2015	2016
Primary legal aid	46,000 €	20,150 €	26,700 €	21,350 €	193,150 €	193,150 €	93,250 €
Secondary legal aid	180,000 €	25,500 €	140,900 €	235,350 €	161,315 €	366,325 €	306,380 €
Total	226,000 €	45,650 €	167,600 €	256,700 €	354,465 €	559,473 €	399,630 €

Table 1: Legal aid funds in Croatia⁸¹

The most important challenge is the dysfunctional financing of the legal aid system, which essentially lacks relevant willingness to commit appropriate state funds for legal aid and advice. Table 1 clearly shows that legal advice and primary legal aid has mostly been underfunded over the years. As these funds, reserved for primary legal aid, are almost non-existent, the sustainability of some clinical activities, such as mobile clinics, depend on the ability to find another way of funding. In the light of the economic crisis, there is no real state

⁸¹ The presented data is approximation of the funds granted in Croatian Kuna (HRK) and does not represent a precise amount of funds granted. The data was presented on Eleventh Public and Private Justice Course in Dubrovnik during panel "Challenges in Clinical Legal Education - Sustainability of Clinical Programs" by Lidija Zajec, Advisor in the Minister's Cabinet in the Ministry of Justice. See the official web page of the course <http://www.alanuzelac.from.hr/text/iuc-course.htm>.

willingness to commit appropriate funds that would improve quality of access to justice and improve practical education for law students. The maximum budget that may be granted to the Law Clinic in 2016 according to the public tender (app. 10,000 €) will be sufficient to finance less than 30% of its real needs. The approximate costs of running the Law Clinic⁸² are shown in *Table 2*:

	Expenses (per year)	Approximate amount in EUR
1.	Organisation of outreach projects - travel and sustenance costs for students - coordination	11,000
2.	Administration of the work of the Law Clinic	10,000
3.	Office costs - monthly rent - utilities costs - office supplies	10,000
4.	Publications - Pro bono – official newsletter - student manuals - advertisement	5,000
5.	Organisation of the annual round table regarding clinical legal education in Dubrovnik (within Public and Private Justice conference, held in May/June every year)	1,000
#	TOTAL COSTS	37,000

Table 2: The approximation of costs for running the Law Clinic

⁸² The Table 2 shows a rough estimate of the funds the Law Clinic needs at yearly basis. This approximation does not include in-kind contributions which some of the partners give. E.g. it is impossible to estimate the value of in-kind contribution of lawyers engaging in supervision of legal opinions.

If the Law Clinic wishes to maintain its goal, to enable as many citizens to access to justice as possible, then it cannot limit its work to the activities which can be funded by the government. Namely, when the Law Clinic started its work, it was located in a very modest office, with very limited space both for students and for clients. If one compares the years 2011 and 2015 of the Law Clinic, discussed under title 4.4. Funding, one can notice that the number of students and clients has increased more than five times.

It is only natural that the costs of the project rose along with the new responsibilities. It is thus of the utmost importance to locate the funds elsewhere, since the necessary public funds are not available.

At the beginning, the international grants were a chance to receive at least part of the very much needed funds that covered the activities that could not be sponsored by the framework organisation, the Law School. With the help of those grants, the Law Clinic provided practical legal education to students and advice and assistance to people outside of Zagreb, who are most socially vulnerable. It seems that the Law Clinic, with the support of the Law School and international grants, has reached the point where its prospects were good, but the continuation of work on financial sustainability is needed to secure clinical activities.

Therefore, projects with state and local community are important to secure some external funding for the essential legal aid activities of the Law Clinic. Without those funds, the Law Clinic will hardly be able to keep up with the expectations of the clients which also means that less students will be given the opportunity to engage in its work.

CONCLUSION

A central goal of clinical legal education is to provide professional education in the interests of justice and it poses new challenges regarding the improvement of student education.⁸³ Apart from its significant role in legal education, the existence of law clinics is also very important in terms of enhancing the legal aid system, by broadening the cycle of legal aid providers to which underprivileged citizens can turn when they are in need of legal aid. Moreover, clinical legal education has a positive impact on the strengthening of public policies, of exercising constitutional principles of equality before the law, the right of access to justice and a fair trial within a reasonable period.⁸⁴ These important goals, which clinical legal education aims to achieve, are closely linked and should be

⁸³ Wizner 2002, p. 1935.

⁸⁴ Preložnjak 2013, p. 380. By informing the clients about their rights, law clinics can correct the imbalance between the parties of different socio-economic background. They can advise the clients when to initiate the court proceedings, as well as advise them on certain procedural issues within the proceedings, if they have already been initiated.

constantly improved by powering the law school's curriculum. Therefore, to maintain the positive development of clinical legal education, law schools have to retain strong financial resources for work of law clinics and to develop the cost model for Deans and curriculum committees as they think about how to manage and expand their schools' experiential offerings.⁸⁵ That is the only way to keep track with the development of modern clinical legal education, which aims to support students interested in gaining theoretical and practical experience through provision of legal aid, in the interest of the public benefit.⁸⁶

As a final remark we have to stress that the combinations of financial investments of state, local community and law schools are crucial for financial sustainability of clinical programs. To achieve that goal the Law Clinic has to periodically raise awareness among the whole community, highlighting the importance of financial support of clinical legal education and its impact, not only on education of future lawyers but, also on legal aid system which is, and should be, the first line of defence in providing equal access to justice for all.⁸⁷

⁸⁵ Katz 2015, p. 29.

⁸⁶ Ibid.

⁸⁷ Now there is research showing the importance of law clinics in that regard. See Drummond, O. & McKeever, G., *Access to Justice through University Law Clinics*, Ulster University Law School, 2015, p. 32. Available at: www.ulster.ac.uk/lawclinic/files/2014/06/Access-to-Justice-through-Uni-Law-Clinics-November-2015.pdf (24/10/2016).