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National University “Odesa Law Academy”
Association of Legal Clinics of Ukraine

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LEGAL CLINICS
IN UKRAINE:

from Legal Education to Legal Practice

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A u t h o r

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This monograph deals with functioning of legal clinics in Ukraine, their place in the training process of lawyers and their role in the national system of free legal aid.

This is a book for scholars and students of higher educational establishments of law and for those who are interested in legal clinics and their activities in Ukraine.

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*I dedicate this research
to my Mom Nadiya,
to my Dad Taras
and to my Grandmother –
Vira Lvivna Rekel*

PREFACE

In step of society professionalization in the era of postmodernism it is important to form legal elite that could be responsible for the legal providing of human existence and legal development of the entire social community. To facilitate such changes in Ukraine it is necessary to improve the quality of lawyers' training, because modern educational process is overloaded with information on the regulatory framework and dogma of law and therefore only partially is helpful for practical training. The gap between theory and practice in Ukrainian legal education goes on, because students' practice on the basis of state and local governments, in the private sector of economy is insufficient for them to obtain the needed level of professional skills and habits in the field of law.

Therefore, over the last decade the students of Ukrainian leading law schools under the supervision of teachers-curators are providing free legal aid for various socioeconomic strata of the population, thus getting practical skills and habits for further activities in their profession. The example of such innovation in domestic education is the Legal Clinic at National University "Odesa Law Academy". During semester more than one hundred students are involved in clinic's activities, and every year more than three hundred students pass different kinds of practice at their alma mater.

However, legal clinic as a legal institution has not yet received proper general theoretical development in Ukraine. The domestic jurisprudence deals with some aspects of the legal clinic activities: the possibility of their use in the educational process, the peculiarities of providing free legal aid for students-clinicians, issues of

legal clinics organization and functioning, problems of their material and technical ensuring, staffing and so on. So, in 2011 Juliya Figel wrote her thesis defining the role of legal clinics in the process of formation the skills of law implementation by students, and in 2014 the role of legal clinics in the system of human rights and freedoms protection was cleared out in the thesis of Nataliya Dubchak.

Our domestic scientists made the significant contribution to the study of legal clinics in Ukraine. Among them are Markiy Duleba, Andrii Galai, Krystyna Golovachova, Vitaliy Yelov, Ruslan Katsavets, Sergiy Kivalov, Mykola Kravchuk, Juliya Matveyeva, Sergiy Molibog, Valerian Moldovan, Olena Orlova, Dmytro Pavlenko, Mykola Pashkovsky, Juliya Savelova, Olga Sokolenko, Valentyna Stadnyk, Nataliya Sukhytska, Andriy Chernega, Mykola Udod, Viktor Yanyshen.

The foreign scientists such as Lidiya Voskobitova, Arkadiy Hutnikov, Yelena Dobrohotova, Aleksandr Lublinskiy, Dmitriy Meyer, Marina Nemytina, William V. Rowe, Yekaterina Shugrina, Jerome N. Frank, George Frommhold investigated the activity of legal clinics in different countries around the world.

Nevertheless, we must admit that the potential of general theory of state and law was not almost used for studying the problems of legal regulation of legal clinics in Ukraine.

That is why the purpose of this research is general theoretical characteristic of the content of legal regulation of legal clinics in Ukraine. The object of this research is the activities of legal clinics in the domestic system of professional training of law students. The subject of this research is general theoretical investigation of legal regulation of legal clinic activity in Ukraine.

As the basis for this monograph served the dissertation of author under the title “Legal regulations of legal clinics activities in Ukraine: general theoretical research” that was executed at the Department of General Theoretical Jurisprudence of National University “Odesa Law Academy” and defended in September 2014.

Author tried to do this monograph more interesting for American and other foreign scholars that are involved in clinical legal education. In some issues position of the author can be controversial from the point of view of participants of American clinical legal programs, but such thoughts have right to exist because in the process of this research the author used domestic sources of literature about genesis of legal clinics development on the territory of modern Ukraine.

Furthermore the author recognized that his future research of clinical legal education on the basis of American sources can change some of key conclusions of this monograph. The author has a hope to continue this science investigation of legal clinics in the US.

This monograph was finished and published with the help of some persons.

First of all, I want to express my gratitude to my scientific supervisor Yuriy Mykolayovych OBOROTOV – Head of Department of General Theoretical Jurisprudence of National University “Odesa Law Academy”, Doctor of Juridical Science, Professor, Full Member (Academic) at National Academy of Legal Sciences of Ukraine, Honored Lawyer of Ukraine.

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1. Emergence and spread of legal clinics in the world

It is generally known, that the term “jurydychna klinika” (or less spread “pravnycha klinika”) comes from the American «legal clinic» (or «law clinic») and is one of the possible literal translations into Ukrainian. However, in American terminology communicating the lexical meaning of the English word «clinic» is significantly different from the Ukrainian word “klinika”, because it is not always identified with the medical establishment. In this case, such notion means the center, where legal practice is taking place and where free legal aid to members of poor strata of the population is being provided.

That is why for the average Ukrainian the term “jurydychna klinika” (“legal clinic”) is hardly understood, often causing a smile. To mark such free legal advice some other phrases (such as “legal aid”, “legal practice”, “students legal reception”, “charity legal advice”) are being used.

The term “legal clinic” first appeared in the article of Professor George Frommhold that was published in 1900 in “German Legal Newspaper”. In this article German scientists offered to establish similar clinics in law schools that could function at medical faculties, where students under the guidance of teachers could solve not fictional or outdated legal cases but live ones. If we could combine in the jurisprudence the teaching practice with immediate medical care, Professor Frommhold wrote, the lawyer-theorist would be able to communicate directly with the person who needs legal assistance. That is, to say during the education the student would have to deal with the immediate

“legal pathology” and the introduction of legal clinics would contribute to solving the problem of providing free of charge legal assistance to the poor strata of population.

In his work professor Frommhold proposed to pay attention to the following important moments in the organization of legal clinics:

1) professional requirements to managers of legal clinics and their moral qualities, who ought to be highly educated and professionally skilled specialists with solid theoretical knowledge base in the field of private and public law and administration, and be able to treat with understanding the problems of poor people, show patience and do their best;

2) impossibility of combining management of legal clinic with other activities, academic and teaching obligations, providing legal practice as judge or attorney, because they have to perform a considerable amount of work;

3) confidentiality during dealing with legal cases and compulsory attendance of legal clinic by students with the previous passing by them the legal exam;

4) necessity to limit the number of active participants (consultants) with unlimited number of listeners during the initial period, further attracting young assistants as supervisors to support the activity of the head of the legal clinic;

5) priority for students-clinicians to get knowledge during dealing with the cases in the legal clinic without established terms of its decision, because it is important to complete its consideration as the legal case, with more careful studying and analyzing it;

6) necessity to use the experience, gained in practical work in the legal clinic, for overcoming difficulties in the organization of educational process.

In this article Professor Frommhold underlined that the term “legal clinic” as a method of teaching based on fictitious or borrowed cases from legal practice gained popularity thanks to Adolf Shtoltzel. Previously Otto Fischer paid attention to the need to compare medical education with legal. Moreover, at the fourth Congress of German Jurists in 1863 Karl Volkmar Stoy proposed to establish clinics at law schools, where had to be concentrated “samples of legal acts and subjects (things) that deal with legal notions”.

Thus, the idea of teaching law students of practical activities in special institutions, where the representatives of poor strata of population can apply for legal advice, originated in long-term discussions in countries where there was academic (lectures and theory) training of lawyers.

Later in January 1901 Russian Professor Aleksandr Lublinskiy in the article “On legal clinics” in the “Magazine of Ministry of Justice” supported the idea of Professor Frommhold and explained the necessity of establishing legal clinics and expressed his own vision of the organization of their activity by making comparisons of teachings systems at the legal, medical, mathematical and philological faculties.

At the end of XIX century, when law students had to deal only with books and lectures, when they studied law only theoretically and were not acquainted with legal practice, too much study time at other faculties in university was dedicated to practical lessons. Because of

such educational system, lawyers who have just finished university course, failed to apply their knowledge in the courts or administrative organs and were completely helpless in the basics of legal practice. On the other hand, the pure theoretical knowledge obtained without practice, which is necessary for memorizing and understanding examples, was often hastily memorized without awareness the essence of this knowledge and quickly evaporated. That is why at the very beginning management gave the young lawyers only paper work or just simple tasks, while doctors who just completed their education, started to cure, engineers – build, philologists – teach.

Drawing analogy with the medical clinic's organization of work, methods of activity and goals, Professor Lublinskiy considered legal clinic to be the most successful name of this unique institution, where people will address for legal aid. Taking into account the special nature of the clinical lessons, such aid had to provide free of charge and visitors access to legal clinic or refuse in such assistance depending on the will of its management. According to this scientist, the lessons in legal clinic had to be limited and consisted in providing oral consultations or drafting simple (typical) documents under the supervision of Professor.

We have to notice that in Russian scientific literature there is quite different approach to the person of scientist, whose name is associated with the world first legal clinic. Thus, in Imperial Kazan University, long before publishing of two above-mentioned articles had existed legal clinic under the guidance of Professor Dmitriy Meyer (approximately from 1840th). This is reflected in the work of the scientist "The significance of practice in the contemporary legal education", published in 1855, where

it was indicated that on his initiative there was established legal clinic, visited by private persons for receiving advices and consultations, and such consultations were provided by professor in the presence of students.

Motivating the necessity of clinical lessons for students of the law school, Professor Meyer underlined the similarities of legal and medical training, and considered such lessons as a necessary addition to lectures. He also considered the educational practice as a key link between the theoretical legal knowledge and practical activities as a conductor of science in the legal life. He believed that the purpose of practical education is to acquire skills to apply legal knowledge to the specific life situations, and it is possible to form such skills only during educational practice, when the student directly applies the law, solving the problems of a legal nature. He said, that "... this clinic should pursue two different goals: educational and practical one".

Dmitriy Meyer designed the structure and method of carrying out special lessons for law students with the aim of instilling practical skills, required for successful professional activities (analysis of life situations for students to see "legal diagnosis", writing legal papers) and making their approbation. Initially these skills instilled for students in the usual audience at the practical lessons of the civil law, but their development required finding another form of teaching, more successful and more close to the real professional practice – legal clinic.

However, the legal clinic of Professor Meyer did not have official status and sources of financing and existed only thanks to academic freedoms, enthusiasm and efforts of its founder. That is why the untimely death of scientist

caused the end of clinical lessons. And the new method, failing to win recognition in the community of Russian lawyers, remained in the shadows over the next forty years.

In the scientific literature, there are cases when some instructors tried to introduce practical forms of education (role games to resolve legal cases, involve students to their own practice). For example, in Imperial Moscow University – Zahar Horyushkin (since 1786), Mykola Sandunov (since 1811), in Imperial Kazan University – Gavriyil Solntsev (from 1815), in Kiev Imperial University of Saint Vladimir – Oleksandr Fedotov-Chekhovsky (since 1843). On the need for long-term practical training of lawyers told Iogan Neyman and Professor Gabriel Shershenevich in his scientific work “Science of Civil Law in Russia” in 1893 pointed out the necessity to combine theoretical and practical training of lawyers.

At that time legal clinic did not acquire much popularity in Russia, but the efforts of these scientists led to the introduction of practical lessons to many disciplines curriculum in the law faculties. However, as noted Ivan Yanzhul, all the most common forms of practical classes did not have applied nature, because they were focused on the scientific studying of primary sources and their purpose was only to teach students to use scientific methods in practice.

Such notion as “legal clinic” is also associated with the famous scholar of Roman law Professor Otto Lenel. In 1901 Professor Lenel published an article “Juristische Kliniken?” in the German Legal Newspaper, where he expressed critical remarks concerning the idea of creating such free of charge legal advices.

Thus, in XIX-XX centuries the idea of legal clinics and its functioning, for students to obtain practical skills and habits, was discussed and realized into practice. Such education system became very popular in many educational institutions around the world, including the Russian Empire. The evidence of this is the practical guides of the instructors of Imperial Novorossiysk University in Odesa. Professor Konrad Dinovskyy underlined that the importance of clinical studies for the process of medical education consists in the fact that phenomena of patient's life and the reasons for medical interference are not the abstract images. The theoretical teaching goes from the study of disease characteristics to its image in the picture, and the practice (practical teaching) – from meeting with the disease to its studying. That is why Professor Dinovskyy believed that institutions such as medical clinics are necessary for law faculties.

According to some circumstantial evidence in the early XX century legal clinics had also existed at Imperial Moscow University and Kyiv Imperial University of Saint Vladimir. However, after the transfer of power to the Bolsheviks in Russia there was established a centralized system of management education, which did not provide opportunities to educational institutions to modernize educational process. Therefore, the idea of using legal clinics in the training of lawyers has lost its significance for years.

The Soviets began creating its own educational system ignoring all pre-revolutionary achievements in this sphere. The development of legal education was part of the whole process of development of Soviet educational system that deliberately provided general literacy of population, gradually improving the standards of

education, strengthening its connections with the staffing needs of the socialist economy.

At that time legal education had a small share among higher educational institutions of the USSR. Engineering and technical education prevailed during industrial period. For instance, in 1931 Law Faculty at National Economy Institute in Odesa closed, as the existing social system did not need lawyers. All legal issues were resolved not from the standpoint of law, but from the standpoint of “workers and peasants” feasibility. In addition the late 70’s state order did not show special requirements to strengthen the practical component in the training of lawyers. According to Soviet theory, the state and law were being inextricably linked by themselves and they played economic-organizational and law-enforcement functions. Soviet lawyers, wherever they worked – in the economy, government, judiciary or law enforcement authorities, were hired by the state to provide the regime of “socialist legality” – precisely and strictly implementing the provisions of laws. Soviet school was preparing mostly “official lawyers” or legal functionaries, and the content of legal education was highly ideological.

During that time slogan of strengthening links of theory and practice became popular outside the area of responsibility of the educational system, and the Soviet students had learnt many practical things not only outside the university, but also outside educational process. Practical training was treated not as a part of education, but as part of professional development of an educated man, which led to the need for “relearning” graduates in the working process.

However, since the mid 70’s when narrow positivism began to loose their positions and grew up new notable

processes of the transformation of thinking in the general theory of legal science, scientists focused on the experimental search for appropriate forms of education aimed at ensuring individual and practical approach. The problem of finding the optimal balance between theory and practice became the principal one, moving to the level of detection of such learning forms that would be adequate to content, educational goals and new conditions of coexistence. In the second half of the 80's Soviet educational system developed special methods of occupational-activity training of specialists to work in these conditions, which were called "methods of active learning" (interactive lectures, trainings, role and business games, round tables, etc.). Despite the emergence of many significant positive tendencies towards practical training in the Soviet legal education, the active learning methods were not widely spread.

The idea of using legal clinics in the practical training of lawyers was brilliantly embodied in the countries of Anglo-American legal tradition, where legal education abruptly lurched toward theoretical training after the formation of law schools.

Thus in 20-30's years of XX century legal clinic appeared in the US as an answer to the negative consequences of termination of practice for law graduates as since the beginning of this century was forgotten the previously existing training system "lawyers apprentices", in which law schools were recognized only as alternative and very weak addition.

The first American scientists, who devoted attention to this issue, were lawyers William V. Rowe and Jerome N. Frank.

In the article “Legal Clinics and Better Trained Lawyers,” published in 1917 in the “University of Illinois Law Review”, William Rowe argued that clinical legal education based on the legal clinic is the best way of training skilled lawyers. He put forward the idea of engaging students in practical activities under the guidance of experienced professionals and offered to change their status from the volunteer groups at law schools to the official form of teaching. According to his point of view, legal clinic should oust another spread in those years method of practical training lawyers – studying precedents.

Article of Jerome Frank under the rhetorical name “Why Not a Clinical Lawyer-School?” was published in 1933 in the “University of Pennsylvania Law Review”. In this article author demonstrated the analogy between legal and medical education and proposed the idea to borrow a fundamentally new type of training of lawyers, which had a tradition of use of a functioning clinics as a basis for training of young medical experts. However, the main task of legal clinics was to provide free legal aid to the poor strata of population.

In April, 1934, there were introduced courses in clinical legal education in Ohio University. Since 1937, participation in the activities of the university legal clinic became mandatory for all law students, because without work experience they had no right to receive graduation diploma. However, clinical legal education did not obtain rapid development in the US, as most law schools were against practical approach in legal education.

The rapid development of clinical legal education in the US took place only in the middle of the XX century, when dissatisfaction with the quality of practical training of lawyers coincided with a movement for civil rights.

In the 50-60's years of last century, the US faced with the problem of mass economic immigration in which unemployment and rising crime were the main social factors of legal aid volume expansion. Human rights of those who were economically and socially less protected were violated by state administration, large companies, housing corporations. Such people had no opportunities to get professional legal assistance for the lack of money.

In response to these circumstances so-called "legal realist movement" began to develop. It's members felt the need to make social aspects the study of law. Leading lawyers and teachers were in the first ranks of social reformers and so legal clinics opened in the law schools. There students provided free legal assistance to those who could not pay for the services of lawyers. In order to provide such assistance to low-income persons and develop the necessary practical skills and habits in students, private foundations began to support financially and stimulate the development of legal clinics (e.g., since 1959 the Ford Foundation started financing legal clinics).

In 1960's in the US more than 30 legal clinics functioned at universities, where students under the guidance of teachers and professional lawyers provided free of charge legal aid to the poor strata of population. The first legal clinics appeared in the structure of George Washington University and Columbia University.

Within 60-70's years of XX century, clinical programs became widely spread and popular in the US. For instance, American Bar Association (ABA) – the body responsible for the accreditation of law schools, offered law schools to consider clinical legal education as one of the methods to obtain by students additional knowledge and fix them in

practice. In 1969, this association published “ABA Model Student Practice Rule”, which at present are used in all states and the Federal District of Columbia. According to these rules, the purpose of the legal practice of students was needed to increase the legal services level provided for people with low-income and to encourage law schools to expand the use of clinical education for students to obtain the advocacy skills.

In 1965, the Council on Legal Education for Professional Responsibility (CLEPR) was established, and in 1978 this institute ceased its operations. By 1997 the US government decided to support legal clinics through the Ministry of Education. That CLEPR grants and government assistance made significant contribution to the development of clinical legal education, up to the moment when teachers, students and administrators understood the value of legal clinics. After that financing of their activities transferred exclusively to educational institutions.

Approximately in this period clinical legal education began to spread in other countries, which adopted special regulations to ensure the proper functioning of the legal clinics. For instance, in 1968 in Hungary there were adopted amendments to the Criminal Procedure Code in the part of legal clinics, under which students were given the right to represent the interests of clinic customers in court.

Legal clinics are appearing in countries of Central and Western Europe, Central, South and East Asia, Latin America and in Africa. In particular, due to the support of clinical legal education from the Ford Foundation and the Rockefeller Brothers Fund in 1978 in South African Republic the university formally recognized the legal

clinic for the first time. From 1989 practical training at the legal clinic of Witwatersrand University in Johannesburg have to pass all the graduates of the School of Law.

In the 80's of XX century, more and more attention is paid to the development of new teaching methods best adapted to the conditions of clinical legal education. The interactive teaching methods have given impetus to further spreading of legal clinics in the world and the emergence of different associations. For instance, Clinical Legal Education (CLE), Clinical Legal Education Association (CLEA), Clinical Legal Education Organization (CLEO), Society of American Law Teachers (SALT), Association of University Legal Aid Institutions (AULAI).

At the end of the XX century Global Alliance for Justice Education (GAJE) was established. This international organization united representatives of clinical legal movement of almost all countries in the world. Clinical legal education became a key component of justice learning as an idea which is trying to implement GAJE' members in legal education and legal practice. As a result, now legal clinics at law schools of leading international educational institutions have become an integral element of the existing structural mechanism of university and principal part of the training course, which students have to pass and learn.

During the last two decades legal clinics are operating in Latin America. For some time they functioned poorly due to insufficient control over the students and consultants activities from the side of professors and lawyer-practitioners. However, recently with the support of the Ford Foundation their activities have been successfully restored and have provided professional supervision of student advisors.

In the UK, the development of clinical legal education was much slower than in the US. By 1994, only 13% of universities had in its structure legal clinics. However, the leading structure of British lawyers – The Law Society, which took control over the fourth course of law education – obtaining practical skills and habits of the profession, it contributed to further spread of legal clinics in the English legal education system. Cardiff Law School was the first to bring in legal clinic in the studying process.

Clinical legal education in China is developing rapidly due to the creation of the Committee of Chinese Clinical Legal Educators (CCCLE) in 2002. In the first years, only 13 legal clinics were in subordination of this committee. At the end of 2012, the activity of this committee as the main agent of attracting resources from the government and non-government agencies for funding legal clinics already covered 149 law schools in China.

In the post-Soviet countries, the question of the organization of clinical legal education was major point of discussion during 1993-1997 as a consequence of the initiative of lawyers who got acquainted with the work of foreign countries' legal clinics in practice and realized their value in training lawyers and solving social problems of citizens.

At that time, the legal education also had a purely academic nature, since the role of education institution was to transfer the theoretical knowledge to students, but not their professional training in the direct meaning of the word (ie teaching profession). The implementation of the clinical legal education idea as special students program of theoretical knowledge applying in practice during their studies within the walls of their alma mater became

possible due to methodological and financial support of international charity organizations such as American Bar Association, Ford Foundation, Soros Foundation “Open Society Institute” (OSI) and others.

In particular, in the early 90’s years of the XX century in Poland at Krakow Jagiellonian University the first in Europe legal clinic was opened and in 1998 clinical legal courses were included in the curriculum of the University of Warsaw. In this country also a draft of law “On Student Legal Advice” was prepared.

The first legal clinic in Russian Federation appeared in 1995 at Petrozavodsk State University (Republic of Karelia). At regulatory level, the issue of opening legal clinics and their activities was regulated by the decree of the Ministry of Education “On legal advices (“legal clinics”) for the population on the basis of educational institutions that train legal personnel”. With the adoption of Federal Law “On free of charge legal assistance in Russian Federation”, legal clinics got the opportunity to develop not only within the frame of the educational process, but also to be a part of non-governmental legal aid system and to be the subjects of legal education for population.

The history of clinical legal education in Republic of Belarus can be divided into two periods – before and after 2002, when legal regulation of clinical education has occurred. During the first period, there were only four legal clinics – at European Humanities University, Belarusian State University, Belarusian Institute of Law and the Legal Clinic “Living Law” of Yanka Kupala State University of Grodno. The beginning of the second period is linked with appearing in 2002 the letter of the Ministry of Education “On creation of public reception at the Law Faculty of the

educational institution”. In 2010 resolution of the Ministry of Justice of the Republic of Belarus “On some issues of legal education of the population” has defined status of legal clinics at universities as subjects of legal education and consulting citizens.

Summing up the events of world’s legal clinics’ history we should notice that Russian scientists distinguish four periods in the development of clinical legal education idea. During it’s first period (end of the XIX – early XX) the idea of creating legal clinics first appeared. The second period covers beginning of the XX – to 60’s of the XX, when in different countries were made the attempts to realize in practice the idea of clinical legal education. The third period includes the last third of the XX century, when the ideology and methodology of clinical legal education was developed and this idea was realized in many universities of different countries. The fourth (modern) period is characterized by social orientation in legal education, when in training lawyers attention focuses on issues of justice and we can examine the emergence of new philosophy of legal education.

2. Formation and development of legal clinics in Ukraine

Precondition of legal clinics emergence in Ukraine is also considered a feature of the traditional university (academic) legal education, which includes two major components – theoretical training of students and their practice on the basis of state, local governments and in private sector of economy. When the basic framework of regulations was almost changeless (for example, in some years of the 7th decade of the last century in USSR were adopted only 4-5 laws), passive learning allowed lawyers to prepare quite qualified personnel. On the transition stage of the development of state and law in the late XX century, that situation in legal education was inadmissible because the development dynamics of the law and permanent complications of legal relations made passive training of lawyers insufficient, demanded constant improvement of their professional skills and habits.

That is why in the independent Ukraine legal clinics began to appear just during 1996-1999 with the direct participation of young law teachers, law students and NGOs (in Kyiv, Donetsk, Lviv, Odessa, Lutsk, etc.). In the majority of sources are given the facts, that the first legal clinic in Ukraine was established in 1996 at Taras Shevchenko National University of Kyiv. According to the other sources of information, the first legal clinic was the Centre for Applied Learning of Donetsk National University.

At that time the work of legal clinics in Ukraine was not always supported by the administration of education

institutions. Supporters of traditional academic education were against such innovations for a long time. For this reason the first legal clinics were established thanks to the exclusive initiative of students and due to the costs given by donors and non-governmental human rights organizations with a focus not on educational (practical) aspects, but on social ones (i.e., to meet the needs of society in the sphere of legal assistance and legal awareness).

It is generally known, at that time legal clinics in its development passed through a number of mandatory stages: 1) organizational stage; 2) preparatory stage; 3) working stage; 4) modernization stage. Within the first phase, a decision on establishing a legal clinic was adopted. Constituent documents (regulations on the legal clinic or statute, rules of work, ethics code of employees and students, etc.) were developed and approved. Legal clinic's staff list and financing order were defined. Necessary furniture and office equipment were chosen. Legal clinic manager, other staff members, students-clinicians and their teacher-advisors were recruited. During the preparatory stage usually students-clinicians were chosen voluntarily, and among instructors the preference was given to practicing lawyers. The preparatory stage of forming legal clinic was also connected with serious teaching and methodological work and advertisement. At the working stage the algorithms of personnel actions as a whole were produced – from the receiving of customer calls to the scheme of works on certain categories of cases. The modernization stage started in those legal clinics that had already had some experience (sociological research work among customers and students-clinicians was organized, recommendations for further improvement of their work were made out).

Only after the first four-five years of effective activities, legal clinics in Ukraine proved to public authorities and academic institutions, other professional organizations and associations of citizens its ability to do their best in the field of service for society.

In early July 2002, the Ministry of Education and Science of Ukraine sent a letter to deans of law schools about the results of conference “Development of programs that help to improve the educational process at law faculties” (Kyiv, March 22-23, 2002). This year the Ministry of Justice of Ukraine issued recommendations of All-Ukrainian Interagency Coordination and Methodological Council on Legal Education of the Population “The role of public legal advices and legal clinics to provide legal assistance to the population” (Ivano-Frankivsk, November 1, 2002).

In 2003 the All-Ukrainian congress of lawyers-educators and scientists “Conceptual foundations of scientific and methodological support of legal education” (Odesa, October 24, 2003) noted the need to spread the experience of legal clinics for closer communication of theoretical students training with practice as one of the priority tasks of the development of legal education and Ukrainian science. Participants of the All-Ukrainian conference “Formation and development of a network of legal clinics in Ukraine on the path to self-providing” (Kyiv, November 14-16, 2003) discussed and approved the draft of Standards of Legal Clinics in Ukraine. On the base of results of the All-Ukrainian scientific-practical conference “Innovative methods of legal education: concept, content and practice” (Kyiv, November 29, 2003) was made a decision to apply to the Ukrainian Council of Legal Education, to the Scientific and Methodological Council

of the Ministry of Education and Science of Ukraine with a proposal to consider and adopt these standards.

For the purpose of increasing the achievements of the legal clinic movement in 2003-2004, eighteen legal clinics of Ukrainian fourteen regions were united in the national network – Association of Legal Clinics of Ukraine. It is All-Ukrainian NGO, the task of which is to support the activities of legal clinics, promote the development of clinical legal education and implement appropriate education and human rights programs. Nowadays the participants of this association are permanent legal clinics of Ukrainian leading educational institutions (including National University “Odesa Law Academy”, National University of “Kyiv-Mohyla Academy”, Yaroslav Mudryi National Law University, National University of Ostroh Academy, Taras Shevchenko National University of Kyiv, etc.).

To systematize their activities and assist in the creation of new legal clinics at the first congress of the Association of Legal Clinics of Ukraine there were developed and adopted “Standards of Legal Clinics of Ukraine”. The subjects of discussion at the second and third congresses were organizational and methodological aspects of the activities of legal clinics in Ukraine (adopted “Model Provisions of Legal Clinic”, “Ethical Code of Legal Clinics of Ukraine”, defined and outlined typical thematic plan of educational special course on “Fundamentals of the Clinical Legal Practice “). During the above mentioned period, the association developed its own website and at the end of 2005 began to publish professional periodic magazine on clinical legal education – Journal of the Association of Legal Clinics of Ukraine, which helped to make more popular the content and nature of clinical legal education, discuss the problems of further development of legal clinics.

We can identify the following achievements of legal clinics in Ukraine in 2004-2005: 1) institutionalization of legal clinics; 2) the creation of the Association of Legal Clinics of Ukraine; 3) opening nationwide website; 4) preparation and publishing of the first practical handbooks for legal clinics and universities; 5) gradual changes in views and approaches to the reform of legal education by of the Ministry of Education and Science of Ukraine, support of these activities by the Ministry of Justice of Ukraine and administrations of educational institutions.

Just during 2005-2006 with the participation of members of the association and the Legal Aid Fund for Ukraine, as a joint initiative of the International Renaissance Foundation and Interpipe Corporation, specific list of scientific and methodological developments for the legal clinics was prepared. During this period three regional training centers began its work (Western Ukrainian – in Lutsk, Central Ukrainian – in Kyiv, Southeast – in Donetsk), which were focusing their activities on students and teaching staff of legal clinics. Association activities included also preparing proposals for the National Program of Legal Education of the Population, where legal clinics were treated as the institutions the main concern of which was to provide legal education of the population at the nation-wide level.

In 2006 the urgent needs for further institutionalization of legal clinics in Ukraine were clearly outlined: 1) formation of regulatory and methodological framework for implementation legal clinics' activities at nation-wide level (organizational direction); 2) development of legislation on providing rights of individuals for legal assistance in

Ukraine and improving standards of legal education in its practical part (regulatory direction); 3) clearing out aims, tasks and nature of legal clinics through mass-media, launching thematic issue of inter-university bulletin on clinical legal movement (information direction); 4) expanding the national network of legal clinics (intensive direction); 5) providing support for legal clinics in Ukraine at the nation-wide level and from the side of educational institutions (extensive direction).

Just in the middle of 2006, as the result of joint activities of the Association of Legal Clinics of Ukraine, Ministry of Education and Science of Ukraine, Ministry of Justice of Ukraine, the International Renaissance Foundation, there was passed the decree “On Approval of Model Provisions of Legal Clinic of Educational Institution of Ukraine”. Due to this, the legal status of legal clinics at the nation-wide regulatory level was finally fixed. The emergence of this decree of the Ministry of Education and Science of Ukraine meant, that numerous requests from participants of the clinical legal movement “came to” the government and it gave the reason to hope for further state promotion of legal clinics.

In December 11-12, 2006 there was held the annual conference of legal clinics in Kyiv. It was dedicated to the reform of the free legal aid system and legal clinics integration, full-scale implementation of ideas and principles of the clinical legal program to the regulatory framework in the field of legal education. In this conference also representatives of the Ministry of Justice of Ukraine and the Ministry of Education and Science of Ukraine participated. The result of this meeting was working out the materials for the next directions of legal clinics activities:

1) harmonization of the legal framework for legal education and clinical legal program; 2) fixing the place and role of legal clinics in nation-wide processes of legal education of population and legal assistance to the vulnerable and disadvantaged groups of society; 3) discussion and approval of the coordination model of clinical legal program; 4) adoption the nation-wide program of legal clinics in Ukraine for 2007-2008; 5) preparing an appeal to the government authorities, relevant agencies and institutions with an aim of embodying these materials and proposals.

Just at that time the International Charity Foundation “Foundation of Legal Clinics of Ukraine” was also established to coordinate actions for implementation on the nation-wide level decisions and other program documents adopted at this conference. The main purpose of this foundation is to support and coordinate clinical legal programs in Ukraine. Similar Development Funds of legal clinics and clinical legal education were established in many countries (such as Polish Legal Clinics Foundation).

One of projects, most successfully implemented by the representatives of clinical legal movement in Ukraine after 2006, was the annual All-Ukrainian Olympiad of Legal Clinics on interviewing and consulting clients. The main tasks of this unique tournament were: 1) stimulating self-improvement of students-consultants of legal clinics; 2) formation of new generation of young lawyers through improvement of practical skills and habits, needed for work with customers; 3) increasing students interest in study of legal disciplines and courses on the basics of legal practice; 4) finding gaps in consultants’ work with clients of legal clinics; 5) promoting clinical legal education; 6) improving

the level of teaching of the legal subjects and courses on the basics of legal practice; 7) implementing into the educational process the modern techniques and methods of teaching; 8) forming teams to participate in international contests and tournaments.

So, in February 2006 at National University of Ostroh Academy there was held such first Olympiad, organized by the Charity Foundation “Legal Initiatives” funded by the American Bar Association / Law Initiative Central Europe and Eurasia (ABA / CELLI). In February, 2007 at the same university the second Olympiad was held. It was the national round of the Louis M. Brown International Client Counseling Competition (ICCC). Third (in 2008) and fourth (in 2009) All-Ukrainian legal clinic Olympiads were held and organized in Kyiv in the premises of National Academy of Legal Sciences of Ukraine. But the lack of money made it impossible to hold these competitions further on and they were postponed (stopped) for several years.

The representatives of the clinical legal movement in Ukraine were included in many advisory and expert bodies, councils, committees or groups at state and local authorities, and they helped to form and carry into life the state policy in the field of education and human rights. For instance, the post of the head of the Legal Clinic of National University “Odesa Law Academy” enters to the members of Odesa Regional Interagency Coordination and Methodological Council on Legal Education of the Population.

In addition to providing legal assistance, legal clinics are actively involved in various human rights protection projects. For instance, from July 2012 the Legal Clinic of

the National University “Odesa Law Academy” joined the All-Ukrainian National Network of Providing Free Legal Aid. This network was created as part of the activity of the United States Agency for International Development (USAID) “Access to justice and legal awareness in Ukraine”. In 2013, Charitable Organization “All-Ukrainian Coalition of Providing Free Legal Aid” worked closely with 15 legal clinics from all regions of Ukraine.

After appearing of legal frameworks for legal clinics’ activities in 2006, Ukrainian clinical legal movement fundamentally changed the purpose of its existence and focused on the following areas of operations: 1) establishing the status of legal clinics as subjects of providing free legal aid; 2) methodical and methodological support of implementation to the curriculum of education institutions course “Fundamentals of Clinical Legal Practice”; 3) resolving significant number of other problems faced by managers of legal clinics when they are used as a kind of testing ground for forming in students practical skills and habits.

For the last three years the actual issues of legal clinics functioning, the conditions in which they were being developed were repeatedly described in the works of domestic scientists – representatives of the clinical legal movement and were publicly discussed at various scientific events. For instance, in the frame of Convention of legal clinics’ network in Ukraine “Legal clinics: current challenges, needs and potential of their participation in the functioning and improving the legal system of Ukraine” (Irpin, October 14, 2011), All-Ukrainian roundtable Legal clinics in Ukraine: their modern status and the perspectives of development (Odesa, October 28, 2011),

Ukrainian scientific-practical roundtable “The activities of legal clinics in Ukraine in connection with the adoption of the Law of Ukraine “On free legal aid” (Kyiv, January 27, 2012), Ukrainian scientific-practical seminar “Interaction of different subjects of providing free legal aid” (Kyiv, November 23, 2012).

Just during these discussions the representatives of clinical legal movement supported the draft Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine” (concerning the definition of the status of legal clinics as subjects providing free primary and secondary legal aid). The staff of Legal Clinic at National University “Odesa Law Academy” made this draft. The Association of Legal Clinics of Ukraine gladly accepted the emergence of similar legislative initiatives in the Ukrainian parliament – Verkhovna Rada of Ukraine.

At the beginning of 2013, the Board of the Association of Legal Clinics of Ukraine made a decision to concentrate the activities of association on five main aspects, namely: 1) practice summer and winter schools for training teachers of legal clinics; 2) the adoption of clinical legal education standards; 3) organizing centralized electronic journal for citizens interested in legal assistance; 4) bringing current legal framework into the line with the “Model Regulations on the Legal Clinic of Educational Institution in Ukraine”; 5) preparation of the training manual “Fundamentals of Clinical Legal Practice”. In order to make the above mentioned projects come true the association is trying to get the financial and organizational support from International Renaissance Foundation, All-Ukrainian Charity Organization “Ukrainian Legal Aid Foundation”, other domestic and foreign donors and NGOs.

And as a result, in January – February of 2014 the Association of Legal Clinics of Ukraine together with the Ukrainian Legal Aid Foundation held a competition of student works, that was entitled “Legal Clinic: what it is for us and why we are here?”, in which took part more than 50 students from all over Ukraine.

In April 2014 Spring school of clinical legal education “Standards of legal clinics activities” worked in Lviv. It was trying to improve the activities of the legal clinics’ network, to educate new generation of lawyers based on common standards and best practices, exchange of experience and implementation of innovative activities to attract students to the legal clinics. This event covered the key issues of legal clinics activities, the work with visitors and the forms of legal education.

In June 19, 2014 at National University of “Kyiv-Mohyla Academy” Congress of the Association of Legal Clinics of Ukraine was held, in which new version of the “Standards of legal clinics’ activities in Ukraine” was approved. In addition, it was decided that the association have to obtain a legal entity status for direct participation of domestic clinical legal movement in grant projects.

Since 2015, the Association of Legal Clinics of Ukraine and the office of OSCE Project Coordinator in Ukraine have been writing together the first in Ukraine educational manual for students of the discipline “Fundamentals of clinical legal practice”. Representatives of national clinical legal movement are now actively trying to join the process of development of “Standards of Professional Educational Programs for Training Bachelors of Law” to make clinical legal education more popular and effective in the state.

Thus, the formation of a nation-wide network of legal clinics went through the following stages: 1) creation of

the first legal clinics in Ukraine by the students, and due to donors' costs and human rights protection NGOs (in 1996-1999); 2) minimal support from the management of educational institutions (in 1999-2002); 3) recognition by government agencies and educational institutions the role of legal clinics in training professional lawyers (from 2002 – to August 2006); 4) massive establishment of legal clinics in the structure of education institutions in Ukraine (August 2006 – June 2011); 5) defending clinical legal movement of legal clinics status as subjects of providing free legal aid on the law regulatory level (from June 2011 – to date); 6) activity for inclusion of clinical legal education to state educational standards (since 2014 – to the present day).

Taking into consideration the story of legal clinics formation in Ukraine we should stress that the term “clinical legal movement” itself deserves positive understanding in its broad and narrow meaning.

In the first case the clinical legal movement is a collective term and includes all legal centers and segments of legal community in Ukraine, which more than a decade ago made great efforts to revive the activities of legal clinics. These are individual charity and NGOs (e.g., the International Charity Foundation “Foundation of Legal Clinics of Ukraine”, International Renaissance Foundation, All-Ukrainian Charity Organization “Ukrainian Legal Aid Foundation,” US Agency for International Development (USAID). In addition, this term includes Ukrainian educational institutions, because doctrinal researches of their legal clinics' managers were the basis for further development of legal clinics and their functioning nowadays.

In the information materials of the Ministry of Education and Science of Ukraine concerning citizens'

appeals it was said that: 1) in the first half of 2008 there were 45 legal clinics in 22 regions of Ukraine; 2) two years later in Ukraine 110 legal clinics worked and actively fulfilled functions and tasks; 3) in 2013 – the network of legal clinics consisted of 300 such organizations. Thus, according to the documents of the Association of Legal Clinics of Ukraine at the beginning of 2016 only 46 legal clinics are actively functioning at universities. They are involved in ensuring the access of the poor strata of population to free legal aid. Moreover, about 300 education institutions are preparing lawyers in Ukraine.

The Ukrainian clinical legal movement in its narrow meaning can be compared with the All-Ukrainian NGO “Association of Legal Clinics of Ukraine” as a network of legal clinics in Ukraine.

3. Legal status of legal clinics in Ukraine

The absence of theoretical development of legal status of legal clinic is one of the reasons of discussion of understanding the concept of this category prevailing in the domestic scientific society. The main functionality of this status is legal support of the life activities of legal clinics. The actual Ukrainian legislation do not prove the legal status of legal clinics, so this concept should be considered in the light of general theoretical developments of the nature and value of this legal category.

The essence of legal clinics, which manifest in the very idea of their activity, give us the possibility to speak about their detached legal status. In the structure of this legal status stand out next elements: 1) concepts, goals and objectives of the legal clinic; 2) organizational-legal form of legal clinic's activity; 3) principles of legal clinic's activity; 4) rights and obligations of people involved in legal clinic's activity, and guarantees of their implementation; 5) legal liability of people involved in the legal clinic's activities.

Unlike the word "clinic" (from the Greek "klinice" – treatment), which means the type of the medical establishment, where the medical care is combined with scientific researches and educational process of training medical students, the term "legal clinic" in Ukraine can be treated according to several approaches: institutional and educational. In accordance with the first approach legal clinic is a structural unit of educational institution or its law faculty, NGO, and according to the second – it is a part of the learning process of lawyers, special course for

law students, innovation (interactive) method of working out in students the practical skills and habits needed for further activities in their profession.

However, in 2007 there began a gradual retreat from the identification of “legal clinic” as a title of special course, integrated in the educational process of educational institution. It was connected with the introduction of the course “Fundamentals of Clinical Legal Practice”, existence of which was predicted in Model Provisions of Legal Clinic of Educational Institution of Ukraine.

Without any doubt, legal clinic in Ukraine is a kind of organizational structure, where along with the teaching of traditional subjects also takes place teaching students practical skills and habits based on real (“live”) cases and problems.

The term “legal clinic” clearly and laconically conveys the essence of this institution – to help people and study law through resolving legal problems of people. And adapting the term “clinic” to the sphere of legal services, the scientists have found many similar features with medical clinic. Firstly, both institutions treat (the first – from physical and mental illnesses, the second – from the lack of legal education). Secondly, both medical and law clinics carry out teaching and research activities. Thirdly the interference in the medical or legal problems is done quickly, purposefully and objectively. Fourth, both clinics have either budget or extra-budgetary funding.

Another term that is often used in Ukraine with the term “legal clinic” is “pro bono” or “pro bono publico” (from Latin – “for the public good”). This supplement is intended to emphasize one of the main objectives of legal clinics’ existence as an institution of civil society –

to provide effective free legal assistance to the poorest strata of population. This social focus of legal clinics is a concrete contribution of legal community to the cause of the formation of genuine civil society and the rule of law in Ukraine as constitutional state. In addition, this is the name-slogan of many legal clinics in Ukraine and nowadays sounds as a proud answer to many skeptics who did not believe in the successful development of this tendency of human rights protection and educational activity.

Legal clinic as a form of practical training involves combination of practical training process for students and providing free legal aid to certain categories of the population. Educational principles of legal clinic are often defined as the development of certain skills and habits of legal profession (e.g., conducting interviews with the client, advising, negotiating), skills in written and oral presentation of their positions, analytical skills (finding solution, formation of hypotheses and their checking up) and so on. On the other hand, in every society there is a certain part of the population that can not afford to pay for professional advice, so students who work in legal clinics are able to meet partially these needs (especially in those cases, that do not require the participation of experienced lawyer). These two main objectives of the legal clinic often overlap, completing each other and sometimes competing with each other.

Taking into consideration the absence of any difficulties in the etymology of the above mentioned definitions, we can state that the category of “educational” always indicates the relation with knowledge and learning process. And the term “social” is characterized by the connection of human life and relations between people in society. The main

task of a legal clinic consists in pursuing two objectives: educational (obtaining practical skills by students in the process of providing legal assistance) and social (providing free of charge assistance to those who cannot pay for legal services). Thus, the educational goal is the main for legal clinic, due to reasons (preconditions) the emergence of the idea of using legal clinics in training lawyers.

We believe that definition of legal clinics, fixed in the regulatory framework of Ukraine, do not fully reflect the essence of this concept, because it expresses only educational component of their activity. Social significance of the emergence and existence of legal clinics as the institutions of really developed civil society has not found it's expression in the definition. In the above-mentioned Model Provisions of Legal Clinic of Educational Institution of Ukraine, term "legal clinic" is considered only as a structural unit of the educational institution, created as the basis for practical training and holding educational practice for students.

That is why in Ukraine the concept of "legal clinic" means a structural unit of educational institution, that prepares specialists in the field of Law, and this unit is a basis for practical students training, for passing them educational and other practices through their direct involving in the provision of free legal aid to the population.

It should also be noted that terms "legal clinic", "legal advice by students" and "charity legal advice" are very often treated as identical concepts. It is believed that to attract students to provide legal aid means to have a legal clinic in action. Thus, in Ukraine the representatives of many NGOs and other associations (including political parties) say about the presence of legal clinics in their

structure. However, as the legal clinic can be treated as a form of educational process, not every legal advice with participation of students can be considered to be a legal clinic. This is possible only if in such legal advice the components of student education like teaching methods, forms of students control from the side of experienced lawyers, etc. will be present. In addition, the activity of legal advices at political parties (and at deputies' public receptions) has one significant drawback – they provide free legal assistance for a limited period of time, which usually coincides with the electoral campaign. These legal advices begin its work with the start of the electoral process and stop their work with completion of election. That's why such human right protection activities are ineffective if the party or candidate did not achieve the desired result in elections.

Paragraph 2.1 of the Model Provisions of Legal Clinic of Educational Institution of Ukraine indicates that legal clinics have the next aims: 1) increasing the level of practical knowledge, skills and habits of law students; 2) ensuring access of socially vulnerable groups of society to legal aid; 3) formation of citizens' legal culture; 4) training and educating students in the spirit of respect to the rule of law, justice and human dignity; 5) expanding of educational institutions cooperation that train professional lawyers with judicial, law enforcement authorities, agencies of justice, state and local governments, with other agencies and organizations; 6) implementation in the educational process the elements of practical training of law students in the sphere of legal services.

According to paragraph 2.2 of this Model Provisions, the main objectives of legal clinics are: 1) to provide

students possibility to obtain practical skills and habits for further activities in their profession; 2) to find places for students to pass the training and other kind of practice; 3) to provide for citizens from poor strata of society free legal assistance; 4) to hold the events of legal education of the population; 5) to give the students during the learning process the possibility to communicate with practitioners of judicial and law enforcement authorities, other public agencies and local authorities on issues of their activities; 6) to create an effective mechanism of information exchange between the public, media and legal clinic that will let to respond quickly to the practical needs of citizens.

The legal clinics' ability performs above-mentioned key objectives, together with established principles of their activities, the presence of legal regulation, appropriate informational, material-technical, financial, documentary and staffing providing of functioning are evidences of optimal model of activity that was chosen by founders or managers of this legal clinic.

All existing legal clinics in Ukraine are unique and dissimilar to others on many factors. Moreover, even within a single educational institution, the legal clinics that exist at separate structural units or departments may differ from each other in order of creation, sources of the maintenance of activities, organization of internal relations, structure etc. For instance, such are the legal clinics at National University "Odesa Law Academy" and at Mykolaiv Institute of Law or at Cherkasy Faculty of this educational institution.

Differences of legal clinics in their ways of work prove the fact of their different organizational-legal forms of activity. Standards of Legal Clinics of Ukraine adopted in 2005 by the Association of Legal Clinics of Ukraine,

foresee only two organizational-legal forms of legal clinics' activities: 1) as a structural unit of an educational institution or law faculty; 2) as a separate formation at educational institution or law faculty. At the same time, analysis of database of legal clinics – members of the Association of Legal Clinics of Ukraine, allows us to talk about much broader range of organizational-legal forms of legal clinics in Ukraine.

In particular, we can distinguish the following organizational-legal forms of legal clinics in Ukraine: 1) a structural unit of the educational institution; 2) public division of educational institution; 3) organization of student initiative and self-government; 4) the form of cooperation between human rights protection NGO and educational institution; 5) temporary formation of a specific project; 6) other forms.

Legal clinics, which are temporary formations of a specific project of NGO, charitable organizations or other legal entities of private law, cannot be used as bases for students practice, and providing legal aid in such legal clinics does not have permanent character and will be short in time. Besides, the regulation of their activity is absent. Legal clinic in the form of cooperation between human rights protection NGO and educational institutions also will have problems as a base for student practice. Legal clinic as the organization of student initiative and self-government is not able to organize the training process, can not count on adequate material-technical and financial support of the educational institution or human rights protection NGO. Besides, such legal clinic is unable to ensure its functioning in compliance with the relevant principles of legal clinics activities (in particular,

the principle of competence and professionalism). Public division of educational institution “Legal Clinic” also does not have adequate material-technical and financial support, and first of all – motivated staff employees (managers, supervisors, teachers-curators and laborants), as the lack of decent wages will not allow professional lawyers to participate in legal clinic activity.

The legal clinic as a structural unit of an educational institution can be used as a basis for practical training and holding students practice, providing free legal aid to the poor strata of population taking into account the relevant principles of legal clinics activities. Such legal clinic has legal regulation of its functioning and can count on the informational, material-technical, financial, documentary and staff support exclusively from the educational institution or law faculty.

This organizational-legal form is the best model of the legal clinic in Ukraine at the present stage of its development. Besides, this organizational-legal form of legal clinic is reflected in the newly adopted Law of Ukraine “On higher education”. Thus, according to paragraph seven of Article 33 of this Law, legal clinics can be structural units of educational institutions.

The legal status of legal clinics in the structure of educational institution of Ukraine is revealed by a system of principles – basic ideas and basic provisions, which are enshrined on regulatory level and laid as the basis of legal clinics’ functioning. Diversity of principles of legal clinics’ activities, defined on the regulatory and on the doctrinal levels, allows us to divide them into two main groups: general and special.

The group of general principles of legal clinics’ activities should include the following basic principles

that define characteristics of their legal status. These are: 1) competitive selection of students-clinicians in legal clinics; 2) voluntary students participation in providing legal services; 3) equal rights of students during their activities in a legal clinic; 4) informing legal clinic visitors about the rules of work and peculiarities of providing free legal aid; 5) the students-consultants' reporting to the management of legal clinics; 6) supervision of the quality of legal services in the legal clinic by supervisors; 7) responsibility of legal clinics' supervisors for unqualified legal assistance, provided for students-clinicians.

The group of special principles of legal clinics activities include those principles that are characteristic of a legal clinic as the subject providing free legal aid: 1) respect for law, justice and human dignity; 2) focusing attention on the protection of human rights and freedoms; 3) humanism; 4) legality; 5) rule of law; 6) objectivity; 7) providing legal assistance on free of charge basis; 8) confidentiality; 9) competence and conscientious.

As a rule, more details about the essence of each of these principles we can find in internal legal framework of legal clinics in Ukraine. When providing free legal aid, activities of the students-clinicians and staff of Legal Clinic at National University "Odesa Law Academy" should be based on the following principles:

1) respect for law, justice and human dignity – in their work students-clinicians and staff of legal clinics should only use legal means to solve visitors' problems, to restore the balance of law and with awareness of particular value and importance of people as individuals;

2) focusing attention on the protection of human rights and freedoms – the activities of students-clinicians and

staff of legal clinics should be directed exclusively to the realization, protection and restoration of rights, freedoms and interests of legal clinic's visitors;

3) humanism – the activities of students-clinicians and legal clinic's staff should be based on respect, kindness, understanding, sympathy to the problems of visitor;

4) legality – students-clinicians and staff of legal clinic should act according to the legislation of Ukraine;

5) objectivity – legal issues of visitor should be resolved open-mindedly, regardless of personal preference or advantage;

6) providing legal aid on the free of charge basis – it is prohibited for students-clinicians and staff of legal clinic to receive any funds, financial or other benefits for legal assistance providing;

7) confidentiality – information received by students-clinicians and staff of legal clinic from legal clinic's visitors during the consultation process can be used only for educational purposes and with written approval of visitors;

8) competence and professionalism – students-consultants and other staff of legal clinic are required to provide legal assistance only competently and in good faith, with knowledge of the relevant law, with the most comprehensive view of all the circumstances relating to resolving the problem of legal clinics' visitor, and the possible consequences of such performance.

At the present stage of development of Ukraine, strict compliance and further improvement of the principles of legal clinics' activities is of great importance not only for their successful functioning, but also for ensuring human right on legal assistance.

Because of the absence of adequate financing of subjects, providing legal aid within the state system, legal

clinic is one of few really active forms of providing free of charge legal assistance to the poor strata of population. Legal clinic structurally resembles a small law firm, where group of students-consultants work under the supervision of teachers-curators and lawyers-practitioners. Such students are interested in obtaining practical skills and habits during consultation process, which will contribute to their future employment and career.

In most legal clinics in Ukraine, students participating in their activities are subdivided into two categories – consultants and assistants of consultants. It depends on their level of theoretical knowledge, their practical skills and habits, and on the period of their work at legal clinic. Some legal clinics have such separate category of students-clinicians as “listeners”.

For instance, listeners of Legal Clinic at National University “Odesa Law Academy” who are students of 2nd-4th year, were taken to legal clinic and passed initial course of practical training. The status of legal clinics’ listener is given to a student who volunteered to participate in these legal clinic activities, and who is allowed to pass the initial course of practical training.

Assistants of consultants of this legal clinic are students of 3rd-4th year who possess necessary minimum of theoretical knowledge, practical skills and habits, but do not have the right to give legal advice to citizens. Assistant operates exclusively under the guidance of consultant of the advisory group. Assistant is obliged to fulfill consultant’s tasks. It is prohibited for assistant to consult legal clinic visitors.

The consultants of legal clinic are students of 5th year, who have already received educational qualification level

Bachelor of Law. Such students ought to have necessary theoretical knowledge, practical skills and habits and be able to provide legal assistance independently or use methodical support of legal clinic' curators.

As it comes from the content of the Model Provisions of Legal Clinic of Educational Institution of Ukraine and the experience of Legal Clinics at National University "Odesa Law Academy", students who participate in legal clinic activities have the following rights: 1) to obtain theoretical knowledge, practical skills and habits for their further application in practice and use in the future profession; 2) to receive case files and information about the case which are being considered in the legal clinic, participate in their discussion; 3) to be present at the process of considering cases in which are involved other students-clinicians; 4) to use material-technical bases, library and legal databases of legal clinics; 5) participate in different actions, campaigns, projects, programs and other events organized by legal clinics; 6) to pass at legal clinic different kinds of practice according to the curriculum; 7) to participate in solving organizational issues of legal clinic to improve its work; 8) to apply to legal clinic's managers or other staff of university on all matters concerning their activity in the legal clinic.

Consultant, assistant of consultant and listener of Legal Clinic at National University "Odesa Law Academy" should: 1) attend theoretical classes, seminars, workshops, participate in other events organized by legal clinic; 2) improve their professional skills and habits; 3) consider case in accordance with ethical norms and rules of the legal clinic, keep in secret confidential information received from legal clinic's visitors; 4) provide their

activities in accordance with Provisions of legal clinic and other internal acts, approved by the head of the legal clinic; 5) fulfill orders of the head of legal clinic, other members of legal clinic's staff; 6) participate in legal clinic activity and consult citizens in accordance with schedule; 7) participate according to the orders of legal clinic's head in legal clinic's visitors cases considering at government authorities and local governments, their agencies and enterprises, other organizations (including the courts); 8) provide its activities in accordance with principles of legal clinic statute; 9) give a written report on work done; 10) to keep strictly to the rules of use of material-technical base of the legal clinic; 11) follow safety regulations, fire safety, sanitary standards and so on.

Strict observance of ethical standards and rules of legal clinic is mandatory for students-clinicians and all staff members of legal clinics in Ukraine. The integral part of ethical standards and rules of the Legal Clinic of National University "Odesa Law Academy" approved by the head of this legal clinic is "Ethical Code of Legal Clinic of Ukraine, adopted by the Congress of the Association of Legal Clinics of Ukraine in August 25, 2005.

Case admissibility tasks resolving, providing theoretical training of students-clinicians, which is an integral program of clinical legal education, controlling the activity of students in providing by them legal assistance in accordance with legislation requirements and professional ethics also belong to the duties of legal clinic's teachers-curators. The work of each advisory group concerning each legal clinic visitor's case is supervised by one of the curators (case circumstances and the sphere of legal relations are taken into account).

If necessary curator participates in work of advisory group and may be present during interviews and consulting of visitor. Procedural or other legal documents may be transferred to legal clinic's visitors only after curator's inspection and approval of their content. Head of the legal clinic has the right to limit legal aid providing if the qualification of legal clinic' curators is beyond the necessary level.

Number of legal clinic's curators needed for one consultation day must be enough to ensure proper control over the quality of legal aid providing by students-clinicians. The experience of Legal Clinic at National University "Odesa Law Academy" shows that the correlation of legal clinic's curators to the number of advisory groups should not be – 1 to 8.

Nowadays domestic scientific doctrine proposes two basic approaches to solving the problem of providing unskilled (poor-quality) legal assistance. The first approach suggests legal responsibility for poor-quality legal assistance in legal clinic to be laid on education institution in the structure of which this legal clinic functions. According to the second approach, the responsibility is put on curators, with whom unskilled consultation was agreed. All Ukrainian scientists who thoroughly studied this problem, are unanimous in their opinion that the students-clinicians do not have to be punished for giving legal clinic a low-quality legal service if such service was not properly verified (approved) by curator.

As for the sum of material damage caused by defective legal assistance in legal clinic, according to Article 906 of the Civil Code of Ukraine, it should be compensated by

performer. This compensation equals citizens' two untaxed minimum incomes.

The head and curators of legal clinic may also be responsible for causing losses during the time of their official duties performing. Code of Labour Laws of Ukraine (article 147) can punish an employee for the violation of labour discipline. In accordance with Article 1172 of the Civil Code of Ukraine physical person or legal entity compensates the damage caused by their employee while exercising their labor (service) duties.

4. Types of legal clinics in Ukraine

The modern period of legal clinics evolution in Ukraine requires the development of efficient theoretical and methodological framework for more effective use in legal educational system and working out effective mechanisms to ensure providing qualified legal services within state system of legal aid. It is noteworthy that legal clinic experience of the majority of leading domestic educational institutions, not only strengthened the organizational and material-technical basis of these unique structural units, but also made it possible to include relevant courses on the basics of clinical legal practice into the training lawyer's curriculum.

Classification of existing legal clinics in Ukraine not only allows us to systemize them according to various criteria of their functioning. But it also helps to define prioritize into improving the organization of their activities as the basis for students to obtain practical skills and habits and as providers of free of charge legal aid to the poor strata of population. From the other hand, the absence of science-based classification of legal clinics does not permit to improve the theoretical basis of their activities in the educational sphere and human rights protection, to form methodological foundations to complete the educational process. It makes difficult the process of development legal framework and other internal organizational acts of their activity as providers of free legal aid.

In domestic and foreign scientific literature we can observe various approaches to classification of legal clinics. Let's consider some of them.

According to their national characteristics, we can distinguish the following types of legal clinics: 1) classical legal clinic – a program or institution established on the basis of educational institution for practical training of law students and providing legal assistance to low-income individuals (US, Canada, Germany, Ukraine and others); 2) office of legal aid – the legal clinics of public funding that provide free legal assistance to citizens with low incomes (Netherlands); 3) civil advisory bureau – institutions, maintained by the government, which give legal information for every interested person (UK); 4) legal advice – Russian equivalent of classic legal clinic, which focuses on providing legal assistance (Russian Federation); 5) legal clinic at the department of educational institution on the base of court – an institution in which the senior students are doing the reception of citizens and, at the same time studying the experience of faculty staff and professional judges (Russian Federation).

Depending on the proportion of impact on the legal clinic' work from the side of supervisors (teachers, lawyers) and students, we can distinguish three different models of legal clinics, so called “student”, “professional” and “universal”.

Student legal clinic gives students much more autonomy in their work. Its main features are: 1) students are mostly interested in work of such organization; 2) the ability to realize initiative and enthusiasm for students; 3) high level of professionalism of senior students; 4) the possibility of finding more flexible self-financing; 5) low level of expenses on labor payment of staff.

Creating of professional legal clinic foresees existence of a team of professional and paid curators, who are

working in a legal clinic on a regular basis (they read clinical course, hold trainings, and control students). The main features of such clinics are: 1) a qualitatively higher level of training of management team; 2) professional legal support for students and consultants; 3) much better financing terms; 4) guaranteed patronage of the institution; 5) close cooperation with independent organizations that are directly involved in the providing of legal services.

Universal legal clinic is a compromise between the first two models. Its principles are: 1) management is realized together (students and teachers); 2) under certain conditions, students can more independently provide legal assistance; 3) close contacts with the management of educational institution; 4) instructors help students in their independent activities.

Legal clinics in Ukraine can be divided into two main categories – those who work with clients and those who do not work with them. Work of Legal clinics is performed in all spheres of legal assistance. Specialized legal clinics are engaged in studying certain categories of cases.

There are other classifications of legal clinics in Ukraine. According to the organizational form legal clinics are subdivided into: 1) structural unit of the educational institution; 2) public division of the educational institution; 3) organization of student initiative and self-government; 4) form of cooperation between human rights protection NGO and educational institution; 5) temporary formation of a specific project; 6) other forms.

Depending on their spheres of activities, it is possible to subdivide such legal clinics into the following: 1) providing legal assistance; 2) engaged in legal education of population; 3) modeling forms of lawyer's practical

work in the absence of visitors; 4) mixed in forms and have universal character.

In addition, there are offers to subdivide legal clinics according to criteria of functioning. According to form of legal aid it is possible to divide legal clinics on those that are providing: 1) primary legal aid; 2) primary and secondary legal assistance. According to specific types of legal services, are legal clinics that: 1) only provide legal information, advice and clarification; 2) prepare legal documents; 3) represent interests of citizens.

The proposition of Russian scientists concerning legal clinics division sounds interesting.

In the Russian Federation legal clinics are divided into: 1) foreseeing work with real visitors on the base of educational institution (type of compulsory practice for all students, structural unit of faculty or institution in which students pass the practice); 2) foreseeing work with real visitors outside the educational institution (work in human rights protection' NGO, in public receptions of public authorities, local governments, in inter-university legal clinics); 3) not foreseeing work with real visitors (practical courses within curriculum, individual modules, workshops, practical sessions within "traditional" courses program, optional practical training program).

There are also such models of legal clinics in Russia: classical, inter-university, integrative and experimental. Classical legal clinic at the Law Faculty of Saint Petersburg State University is characterized by great experience, polished to details methodological support, mandatory clinical training of all students of faculty, unpaid nature of its work and huge material-technical base. Inter-university legal clinic functions in Saratov as the form of

inter-university training and methodological center on base of Interregional Public Organization of Professional Lawyers “Center for Legal Reform”. This legal clinic serves to strengthen ties of various educational institutions and its interns provide legal aid under the guidance of advocates and practicing lawyers with extensive professional experience. In the activities of such legal clinics, in addition to lawyers, there are involved also experts from other spheres of knowledge (e.g., psychology, sociology, etc.). Autonomous Non-Commercial Organization “Pskov City Center of Legal Education and the Youth Education” is a model of integrative legal clinic that was the result of cooperation of several NGOs, government agencies and professionals in various fields of law for students of law schools in Pskov. The category of experimental legal clinics includes all newly established legal clinics, the structure of which is yet to be determined.

Other scientists worked out legal clinics typology, according to which the legal clinics in modern Russian Federation are classified into: 1) type of organizational form (basic structure); 2) types of legal assistance provided by a legal clinic; 3) specialization in legal clinic (category of cases, peculiarities of visitors); 4) peculiarities (types) of communication with visitors; 5) degree of inclusion of students in real practice; 6) the degree of obligatoriness for students.

The above mentioned classifications of legal clinics in Ukraine (and also in the Russian Federation) show that there is no common approach towards the bases of their distribution and classification features. Some of them are of fragmental and unsystematic character, done without clear

understanding of the essence of the notion of “legal clinic”. That is why most of these approaches are controversial.

First and main, the classification of legal clinics in Ukraine should disclose their dual goal of existence – educational and social purposes of activities, and reflect the current stage of legal clinics development.

Thus, the division of legal clinics in Ukraine depends on: 1) the founder and the order of their creation (administration of educational institution, students and faculty staff or their joint initiative); 2) period of their functioning (temporary and permanent); 3) place of activity (field and stationary); 4) their organizational-legal form (structural unit of the university, structure or program of any other legal entity; structural units of government or local government; independent legal entities, etc.) is no longer actual.

Taking into consideration the legal regulation of this issue, legal clinic foresees ongoing activity without status of legal entity in the structure of educational institution. According to the Register of Legal Clinics of Ukraine, formed by the Association of Legal Clinics of Ukraine, almost all the leading legal clinics are structural units of educational institutions. Their employees (administrators and curators) are included to the staff list of educational institutions and they get salary for participation in legal clinics activities.

The division of legal clinics according to their specialization is also debatable. This notion is being investigated by our scientists as a relatively narrow field of activity within profession. Legal education in Ukraine consists of several kinds of specialization in training students: criminal, civil, economic, international, public law and others.

Specialization of legal clinics in Ukraine is determined by: 1) specific issues of branch of law, which is the subject of a legal clinic's activity (family, land, labor, civil law, etc.); 2) legal services list (legal advice, drafting legal documents, representation in court, etc.); 3) restricting the number of their potential visitors.

As a rule, according to their specialization legal clinics are divided into specialized (those providing assistance only in certain branches of law, certain kinds of legal services and to certain types of visitors) and non-specialized (those providing assistance in different branches of law, various legal services and to various visitors).

The international experience proves that there are other kinds of legal clinic specialization. For instance, in US there are such popular kinds of legal clinic: legal clinics of animal rights' protection, legal clinic of providing legal aid to prisoners, environmental protection legal clinics). There is some sense in such specialization, when on the territory of one settlement there are several legal clinics, among which all categories of legal cases are balanced.

Introduction of legal clinics' specialization has some positive and negative points. The positive aspects of legal clinics' specialization are the following: 1) students can choose their own sphere of work; 2) more higher professional level of legal aid is provided; 3) there are more opportunities for teachers' control over the students activities; 4) specialization can be a mechanism of responding to changes in social processes; 5) it is a way to focus an educational process on specific spheres. The negative points of legal clinics' specialization are: 1) complexity of administration and organization of work; 2) competition among students; 3) the absence of legal aid for a large number of citizens.

That is why we should understand that any legal clinic, including specialized one, alongside within training highly specialized lawyers, has to develop in students basic professional skills and habits, professional responsibility and modern way of thinking.

In the Model Provisions of Legal Clinic of Educational Institution in Ukraine, there are no restrictions to its functional duties, the range of subjects and the types of legal aid, provided by legal clinics. According to paragraph 2.3 of this Model Provision, for the full and effective functioning of legal clinic, its management organizes and provides free legal aid for the protection of human rights and freedoms for all branches of law in accordance with the laws of Ukraine. As it follows from the Register of Legal Clinics of Ukraine, the overwhelming majority of legal clinics provide consulting citizens in all spheres of law, trying to give all types of legal services to a broad category of poor strata of population. Only minority of legal clinics determines its specialization and distinguishes for themselves some directions of assistance.

At the same time, actual for the Ukraine is the division of legal clinics on types depending on the inclusion course “Fundamentals of Clinical Legal Practice” in the curriculum of educational institution and passing by students on the their basis different kinds of practices.

According to the Register of Legal Clinics of Ukraine, special course of clinical legal practice is included in curriculum in only 20 legal clinics. In other legal clinics teaching students the rules of organization of their activities and providing legal assistance to the population is not provided at all. Only 37 legal clinics in Ukraine are being used by students to pass educational and other kinds of practice.

Thus, taking into consideration the developments of domestic scientists, based on understanding the essence of legal clinics in Ukraine, and proposed in the previous section, we can propose the following grounds of their classification:

1) “persons seeking legal assistance” – legal clinics that provide legal assistance only to citizens of Ukraine, foreign citizens or stateless individuals; only refugees and IDPs; only low-income citizens; or both legal entities and physical persons, irrespective of their nationality and financial condition;

2) “people that provide legal assistance” – legal clinics where legal services are provided exclusively by students of educational institution under the supervision of teachers; by students and teachers; by students, teachers and others who have degree (i.e., experts in law);

3) “types of legal services provided by legal clinics” – legal clinics that provide only oral consulting; providing oral consulting and assistance in drafting documents; providing oral consulting, assistance in drafting documents and representing interests of their visitors in courts or other state and local authorities;

4) “sectoral specialization of cases (according to their category)” – legal clinics that provide legal aid only in some branches of law (family, housing, labor, land, etc.); providing assistance in various branches of law;

5) “integrated into training process of educational institution the specialized course on the basics of clinical legal practice” – legal clinics, which developed and included in the curriculum of educational institution such course; did not develop a special course or failed to include such course in the training process;

6) “passing students educational or other kinds of practice” – legal clinics, which are used as the basis for passing students educational or other kinds of practice; in which students do not pass practice;

7) “participation of all senior students in legal clinic activities” – legal clinics, which is mandatory for all senior students of educational institution; personal student consent is of great importance.

The above mentioned legal clinic classification represents the real state of things in the system of legal education and legal aid in Ukraine.

5. Legal Clinics in modern system of training lawyers in Ukraine

In August 2002, Teaching and Methodological Law Commission of Ministry of Education and Science of Ukraine prepared the Recommendations “On the organizational and methodological support of educational process in conditions of reduction of weekly workload of teachers”. In this Recommendations it was stressed on the necessity for law students to get acquainted with daily review of legal practice to develop qualities, skills and habits needed for practical work of a lawyer in real life situations.

It has to be foreseen in the curriculum of legal educational institutions, which combines theoretical and practical components in legal education. Such practical approach helps to form in students professional ethic rules of behaving.

The interactive techniques in the clinical legal education are the most promising ones, dealing with different professional problems, judicial and procedural documents, invitation of specialists, social projects, analysis of the legal situation, talk show, court hearing, method of interviewing and advising the client, and so on.

That is why, the methodology of teaching in legal clinics should deny earlier existing “stamps and cliches” of learning students (for instance, seminars as a method of checking students’ knowledge), and pay more attention to interactive lectures, role games and individual lessons, This is the only way to improve the level of practical training

of students, to obtain necessary skills and habits of work in the specialty.

In Ukraine, the notion of “clinical legal education” is not fixed on the regulatory level and is defined differently. In domestic scientific literature, there were made no fundamental investigations of this category, that makes its understanding and using too complicated. This notion is frequently used in research work to characterize the unique way of training specialists in “Law” (with the obligatory use of legal clinics in the learning process as a basis for students to obtain additional theoretical knowledge, practical skills and habits).

For instance, authors of the manual “Legal Clinic” define the clinical legal education as a new form of practical training of law students, the main goal of which is to form lawyer’s skills. Such educational form also foresees providing of free legal aid to certain categories of people who cannot solve their legal problems by themselves. The authors of this manual proposes to separate the preconditions of clinical legal education (a large number of negative aspects in preparing lawyers because of the imperfection of traditional methods of legal education), its tasks (practical training of law students, legal aid) and specific features (the stress is made upon practical training of law students, the extensive use of interactive teaching methods, much more attention is paid to students’ self-independent work, a combination of legal learning with legal assistance).

In the broadest sense of its meaning the term “clinical legal education” can be applied to any type of experimental, practical or active training of lawyers. Such training includes mastering skills and habits, professional qualities,

needed for true professional lawyers, the ability to solve legal problems and resolve ethical dilemmas.

Some scientists believe that clinical legal education is a method of instructing in law schools, when students represent the interest of real customers (visitors) under the guidance of instructors and practitioners. The main goal of this interactive method of teaching consists in strengthening practical training with involving in practical legal activities and providing free legal aid to the poor strata of population.

Other Ukrainian scholar stresses, that clinical legal education is a specific program of professional training of law students at legal clinics, which is directed to fill the gaps that occur when theoretical knowledge is applied in practice, and which helps to form skills of law realization. Clinical legal education includes: 1) combining theoretical learning with obtaining practical skills; 2) special lessons in legal clinic to prepare students for practice; 3) training students by teachers with practical experience; 4) development of professionally important qualities, including legal culture; 5) the possibility of constant contact with teachers during their practical activities; 6) the use of interactive teaching methods; 7) regular exchange of experience among existing legal clinics.

Forming new teaching methods, clinical legal education allows to implement in domestic educational system the following: 1) democratic style of relations between teachers and students (as opposed to the authoritarian style that is characteristic for the post-soviet educational system as a whole); 2) pedagogy of cooperation (student becomes an equal participant in the educational process); 3) individual approach to the student (the ratio

of “teachers and students” in the clinic should be 1: 5, 1: 8, no more); 4) human rights protection as a significant component of the professional activities of a lawyer; 5) the component of learning practical skills and habits needed to complete theoretical knowledge, obtained in educational institution. Therefore, clinical legal education in the sense of its integration into the existing system of traditional higher education is positive because it does not contradict such system, and provides integrating new methodological approaches, modern forms and methods of teaching.

The integration of clinical legal education into legal educational system allows to provide: 1) for students – practical experience of professional activity, acquired during the training; 2) for low-income persons – qualified legal assistance, ability to protect their rights and interests; 3) for educational institutions – the basis for passing educational and other kinds of practices of students, new forms and methods of practical training of students in the learning process; 4) for State – high level of legal education and legal culture in the country, the access of poor strata of population to free of charge legal aid.

Legal clinic practice helps also to achieve for students-lawyers more higher level of psychological readiness in their professional activities. Clinical legal education could be more effective if it would have been based on using interactive forms and methods. This allows students not only to acquire knowledge, skills and habits, but to develop also their moral, intellectual, emotional and other qualities.

Clinical legal education is considered to be one of the ways of providing access to justice in developing countries and as practice proves, it provides for students

the opportunity to use their knowledge and helps to solve problems of national importance, helping poor strata of population in legal education.

Thus, most of scientists-researchers that work fruitfully in the field of “clinical legal education” believe this term to be an interactive method of teaching law students of legal skills and habits they need to become competent, conscientious and ethical lawyers. This category has two main goals – to teach law students practical skills, habits and professional liability and provide legal assistance to meet the needs of poor people.

It is believed that the identification of “clinical legal education” as interactive learning method is not entirely correct, for the latter means common training and cooperation of teachers and students. In other words, students are the subjects of study and participate in the educational process. They interact with each other, exchanging the information, and solving their problems.

An interactive teaching method is an imitation of the public life in the training purposes. They are based on situation simulations, specific to their professional sphere. These techniques foresee involving of all participants of the lesson in the discussion.

Situation simulation is the basis of interactive teaching methods, when students work together and solve tasks typical for everyday life. This helps to develop their professional skills and habits. One of the most widely used interactive methods is training, that helps to act correctly and effectively cooperate with the social environment.

The forms of training in legal clinic are: 1) brainstorm (extremely intensive process of generating ideas); 2) role games (help immensely to acquire skills and habits of

professional ethics, critical thinking, and in solving legal issues); 3) work in small groups (develop skills of behaving in a certain situation, we need to apply to solve the problematic issues); 4) discussion (allows to solve specific problem, and obtain skills and habits of public speaking).

Thus, clinical legal education in Ukraine helps students to fix their theoretical knowledge and obtain practical skills and habits of a lawyer for providing free of charge legal assistance. It is a way to obtain by students practical skills and habits of a lawyer through providing free legal aid to the population in the frame of passing educational or other kinds of practices based on legal clinic at educational institution.

As it was said above, the contemporary legal education in Ukraine belongs to the traditional (academic) model of training lawyers. It consists of two interrelated parts – theoretical (includes lectures and seminars) and practical (educational and pre-diploma practices). Different kinds of practices provide the improving of professional training level and make much more effective professional activities. During practice, student comes near to understanding the essence, principles and values of the professional activity.

However, educational practice, especially nowadays, when the number of law schools in Ukraine has increased immensely, has lost its effectiveness, because managers of students' practices usually, do not know all their students-interns, and, in the majority of cases, managers of practice are not properly trained themselves.

That is why passing of pre-diploma practice during the last year of training is the most serious practice activity for student. But even, in this case student is mainly interested in the subject directly related to his diploma thesis.

Practice activity (legal activity) is not the subject of study in educational system of Ukraine, as in educational process are used only the results of legal practice as a method of argument, as an illustration or demonstration in training.

So, widely-used thesis on the relationship of legal clinics with organization of students' practices has the right to exist. It is reflected in the scientific study of legal clinics. As it was mentioned above, legal clinic was established for senior students as a basis for practical training and practice passing. Such provisions of law strengthen legal basis for such activities in accordance with the Regulations of the Students Practice at the Educational Institutions of Ukraine.

The absence of widespread use of legal clinics as a basis for students practice in Ukraine is connected with the lack of experience of such activities in the domestic educational institutions and the lack of organizational stability of clinical legal movement. The gradual expanding of students practice in the legal clinic is the way out of this situation.

Legal clinics activities at the leading educational institutions of Ukraine prove the possibility to organize successful students practice at the legal clinic, without waiting for fundamental changes at the national level. Over the last decade more than three thousand students passed different kinds of practices at the Legal Clinic of National University "Odesa Law Academy".

6. Legal framework of legal clinics' activities in Ukraine

At the very beginning of legal clinics' formation in Ukraine, they functioned as independent NGOs or structural units of such organizations according to the provisions of Constitution of Ukraine and Laws of Ukraine "On Associations of Citizens" and "On Youth and Children's Public Organizations". However, this model was not optimal for the legal clinic's activity and was subordinated to the statutory goals of the NGO and was the only way of achieving these goals. Such legal clinics did not perform educational function, and the function of legal protection was carried out within the scope of activities of public associations.

The legal clinics' activities were also regarded as a source of legal information for the population according to the Law of Ukraine "On information". For instance, the Programme of Legal Education of Odessa Region Population, approved in October, 2002 by Odesa Regional Council, contained a reference to the need for Regional Department of Justice, Odesa National Academy of Law, Odesa Regional Prosecutor's Office, Department of Education and Science Regional State Administration, Coordination Council of Young Lawyers to render regularly free of charge legal advice to low-income citizens, disabled individuals, pensioners through public legal receptions. However, none of the above mentioned normative acts had nothing to do with legal clinics.

Certain legal basis for the legal clinics as components of educational institutions and the educational process

in Ukraine formed the Laws of Ukraine “On education”, “On higher education”, decrees and orders of Ministry of Education and Science of Ukraine, developed by such institutions according to the law on education that regulated the organization of educational process in educational institutions, other internal documents. In these and many other legal acts legal clinics either were not mentioned at all or had little to do with them.

Only at the beginning of July 2002 Ministry of Education and Science of Ukraine sent to law faculties’ deans letter about the results of the conference “Development of programmes that help to improve the educational process at the law faculties” (Kyiv, March 22-23, 2002), organized by this Ministry together with International Renaissance Foundation, Informational and Methodical Center “Debate” and American Bar Association. In these recommendations were worked out the basic methodological principles of combining theoretical and clinical legal education in educational institutions to get rid of the differences between theory and practice in the study of law.

And, Ministry of Justice of Ukraine in its official letter published recommendations of All-Ukrainian Interagency Coordination and Methodological Council on Legal Education of the Population “The role of public legal advices and legal clinics to provide legal assistance for the population” (Ivano-Frankivsk, November 1, 2002). In these recommendations was said that all Departments of Justice had to do their best for establishment of legal clinics at the educational institutions and for involving teachers, students of law schools into educational activities.

In 2003-2005 the Association of Legal Clinics of Ukraine formed its own internal legal base to ensure and

unify legal clinics' activities and separate them from other forms of associations of students and young lawyers who provide legal assistance for the population. There were accepted Standards of Legal Clinics in Ukraine, Model Regulations of a Legal Clinic and Ethical Code of Legal Clinic's Activity in Ukraine.

According to these Standards, legal clinics could operate in two organizational-legal forms: 1) as a structural unit of an educational institution or law faculty; 2) as a separate formation at educational institution or law faculty. Ethical Code of Legal Clinic in Ukraine, adopted August 25, 2005 at the Congress of the Association of Legal Clinics of Ukraine, was designed to regulate the organizational basis of students' activities, teachers and professional practitioners in the process of performing legal clinics' tasks.

As we have mentioned, new redaction of Standards of Legal Clinics' Activity of Ukraine was approved by the Congress of the Association of Legal Clinics of Ukraine June 19, 2014. The implementation of new redaction of standards ensure: 1) unified model of organizational structure of the legal clinic; 2) common approaches to organization of legal clinic's activity and its staff; 3) educational process in order to prepare students for the practical activities; 4) access of law students to practice activities during training; 5) rendering free of charge and of high quality legal aid; 6) organizing and providing legal education of population.

These Standards is symbiosis of principal characteristic features that are typical for legal clinic and its activities in providing legal assistance and legal education. They determine: 1) minimum requirements to the model of

organizational structure of the legal clinic; 2) organizing its activities, the educational process and practice, rendering free of charge legal aid and implementing legal education of population. These standards are the main demands for legal clinics that are members of the Association of Legal Clinics of Ukraine, but they could be also used by other legal clinics, which are not members of this Association.

Discussions about the optimal organizational-legal form of legal clinics and its legal status lasted until August, 2006. The responsibility for the further development of clinical legal movement in Ukraine laid on shoulders of an interdepartmental working group headed by Deputy Minister of Justice of Ukraine, the representatives of the Ministry of Education and Science of Ukraine, International Renaissance Foundation and the Association of Legal Clinics of Ukraine. It is group that developed the draft order of the Ministry of Education and Science of Ukraine of 03.08.2006, No 592 "On Approval of the Model Provisions of the Legal Clinic of the Educational Institution of Ukraine".

Bologna process was officially launched in Ukraine during the Conference of European Ministers Responsible for Higher Education (Bergen, May 19-20, 2005) after Ukraine's accession to the Bologna Declaration "The European Higher Education Area", signed by the Ministers of Education of European countries on June, 19, 1999. But this declaration as well as the adoption of new regulatory acts was of no use in legal clinics activities regulating and had no affect on the process of lawyers training.

It was expected, that at the initial stage of Ukrainian free legal aid system formation of the legal clinic would be also included in this system. However, in the Law of

Ukraine “On free legal aid” legal clinic was not mentioned among the subjects of providing such assistance.

To liquidate this gap the representatives of domestic clinical legal movements prepared two draft laws that determined legal clinics' status as subjects of providing free primary and secondary legal aid. The authors of these draft laws believed that legal clinics' status, fixed on legislation level as providers of free of charge legal aid, would be the next step in effective legal aid system formation in Ukraine and meet actual legal realities.

One of these draft laws, developed by staff of Legal Clinic of the National University “Odesa Law Academy” and discussed during the All-Ukrainian round table “Legal Clinics in Ukraine: Actual State and the Prospects of their Development” (Odesa, October 28, 2011) was even accepted in July 5, 2012 by Verkhovna Rada of Ukraine during its first reading as a basis. Later on, this bill was withdrawn because domestic scientific community continued their debates over the feasibility of introducing legal clinics into the state system of free of charge legal aid.

To some extent, the Ministry of Justice of Ukraine agreed with this position when developed the State Programme of Formation of Free Legal Aid System for 2013-2017.

Besides, in some regions of Ukraine legal clinics' activities are regulated by decisions of regional interagency coordination and methodical councils of legal education. Such councils perform their functions under the guidance of regional state administrations to ensure cooperation (between the executive authorities, local authorities, NGOs, educational institutions and cultural institutions, academic institutions, publishers and publishing organizations, mass

media, etc.) in the sphere of legal education and providing appropriate methodological assistance. For example, in 2014 in the decision of one of such councils in Odessa region “The role of legal clinics in providing free legal assistance in Ukraine” there was highly praised successful work of the Legal Clinic of the National University “Odesa Law Academy” in the field of human rights protection.

The proper functioning of legal clinic does not only depend on informational, material and technical, financial support, but it also depends on normative regulation of legal clinic’s activity at the local level of educational institution and other internal forms of work organization.

In order to make the work of legal clinics much more effective we should work out a whole set of internal regulations that will determine the activities of its leader, curators, students-consultants and coordinate the activities of visitors. It will also give the opportunity to summarize the results of legal clinic’s work and include the materials of legal clinic’s activities into the content of the training course “Fundamentals of Clinical Legal Practice”.

Such internal acts can be divided into the following components: 1) constituent acts regulating all internal and external relations arising in connection with functioning of legal clinic (statute of law school, the provisions of the legal clinic, decision adopted at legal clinic members’ meeting); 2) organizational documents that fix the order of a legal clinic’s work, procedure of providing legal advising, the rights and obligations of its members (the rules of a legal clinic’s work, the ethical code of students-consultant); 3) documents of internal activity (lists of students, teachers-curators, schedule of their activities, results of entrance tests, indicating a competitive selection

of students-clinicians, the book of complaints and suggestions, cases' registration book, etc.); 4) documents that reveal the content of cases and the ways of its successful solving (agreement on providing legal services, etc.).

Statutes of educational institutions in Ukraine are almost unused by staff of legal clinics. Their practical value is reduced to the order of approving the regulations of structural units, electing, appointing or dismissing their heads of departments (including the manager and other staff of legal clinics).

The list of appropriate legal clinic Provisions, which must conform to the Model Provisions of the Legal Clinic of Educational Institution of Ukraine, consists of seven parts: 1) general provisions; 2) goals and tasks of legal clinics of educational institutions of Ukraine; 3) principles of legal clinics' activities in Ukraine; 4) organization of legal clinics' activities; 5) rights and obligations of students; 6) material-technical basis of legal clinics; 7) financing of legal clinics. The Provisions of the Legal Clinic of the National University "Odesa Law Academy", April 15, 2011 contains additional items that specify certain rules of Model Provisions.

Legal clinic Provisions regulate legal clinic's activity, which is a structural unit of educational institution. Ethical behavior of students-clinicians may be also included into these provisions to attract students' attention to moral and psychological aspects of their work in legal clinic.

The next important internal normative act concerning the organization of legal clinics' activities in Ukraine are rules (orders, regulations) of legal clinic's work, developed and approved by the manager of such clinics or adopted at a general meeting of all people involved in the activities of the

legal clinic. For instance, for the proper functioning of Legal Clinic at National University “Odesa Law Academy” as a basis for practical training of students and postgraduates, students from other educational institutions, the staff of this legal clinic developed appropriate Order of Work, approved January 17, 2014. This Order of Work includes eight items: 1) general provisions; 2) the procedure of students admission to legal clinic; 3) organizing legal clinic’s work in providing legal assistance; 4) participating of students-clinicians in providing legal aid; 5) ethical norms and rules of legal clinic; 6) participating of postgraduates in legal clinic’s activities; 7) participating of trainees of the Institute of training professional judges in legal clinic’s activities; 8) final provisions. Such rules help to regulate properly the process of legal clinic, preparing and providing free of charge legal aid to the poor strata of population.

Other specific provisions are also being developed. For instance, the Provisions of Passing by Students Practices in the Legal Clinic of the National University “Odesa Law Academy” was approved January 27, 2014. In this Provisions detalization of the current legislation of Ukraine and other internal regulations of educational institution of organization and passing practice by students with the view of peculiarities goal and the main tasks of a legal clinic’ activity was made. The integral part of these Provisions are working programmes of the training, production and pre-diploma (master’s) practices of students and the General Methodological Guidelines (Recommendations), that concern all kinds of students practices on the base of legal clinic. Such documents were developed by legal clinic’s staff according to the Programme of Students Practice in Specialty “Law” that was approved on May 14, 2005.

In order to organize properly legal clinic's effective work staff instructions are being developed and approved (including head of the legal clinic, curators, laborants, etc.). In these instructions are taken into consideration qualification level, professional skills and habits, required level of knowledge, list of duties and the grounds for bringing to the liability. For instance, the powers of the head of the Legal Clinic at National University "Odesa Law Academy", teachers-curators of this clinic and the laborant are defined in the relevant job descriptions from May 18, 2011.

Special attention also deserves legal clinics' documents (letters, agreements, treaties, etc.) on cooperation with state and local authorities, NGOs, other legal entities and physical persons in the sphere of training professional lawyers and providing free of charge legal aid. For instance, Legal Clinic at National University "Odesa Law Academy" cooperate actively with the Department of Justice in Odesa region, Odesa regional center for providing free secondary legal aid, Primorsky district administration of Odesa City Council, Odesa regional branch of the All-Ukrainian NGO "Committee of voters of Ukraine", socio-political newspaper "Slovo", TV and Radio Company "Academy", etc. in providing free of charge legal assistance to low income persons and legal education of the population of Odesa region.

Thus, the main internal regulation acts of the legal clinic's activity organization at educational institution in Ukraine are: 1) statute of the university; 2) provisions of the legal clinic; 3) provisions of students practice passing in the legal clinic; 4) legal clinic's order of work; 5) work

instructions of legal clinic's staff; 6) ethical rules of the legal clinic's activity; 7) documents on cooperation, and so on.

The organizational documents and documents for providing legal aid are also used by the students-clinicians, curators and visitors in legal clinics' activities of Ukraine.

Organizational documents of legal clinic are: 1) plan of work for a short and for a long period of time; 2) schedule of legal clinic's work; 3) book of incoming and outgoing documentation; 4) review book of legal clinic activity; 5) list and schedule of students and curators duties in legal clinic; 6) an application for joining legal clinic. All organizational documents of legal clinic should be signed, sealed (if any) by the head of legal clinic, and stored in the archive of the relevant legal clinic, which can have a different number of sections and folders depending on the specialization and workload.

Among the documents of providing legal advice in the legal clinic there are: 1) profile of legal clinic's visitor in which he puts the issues that he is interested in; 2) copies of all the documents for the consultant to study the circumstances of the case, which are attached to the personal affairs of visitor (after consultation they will be returned to their owners); 3) the book of cases' registration that are being considered in legal clinic (or have been considered) by staff; 4) other documents of free of charge legal aid providing.

We should say a few words about the gaps in regulation of legal clinics' activities, which prevent mass spreading of clinical legal education. There is a great need for: 1) immediate implementation of legal clinics' provisions into normative legal acts of the educational process; 2) include a mandatory requirement of item and good

functioning of legal clinic for accreditation of educational institution and for obtaining a license for training lawyers at this institution; 3) department and public control of legal clinics' functioning in the structure of educational institutions, etc.

Nevertheless, such gaps in the normative regulation of legal clinics' activities in Ukraine can not be regarded as drawbacks of lawmakers and the lack of interest in clinical legal education. It is high time for top domestic law schools to implement their autonomy. Functioning of Legal Clinic at National University "Odesa Law Academy" during the 2011-2014 is a good example of such autonomy.

7. Legal clinics in the system of free legal aid in Ukraine

The formation of civil society and law state in Ukraine highlights the problem of providing human rights and freedoms. It is impossible to imagine the implementation of provisions about the social status of an individual without an effective system of general and special legal guarantees which ensure human rights and freedoms.

The problem of free of charge legal aid is particularly important for Ukraine, because the overwhelming majority of its population lives below the poverty level. A large number of specialists with legal qualification, law firms and attorney bureaus cannot solve this problem.

Legal clinics are playing an important role in the mechanism of human rights and freedoms protection, because they can effectively provide free of charge primary and secondary legal aid according to the provisions of the Law of Ukraine “On Free Legal Aid”.

For poor strata of population legal clinics became an integral part of free of charge legal aid protection process. Legal clinics do not fully replace the state system of free legal aid. Legal clinics should be considered as an additional, but not an alternative source of providing free of charge legal assistance for people in need. Nowadays legal clinics influence on reforming of educational system and implementing into the educational process the components of practical skills training. Taking an active part in the legal clinics activities, students-clinicians prepare procedural and other legal documents, represent interests of persons in court, state and local authorities, and do all other kinds of work connected with the reception of visitors.

At present, law protection practice of Legal Clinic at National University “Odesa Law Academy” is known far beyond the borders of Odesa and Odesa region. With every passing year the geography of people, who come here for legal aid, constantly increase. It is a well-known fact, that Odesa train or bus tickets are cheaper for legal clinic’s visitors than the cost of professional lawyer’s services at their place of residence. In 2010-2013 in the activities of this legal clinic as consultants and assistants of consultants participated 2,045 undergraduate and graduate students of the university. During this period, this legal clinic provided legal aid to 9,504 people who applied for getting legal advice, and prepared for visitors 5,369 procedural and other legal documents. Such results indicate high level of confidence to this legal clinic.

Thoroughfull investigation of legal clinics in Ukraine makes it possible for us to denote the following forms of legal assistance in domestic legal clinics: 1) providing legal information; 2) providing legal consulting; 3) drafting legal documents; 4) performing legal representation; 5) providing legal education.

Providing legal information is the process of transmission complete and accessible legal information concerning problematic legal situation to an individual. Providing legal information means “translating” legal information from “legal language” into the language understood by non-professionals.

Providing legal information in legal clinic foresees providing by students-consultants information at the visitors’ requests in the form of oral and written references to solve specific issues raised by visitors. This written reference must be done on a piece of legal clinic’s official

paper with its address and phone number (the same concerns students-consultants as performers), sealed and signed by the head of legal clinic.

For instance, written references of Legal Clinic at National University “Odesa Law Academy” are done on a blank of legal clinic, signed by the consultant and agreed by the supervisor or the head of the legal clinic and registered by laborant in registration books. The legal information of this legal clinic should contain the following principle elements: 1) date and registration number; 2) full name and postal address of legal clinic visitor; 3) clearly formulated legal issues of legal clinic’s visitor; 4) extracts from the legislation of Ukraine regulating legal issues of legal clinic’s visitor (with reference to the item and article of normative act, its title and the title of the subject of adoption (publication, approval, etc.) and other necessary information); 5) full name of advisory group member who prepared legal information; 6) full name of legal clinic’s supervisor who reviewed and approved the content of legal information.

Legal consulting is the process of interaction of subject of providing and subject of obtaining legal assistance in the problematic legal situation. Legal consulting differs greatly from legal information.

Legal consultation in legal clinic foresees providing recommendations on the use of rights and freedoms, guaranteed by the legislation, to achieve the desired result.

Providing legal consulting in Legal Clinic at National University “Odesa Law Academy” consists in providing, according to the visitor’s appeal, consultations, explanations and advice, concerning rights and freedoms, provided by the legislation of Ukraine. To achieve the desired results,

in addition to the above mentioned elements of legal information, we should also include consultations and advices concerning human rights and freedoms guaranteed by legislation of Ukraine.

Drafting legal documents is the process of providing legal information to a person in problematic legal situation in accordance with legal requirements to the form and content of a paper. Drafting legal documents is often accompanied with the legal advice concerning the order of their use.

Drafting legal documents at legal clinic means preparing by students-consultants applications, petitions, complaints, information requests and other documents of a procedural nature (claims, appeals, petitions, etc.) in accordance with the legislation of Ukraine and document requirements (form and content). Such legislation consists of the laws of Ukraine “On citizens’ appeals” and “On access to public information”, procedural codes, etc.

Providing legal representation is the process of overcoming the problematic legal situation. In carrying out legal representation the subject of providing legal aid can act as a subject of receiving legal aid and on his own behalf in the interests of such person.

Legal representation in legal clinic may be done by students-consultants in state and local authorities and in courts. Representation of legal clinic visitor’s interests in state and local authorities is connected with providing consultations, participation in considering of visitor’s documents, protecting his rights, freedoms and legitimate interests. Representation of legal clinic visitors’ interests in court involves providing by students-consultants the procedural activities of protection rights of visitors as the

participants of trial process (plaintiff, defendant and third party, witness in civil and administrative cases, etc.).

If student-clinician of Legal Clinic at National University “Odesa Law Academy” has the possibility to represent legal clinic visitor’s interests, the consultant has the following rights: 1) to represent the rights and legitimate interests at the courts, other state agencies, local governments, before other persons; 2) to receive documents and other materials or copies needed in connection with legal aid providing in courts, other state agencies, local governments, before other persons; 3) to collect information needed for protecting rights and interests of a visitor; 4) to get acquainted in government and local authorities, enterprises, institutions and organizations with documents necessary for providing effective legal protection, except those that are state secrets.

Domestic procedural civil and administrative legislation assists for the presentation of interests of legal clinics’ visitors by students in the courts of Ukraine. Their rules do not mention legal clinics as providers of legal assistance to other participants in the process, but provide an opportunity for students-consultants to participate in trial in the procedural status of the representatives of parties and third parties.

Many years experience of human rights protection activity of Legal Clinic at National University “Odesa Law Academy” prove that providing legal aid by students-clinicians in criminal cases is not a common practice. Such legal assistance is limited to oral advices (clarifications) of the criminal, criminal-procedural and other legislations of Ukraine, drawing applications (petitions) to agencies of inquiry, investigation, prosecution and court, complaints against their actions), and the preparation of civil claims.

Legal education is the process of influencing the legal consciousness of the person to form legal knowledge and skills for independent recognition of his life situation (real or not real) as a legal one.

Legal education in legal clinic suggests formation of legal culture of population, obtaining knowledge and skills that are necessary for the realization of citizens' rights and freedoms and performing their duties.

The legal education of population in Legal Clinic at National University "Odesa Law Academy" is realized in the following directions:

- 1) organizing training classes (lessons) for pupils in secondary and special schools (including schools-internats, children's homes, orphanages, etc.), regardless of their legal form, ownership and subordination;

- 2) preparing handout materials (leaflets, booklets, brochures, etc.) for the population;

- 3) involving regional and all-Ukrainian mass media (newspapers, magazines, television and radio programmes) and Internet in legal clinic activity;

- 4) organizing talk-shows, discussion and debate clubs on actual legal issues.

In domestic academic authorities, goes on the discussion on quality of legal assistance in legal clinics at the educational institutions. The example of such an activity of the Legal Clinic at National University "Odesa Law Academy" (and other legal clinics at leading educational institutions of Ukraine) proves that with proper organization of legal clinics' activities students-consultants can provide qualified free of charge legal aid.

However, even well-developed network of legal clinics in Ukraine, which made a significant contribution to the

access of poor strata of population to free of charge legal aid, wasn't essential ground for the Ministry of Justice of Ukraine as a developer of the Law of Ukraine "On free legal assistance" to include legal clinics to the state free legal aid system.

The recent reviews of the national legal aid systems underline that effective legal services for a large number of people, especially in countries where there are not enough qualified lawyers, often require the diversification of sources of such assistance. On the results of the analysis of the legislation on advocacy in Central Asia countries and to improve the effectiveness of free legal aid providing to the population, UNDP recommended greater use of legal clinics as an institution that provides legal services within guaranteed by state system of legal assistance. In 2013 the Regional Center of UNDP for Europe and CIS countries recommended the governments of these countries to support development, maintenance and stability of legal clinics at universities to improve citizens' access to legal assistance.

When in the domestic academic authorities there go on debates about the possibility of legal clinics inclusion into the system of legal aid and feasibility of adoption the relevant amendments to the Law of Ukraine "On free legal aid", in the most developed countries of Central and Eastern Europe, the CIS legal clinics are among the providers of primary legal aid (for instance, in Georgia, Hungary, Lithuania, Moldova, Russia, etc.).

CONCLUSIONS

Legal clinic as a legal institution has not yet received proper general theoretical development in Ukraine. The domestic jurisprudence deals with some aspects of the legal clinic activities: the possibility of their use in the educational process, the peculiarities of providing free legal aid for students-clinicians, issues of legal clinics organization and functioning, problems of their material and technical ensuring, staffing, and so on. Nevertheless, we must admit that the potential of general theory of state and law almost was not used for studying the problems of legal regulation of legal clinics in Ukraine.

Formation of a nation-wide network of legal clinics went through the following stages: 1) setting up of the first legal clinics in Ukraine by the students, and due to donors' costs and human rights protection NGOs (in 1996-1999); 2) minimal support from the management of educational institutions (in 1999-2002); 3) recognition by government agencies and educational institutions the role of legal clinics in training professional lawyers (from 2002 – to August 2006); 4) involving of legal clinics in the structure of education institutions in Ukraine (August 2006 – June 2011); 5) defending legal clinics status as subjects of providing free legal aid on the law regulatory level (from June 2011 – to date); 6) activity for including clinical legal education to state educational standards (since 2014 – to present day).

The essence of legal clinics, which manifest in the very idea of their activity, give us the possibility to speak about their detached legal status. In the structure of this legal status stand out next elements: 1) concepts, goals and

objectives of the legal clinic; 2) organizational-legal form of legal clinic's activity; 3) principles of legal clinic's activity; 4) rights and obligations of people involved in legal clinic's activity, and guarantees of their implementation; 5) legal liability of people involved in the legal clinic's activities.

The term "legal clinic" in Ukraine can be treated as follows: institutional and educational. Under the first approach legal clinic is a structural unit of educational institution or its law faculty, NGO, and according to the second – it is a part of the learning process of lawyers, special course for law students, innovation (interactive) method of working out in students the practical skills and habits needed for further activities in their profession. The main task of a legal clinic consists in pursuing two objectives: educational (obtaining practical skills by students in the process of providing legal assistance) and social (providing free of charge legal assistance to those who cannot pay for legal services). The educational goal is the main for legal clinic in training lawyers.

In Ukraine the concept of "legal clinic" means a structural unit of educational institution, that prepares specialists in the field of Law, and this unit is a basis for practical students training, for passing them educational and other practices through their direct involvement in the provision of free legal aid to the population. This organizational-legal form is the best model of the legal clinic in Ukraine at the present stage of its development.

Diversity of principles of legal clinics' activities, defined on the regulatory and on the doctrinal levels, allows us to divide them into two main groups: general and special. The group of general principles of legal clinics' activities should include the following basic principles that define

characteristics of their legal status. These are: 1) competitive selection of students-clinicians in legal clinics; 2) voluntary students participation in providing legal services; 3) equal rights of students during their activities in a legal clinic; 4) informing legal clinic visitors about the rules of work and peculiarities of providing free legal aid; 5) the students-consultants' reporting to the management of legal clinics; 6) supervision of the quality of legal services in the legal clinic by supervisors; 7) responsibility of legal clinics' supervisors for unqualified legal assistance, provided for students-clinicians. The group of special principles of legal clinics activities include those principles that are characteristic of a legal clinic as the subject providing free legal aid: 1) respect for law, justice and human dignity; 2) focusing attention on the protection of human rights and freedoms; 3) humanism; 4) legality; 5) rule of law; 6) objectivity; 7) providing legal assistance on the free of charge basis; 8) confidentiality; 9) competence and conscientious.

In domestic and foreign scientific literature we can observe various approaches to classification of legal clinics. Taking into consideration the developments of domestic scientists, based on understanding the essence of legal clinics in Ukraine, we can propose the following grounds of their classification: 1) "persons seeking legal assistance"; 2) "people that provide legal assistance"; 3) "types of legal services provided by legal clinics"; 4) "sectoral specialization of cases (according to their category)"; 5) "integrating into training process of educational institution the specialized course on the basics of clinical legal practice"; 6) "passing students educational or other kinds of practice"; 7) "participation of all senior students in legal clinic activities". Such legal clinic classification represents

the real state of things in the system of legal education and legal aid in Ukraine.

The contemporary legal education in Ukraine belongs to the traditional (academic) model of training lawyers. It consists of two interrelated parts – theoretical (includes lectures and seminars) and practical (educational and pre-diploma practices). Practice activity (legal activity) is not the subject of study in educational system of Ukraine, as in educational process are used only the results of legal practice as a method of argument, as an illustration or demonstration in training. So, widely-used thesis on the relationship of legal clinics with organization of students' practices has the right to exist.

The notion of "clinical legal education" is not fixed in Ukraine on the regulatory level and is defined differently. In domestic scientific literature, there were made no fundamental investigations of this category, that makes its understanding and using too complicated. This notion is frequently used in research work to characterize the unique way of training specialists in "Law" (with the obligatory use of legal clinics in the learning process as a basis for students to obtain additional theoretical knowledge, practical skills and habits).

The genesis of legal regulation of legal clinics' activities in Ukraine can be divided into the following stages: 1) a local level of regulation as public organizations or its structural units (1996-1999); 2) a local level of regulation in the structure of educational institutions as a source of legal information for the population (1999-2002); 3) a local level of regulation in the structure of educational institutions as part of the educational institution or the educational process (2002 - August 2006); 4) the normative

level of legal regulation as a base for practical training of law students (from June 2006 until now).

An Order of the Ministry of Education and Science of Ukraine of 03.08.2006, No 592 "On Approval of the Model Provisions of the Legal Clinic of the Educational Institution of Ukraine" is the main normative-legal act of legal clinics' activities on current stage of its development in Ukraine. Legal framework acts of the legal clinic's activity organization at educational institution in Ukraine also includes such internal regulations: 1) statute of the university; 2) provisions of the legal clinic; 3) provisions of students practice passing in the legal clinic; 4) legal clinic's order of work; 5) work instructions of legal clinic's staff; 6) ethical rules of the legal clinic's activity; 7) documents on cooperation, and so on.

The organizational documents and documents for providing legal aid are also used by the students-clinicians, curators and visitors in legal clinics' activities of Ukraine. Organizational documents of legal clinic are: 1) plan of work for a short and for a long period of time; 2) schedule of legal clinic's work; 3) book of incoming and outgoing documentation; 4) review book of legal clinic activity; 5) list and schedule of students and curators duties in legal clinic; 6) an application for joining legal clinic. Among the documents of providing legal advice in the legal clinic there are: 1) profile of legal clinic's visitor in which he puts the issues that he is interested in; 2) copies of all the documents for the consultant to study the circumstances of the case and which are attached to the personal affairs of visitor (after consultation they will be returned to their owner); 3) the book of cases' registration that are being considered in legal clinic (or were being considered) by staff; 4) other documents of free of charge legal aid providing.

Experience of legal clinics' activities at leading educational institutions in Ukraine makes it possible to identify the following most common forms of legal assistance in domestic legal clinics: 1) providing legal information; 2) providing legal consulting; 3) drafting legal documents; 4) performing legal representation; 5) providing legal education. In domestic academic authorities, goes on the discussion on quality of legal assistance in legal clinics at the educational institutions. The example of such an activity of the Legal Clinic at National University "Odesa Law Academy" (and other legal clinics at leading educational institutions of Ukraine) proves that with proper organization of legal clinics' activities students-consultants can provide qualified free of charge legal aid.

However, even well-developed network of legal clinics in Ukraine, which made a significant contribution to the access of poor strata of population to the free of charge legal aid, wasn't essential ground for Ministry of Justice of Ukraine as a developer of the Law of Ukraine "On free legal assistance" to include legal clinics to the state free legal aid system. When in the domestic academic authorities go on debates about the possibility of legal clinics inclusion into the system of legal aid and feasibility of adoption the relevant amendments to the Law of Ukraine "On free legal aid", in the most developed countries of Central and Eastern Europe, the CIS legal clinics are among the providers of primary legal aid (for instance, in Georgia, Hungary, Lithuania, Moldova, Russia, etc.).

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Наукове видання

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**ЮРИДИЧНІ КЛІНІКИ В УКРАЇНІ:
від юридичної освіти до юридичної практики**

Монографія
Англійською мовою

Максим Лоджук

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Монографія присвячена питанням функціонування юридичних клінік в Україні, їх місця в сучасній системі підготовки юристів та їх ролі в державній системі надання безоплатної правової допомоги.

Розрахована на науковців, студентів вищих юридичних навчальних закладів та усіх, хто цікавиться юридичними клініками та їх діяльністю в Україні.

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