

“APPROVED”

**by the All-Ukrainian Congress of the Association
of Legal Clinics of Ukraine
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STANDARDS OF OPERATIONS OF LEGAL CLINICS OF UKRAINE

SECTION I. GENERAL PROVISIONS

1.1. Aim and principles of operations of legal clinics

1.1.1. Standards of operations of legal clinics of Ukraine (hereinafter – the Standards) are a set of major characteristics inherent in a legal clinic, organization of its operations and activity on providing legal aid and raising legal awareness.

1.1.2. The aim of developing and implementing the Standards is to ensure:

- a unified model of organizational structure of legal clinic;
- uniform approaches to the organization of operations of legal clinic and its staff;
- an educational process focused on preparing students for professional practice;
- access of law students to traineeship during their studies;
- timely provision of quality free legal aid within a necessary scope; and
- organizing and conducting legal awareness work.

1.1.3. Operations of legal clinics shall be based on the principles of rule of law, legality, objectivity, humanity, free provision of legal aid, confidentiality, competence and fair practices in performing their duties by students-consultants, avoiding conflict of interests, predominance of client’s interests, providing full information to clients about the rules of operations of legal clinic, obtaining practice-oriented knowledge, understandability of legal materials, and focus on forming specific skills and abilities.

1.1.4. The Standards determine minimum requirements to the model of organizational structure of legal clinic of a higher educational institution of Ukraine. They characterize the organization of its operations, academic process and traineeship, provision of free legal aid and raising legal awareness.

1.1.5. The compliance with these standards is a requirement for legal clinics – members of the Association of Legal Clinics of Ukraine. Legal clinics which are not Association members may voluntarily use the Standards.

1.1.6. Evaluation of the compliance of organizational structure of legal clinic, organization of its operations and work of its staff, academic process and traineeship, providing free legal aid and raising legal awareness with these Standards shall be conducted within the procedure established by the Association of Legal Clinics of Ukraine.

1.2. Definition of terms

1.2.1. For the purposes of these Standards the terms listed below shall mean the following:

- academic traineeship (practice) is a full-time traineeship which takes place according to the curriculum of a higher educational institution within the specified period of time;
- the teacher-supervisor is a person who is a lawyer or other professional in the field of law and who has been enrolled with legal clinic under the established procedure to provide required methodological and practical assistance to students-consultants;

- client's consent is a document which certifies client's willingness to receive legal aid in legal clinic, which will be provided by students-consultants of legal clinic under the terms established by legal clinic;
- interview with a client is a conversation of a student-consultant with a client in order to find out the circumstances of his/her problem and to receive information about the client, including his/her identity and mental condition;
- the client of legal clinic is a person who has applied to legal clinic for clarification or protection of his/her rights and who is not able to pay for legal aid or whose case is interesting to legal clinic in terms of education;
- clinical traineeship (practice) is an in-house traineeship which takes place during an academic year and which, upon the compliance with certain conditions, may be credited for academic traineeship;
- the manager of legal clinic is a person who, upon the decision of a head of a higher educational institution, ensures the organization and management of legal clinic in line with official duties;
- the legal clinic consultant is a person who is a specialist in the field of law and works at legal clinic in order to gain experience in legal profession;
- consulting a client is a process of cooperation of a student-consultant with a client in order to find an optimal solution to his/her problem by legal means;
- the legal clinic coordinator (administrator, laboratory assistant) is a person whom the head of legal clinic charged with the functions of organizing and managing a certain area of operations or task of legal clinic;
- protocol conversation is a primary element of the interview with a client, a conversation aimed at establishing a first contact with the client, during which the student-consultant gets to know the client, selects personal data, determines the sources of information which have become the ground for applying to legal clinic and clarifies the conditions of operations of legal clinic, confidentiality of work, etc.
- the student-consultant is a law student (cadet, attendee, master's student, postgraduate student, adjunct) who has passed a selection process established in a clinic and has been admitted to perform the functions entrusted to him/her;
- legal clinic is a structural unit of a higher educational institution of Ukraine of the III-IV levels of accreditation which trains specialists in the field of "Law" and is created as a base for practical studies and traineeship of students through providing free legal aid and raising legal awareness.

SECTION 2. ORGANIZATION OF OPERATIONS OF LEGAL CLINIC

2.1. Functions of legal clinic

2.1.1. Legal clinic performs educational and social functions. Educational function is primary.

2.1.2. Educational function of legal clinic is focusing the operations on practical studies with the aim of training legal specialists who have mastered specific professional skills and do not require additional adaptation to professional activity.

2.1.3. Social function of legal clinic is meeting the needs of society for accessible legal information and legal aid and increasing professional liability of lawyers.

2.2. Aim and major objectives of the operations of legal clinic

2.2.1. Legal clinic is established in order for students to consolidate their theoretical knowledge and gain practical skills and abilities in legal profession, foster respect for the principles of law, raise the level of public legal awareness and provide free legal aid to persons who need it.

2.2.2. The major objectives of legal clinic are as follows:

- for students to obtain practical skills in legal profession;
- set up places for academic traineeship and other kinds of traineeship for students;
- provide low-income citizens with free legal aid; and
- conduct legal awareness events for the public.

2.2.3. The operations of legal clinic may follow other objectives linked with its aim.

2.3. Legal regulation of operations of legal clinic

2.3.1. The procedure of operations of legal clinic is regulated by a Standard Regulation on Legal Clinic of Higher Educational Institution of Ukraine, regulation on legal clinic approved by a higher educational institution, internal acts of legal clinic, Statute of Higher Educational Institution and other legal and regulatory acts.

2.4. Information support of legal clinic

2.4.1. Information on the operations of legal clinic is open and is published on public information media, including mass media, with reasonable regularity.

2.4.2. Legal clinic has e-mail and website (portal, page) where it disseminates information about its objectives, areas of operations and contacts for applications.

2.5. Material, technical and financial support to the operations of legal clinic

2.5.1. Legal clinic is located in the facilities the conditions of which allow housing means and material resources necessary to organize academic process and ensure the confidentiality of reception of citizens in order to provide free legal aid.

2.5.2. Legal clinic is provided with computer and other equipment which allows working with legal databases and Internet, telephone communication means, furniture, office supplies, etc.

2.5.3. The higher educational institution under which legal clinic operates provides material and technical support to the operations of the legal clinic.

2.5.4. The operations of legal clinic are funded at the expense of the higher educational institution under which legal clinic operates, from funds received from the State Budget of Ukraine, local budgets, and other sources not prohibited by current legislation of Ukraine.

2.6. Documentation support to the operations of legal clinic

2.6.1. Documents which support the operations of legal clinic include founding documents, organizational documents and documents which are formalized in the process of providing legal aid and raising legal awareness.

2.6.2. Founding documents of legal clinic is a statute of the higher educational institution under which it is established and regulation on legal clinic.

2.6.3. Organizational documents of legal clinic are:

- documents which determine HR procedures and performing operational activities;
- planning and reporting documentation; and
- documents related to the organization of educational process in legal clinic.

2.6.4. Documents of legal clinic which record the applications of citizens and provision of legal aid include:

- a log of citizen applications;
- a dossier based on citizen applications; and
- an archive of completed cases.

Documents which record raising legal awareness include logs of record of such events.

Standard samples of these documents are drafted and made familiar to legal clinics by the Board of the Association of Legal Clinics of Ukraine.

2.6.5. The coordinator (laboratory assistant, administrator) of legal clinic or another person appointed by the head of legal clinic is responsible for document management, document flow and forming the archive of legal clinic and other documents which support the operations of legal clinic.

2.7. Legal clinic staff

2.7.1. The staff of legal clinic includes: manager, faculty – supervisors, coordinators (laboratory assistants, administrators), students-consultants and other persons whose work is mentioned in the Regulation on Legal Clinics and job descriptions.

Legal practitioners and other specialists may be engaged in the work of legal clinic *pro bono*.

2.7.2. Qualifications requirements to legal clinic staff, scope of professional skills and required level of knowledge, list of official duties and powers, and grounds for bringing to liability are determined in job descriptions and other internal acts of legal clinic.

2.7.3. Students are admitted to the activities of legal clinic following the selection procedure the conditions of which are established by legal clinic.

SECTION 3. SUPPORT TO EDUCATIONAL PROCESS IN LEGAL CLINICS

3.1. Organization of educational process

3.1.1. Educational process in legal clinic is supported through the organization of teaching of an academic discipline on “Basics of Legal Clinical Practice” and engaging the faculty of the higher educational institution or department which trains specialists in the field of law, as well as practicing lawyers with the aim of providing assistance to students-consultants.

3.1.2. The aim of the academic discipline on “Basics of Legal Clinical Practice” is for students-consultants to obtain the skills in organizing and providing legal aid to citizens, organizing and conducting legal awareness activity and other professional skills.

3.1.3. The academic discipline on “Basics of Legal Clinical Practice” shall be included to the syllabi of the higher educational institution or department which trains specialists in the field of law as an optional course.

3.1.4. Curriculum of the academic discipline on “Basics of Legal Clinical Practice” contains the following recommended modules:

Module 1. General provisions, ethics and organization of the operations of legal clinic:

- Legal clinics: history of establishment and development, aim and objectives thereof.
- Legal regulation of the operations of legal clinics and their provision of free legal aid in Ukraine.
- Organization and management model of legal clinic.
- Document management and documentation in legal clinic.

- Professional ethics and corporate culture in the operations of legal clinic.

Module 2. Legal consulting in the operations of legal clinic.

- Psychological aspects of work with client in legal clinics.
- Specifics of interviewing a client.
- Case analysis and presenting a case.
- Counseling a client.
- Drafting legal expert opinions and procedural and other documents.
- Alternative resolution of legal disputes.
- Representing a client in court, state bodies and local self-government bodies, enterprises, institutions and organizations.

Module 3. Legal awareness activity and other areas of operations of legal clinics.

- Content and forms of legal awareness activity of legal clinics.
- Developing and conducting interactive legal awareness events by legal clinics under the program on “Practical Law”.
- Considering cases of social interest in legal clinics.
- Drafting applications to the European Court of Human Rights by legal clinic.
- Other issues of operations of a specialized legal clinic (work with refugees, patients, convicted, etc.).

The recommended scope of the academic discipline is 2-3 credits.

3.1.5. Besides major teacher, a person who is directly involved in organizing the operations under a certain area is engaged in the oversight and evaluation of each module of the course.

3.2. Legal clinic as a base for practice (traineeship)

3.2.1. The forms of practice (traineeship), their duration and terms are determined in curricula of the higher educational institution or department which trains students in the field of law.

3.2.2. Practice (traineeship) of students in legal clinic takes place in two organizational forms:

- an in-house clinical traineeship which takes place during an academic year; and
- a full-time academic traineeship which takes place according to the curriculum.

3.2.3. Practice (traineeship) of students in legal clinic is voluntary for students.

3.2.4. Practice (traineeship) in legal clinic is registered at the relevant division of the higher educational institution and formalized by the act (order or assignment). Clinical practice (traineeship) in legal clinic shall commence not later than six months before the end of academic year (term).

3.2.5. During traineeship students perform typical for legal profession activities which are in common practice of legal clinics.

3.3. Other forms of practical training of lawyers

3.3.1. Ongoing training courses and courses aimed at gaining practical experience by persons with legal background may be organized on the base of legal clinic on a contractual basis.

3.3.2. Persons who wish to obtain a certificate on the right to practice law (under the supervision of a supervisor of legal clinic who is a lawyer) and other things may obtain practical experience on the base of legal clinic.

3.4. Record of workload of faculty staff and other specialists in the field of law engaged in the operations of legal clinic

3.4.1. Work of faculty staff and other specialists in the field of law engaged in the operations of legal clinic must be included into academic workload of the mentioned persons.

The mentioned hours of academic workload are subject to systematic personalized record in the forms accepted in the higher educational institution and legal clinic.

3.4.2. It is recommended to include the work of faculty staff and other specialists in the field of in legal clinic in academic workload based on the following standards:

- for each consultation conducted with their assistance – two hours of consultations (extracurricular lessons);
- for each legal awareness lesson conducted with their methodological support and participation – one hour of consultations (extracurricular lessons);
- for each optional lesson with legal clinic students – one hour of practical lesson (in-class lesson);
- for supervision of traineeship – ten hours of academic workload for each week of traineeship (extracurricular lessons).

SECTION 4. PROVIDING FREE LEGAL AID IN LEGAL CLINIC

4.1. Types and procedure of providing free legal aid

4.1.1. Students-consultants of legal clinic provide legal aid in the following forms: legal information, consultations, drafting legal and procedural documents, providing legal aid in representing the interests of a client in state bodies, local self-government bodies, other bodies and organizations, providing legal aid in court and representing interests in court.

4.1.2. Documents of legal clinic which are formalized in the course of providing legal aid are a form of record of the mentioned area of its operations (log of record of citizen applications, dossier based on citizen applications, and archive of completed cases).

Each dossier or archive of completed cases contains an incoming (individual) file of a client of legal clinic, agreement (consent) on providing legal aid, written legal consultation, and legal and procedural documents drafted by student.

4.1.3. Application on providing legal aid is registered under a relevant procedure. A dossier is created for each application, except applications on providing legal information.

4.1.4. To provide legal aid, the higher educational institution ensures access to current legal and regulatory acts for legal clinic staff by giving them master copies of legal and regulatory acts or providing access to Internet or law e-libraries.

4.1.5. The student-consultant provides any type of legal aid upon prior agreement on its form and content with the supervising teacher.

4.1.6. After agreeing on the draft document with the supervising teacher, the student-consultant meets a client to give him/her the drafted documents and clarify content thereof.

4.2. Providing legal information

4.2.1. Having received an assignment to provide legal information, the student-consultant makes a list of all legal and regulatory acts which regulate the mentioned legal relations and agrees on it with the supervising teacher. After that, he/she examines regulatory acts, makes excerpts thereof and drafts a notice on providing legal information which is handed over to the client after the approval of the supervising teacher.

4.2.2. The notice on providing legal information contains: a brief summary of client's application, interpreted or verbatim norms of current legislation which regulate the legal relations which have arisen with a reference to the point or article of a regulatory act, its title, date of adoption and adopting state body or local self-government body, date, last name, first name of the student-consultant, supervising teacher and signatures thereof. Excerpts from legal and regulatory acts may be attached to the notice.

4.3. Preparing and providing consultations

4.3.1. Having received an assignment to provide legal information, within the established timelines, the student-consultant drafts a work plan on preparing a consultation and agrees on it with a supervising teacher.

4.3.2. The work plan includes:

- examination and analysis of the norms of current legislation which regulate the given legal relations and examination of case law;
- list of potential evidence which must be received from the client, and if needed – from enterprises, institutions and organizations in order to verify the circumstances mentioned by the client; and
- list of questions required to establish the facts of a case, facts which identify participants of a case, time and place of a case and other facts which identify motives, reasons, ways, etc.

4.3.3. During an interview the student-consultant establishes a first contact with a client by means of protocol conversation and establishes facts of a case in line with developed questions.

4.3.4. In order to verify the accuracy of information received from the client, the student-consultant summarizes the interview and jointly with the client develops a plan of further actions. He/she agrees on the date and time of the next meeting with the client.

4.3.5. After the end of the interview the student-consultant drafts a subject matter (version) of a case and drafts a consultation which must include: a brief summary of established facts, explanation of norms of current legislation, opinion on the violation of a right or absence thereof, and options of resolving the issue (ways of defense), which he/she submits to the supervising teacher for approval.

4.3.6. During next meeting with the client, the student-consultant clarifies the procedure of consulting and provides consultation, and then discusses the proposed options of resolving his/her issue.

4.3.7. After discussing the ways of protecting the violated right and selecting the most optimal among these, the student-consultant jointly with the client plans further joint actions, in particular, drafting legal and procedural documents, timelines of their drafting and submission, collection of evidence, etc.

4.3.8. The student-consultant clarifies to the client legal implications of submitting the drafted legal and procedural documents.

4.4. Drafting and formalizing legal and procedural documents

4.4.1. Upon the request of a client, the student-consultant drafts a relevant document of legal and procedural nature in line with provisions of current legislation.

4.4.2. The student-consultant also informs the client about the procedure and timelines of submitting the documents and their consideration by bodies, organizations or institutions, and legal implications for violation of submission timelines.

4.4.3. In case it is required to draft a procedural document, the student-consultant immediately informs the coordinator of legal clinic in order to comply with procedural timelines for submission of such documents.

4.5. Representation of interests of a client in the state bodies, local self-government bodies, other bodies and organizations by legal clinic

4.5.1. The issue on the possibility of representing the client's interests is determined in the regulation on legal clinic and is determined in each and every case by its coordinator.

4.5.2. If the client wishes to receive legal aid in the form of representation of his/her interests in the state bodies, local self-government bodies, other bodies and organizations, the student-consultant clarifies legal grounds for representation stipulated in current legislation.

4.5.3. The student-consultant is obligated to familiarize the client with the procedure of representation, procedure of formalizing and submitting documents required for representation in detail.

4.5.4. The scope of rights granted to the student-consultant with regard to representation of client's interests is agreed upon with him/her, after which this is reflected in the power of attorney in the name of the consultant, which is certified by notary. The draft of such power of attorney is preliminarily agreed upon with the supervising teacher of legal clinic.

4.5.5. All expenses related to formalization of the power of attorney for representation are born by the client, of which the consultant shall inform the client during the acceptance of the power of attorney.

4.6. Providing legal aid in court in civil cases

4.6.1. In case client selects the option of protection of a violated right – filing a suit (application, complaint) in court, the student-consultant shall clarify the forms of providing legal aid in court: by providing immediate legal aid in court (Art. 56 of the Civil Procedure Code of Ukraine) and by representation (Art. 38 of the Civil Procedure Code of Ukraine) and clarify the powers of a person who provides legal aid in court and powers of representative.

4.6.2. In case it is necessary to provide legal aid in line with provisions of Art. 56 of the Civil Procedure Code of Ukraine, i.e. directly in court, the student-consultant shall clarify to the client that such aid may be provided by a person who is a specialist in the field of law, and clarify the powers of such person. In case there is such consultant in legal clinic and his/her consent to provide legal aid, the latter shall assist the client in drafting an application to court on his/her admission to consideration of a case in the capacity of a person who provides legal aid.

4.6.3. After the court admits the consultant in the capacity of a person who provides legal aid in court, the latter (on his/her own or together with the client) gets familiarized with case files, makes excerpts thereof, makes copies of documents attached to the case and jointly with the client develops a position on a case and draft work plan on a case which is agreed upon with the supervising teacher.

4.6.4. In order to implement the developed position, the consultant drafts applications, motions, other legal and procedural documents, which, if necessary, are agreed upon with the supervising teacher and handed over to the client for signature and submission to court, and participates in court hearings in person.

4.7. Providing legal aid on representation of client's interest in court

4.7.1. In case client wishes to receive legal aid in civil or administrative cases in the form of representation in line with provisions of Art. 38 of the Civil Procedure Code of Ukraine or Art. 56 of Administrative Proceedings Code of Ukraine, the student-consultant clarifies to the client the powers of representative in court (Art. 44 of Civil Proceedings Code of Ukraine and Art. 59 of Administrative Proceedings Code of Ukraine) and explains that in order to ensure

representation the power of attorney is required which is certified by a notary or official of organization where the proxy giver works, studies, is on service, undergoes in-patient treatment or at the place of his/her residence.

4.7.2. In case of reaching agreement on representation in court, the student-consultant, in order to ensure efficient representation of client's interests, jointly with the latter drafts a work plan which must include: revising normative materials, drafting objections to the claim (if he/she represents a defendant in a case), motions, other legal and procedural documents, as well as list of questions to the parties and witnesses during their explanations in court and thesis of an opening speech in court, and agree upon them with the supervising teacher.

4.7.3. The student-consultant drafts documents envisaged in work plan as well as the list of questions to the parties and witnesses during their explanations in court in advance and agrees upon them with the supervising teacher before the beginning of a court hearing on a case.

4.7.4. If the need for drafting any type of motions, legal or procedural documents arises in the course of consideration of a case, the student-consultant, upon the agreement with the client, files a motion on the postponement of case consideration to draft these documents appropriately and agree upon them with the supervising teacher.

4.7.5. In case of the completion of establishment of facts of the case and their verification with evidence, the student-consultant, if necessary, provides additional explanations which may supplement case files and files a motion on providing additional time for preparation for court debates.

4.7.6. During the time provided by court for preparation for court debates, the student-consultant, taking into account the established facts of the case, revises the previously drafted thesis of opening speech which must contain: the declaration of position, brief summary of facts established in court and supporting evidence, clarification of law, opinions on the validity of a claim and possibility of satisfying the claim or denying it. These provisions are agreed upon with the supervising teacher.

4.7.7. In case the decision adopted by court does not satisfy the client, the student-consultant, upon the availability of legal grounds, drafts in the name of the client or in his/her own name in the capacity of client's representative an appeal, agree upon it with the supervising teacher and file it to the court of appeals through a first instance court.

SECTION 5. LEGAL AWARENESS ACTIVITY OF LEGAL CLINICS

5.1. Aim and forms of legal awareness in the operations of legal clinics

5.1.1. The aim of legal awareness is for students-consultants of legal clinics to obtain professional legal skills by means of direct implementation of actions on fostering legal culture of persons.

5.1.2. Legal awareness activity of legal clinics is conducted in the form of direct and distance interaction with the audience.

5.1.3. The forms of direct interaction with the audience are as follows:

- traditional forms (lecture, workshop, group conversation, etc.);
- innovative forms (interactive lesson, training and other forms of lessons of legal clinic in practical law).

Traditional forms of direct interaction with the audience are a form of gaining experience in legal awareness activity of legal clinics; in the course of development of organization they are substituted with innovative. An interactive lesson in practical law is an optimal form of conducting legal awareness work of legal clinics.

5.1.4. The forms of distance interaction with the audience are as follows:

- publications;
- participation in radio or TV programs;
- consultation or clarification column in the media;
- filming educational and promotional movies and stories;
- help lines; and
- posting legal information on the Internet, etc.

5.2. Requirements to organizing and conducting forms of legal awareness in legal clinics

5.2.1. Requirements to developing materials and conducting traditional forms of direct interaction with the audience (lecture, workshop, group conversation, etc.):

- mandatory requirements: issues topical for specific audience; lessons involve elements of dialogue and discussion; lessons must contain examples from everyday life; materials are developed under the supervision of teachers; and
- desirable requirements: accompaniment of lessons with multimedia presentations and educational videos; lessons contain elements of role play, consideration of legal situations and other interactive methods; during the lessons additional representative of legal clinic is present whose objective is to monitor the quality of the lesson.

5.2.2. The distance form of interaction with the audience is implemented under the control (mandatory requirement) and with participation (desirable requirement) of a teacher of legal clinic.

5.2.3. Requirements for quality lessons in practical law come of the following areas of organization of legal clinic of practical law: forming a well-designed curriculum for work; forming a competent project team; and creating efficient organizational mechanism of developing interactive lessons. Mandatory requirements: all mentioned areas, except lessons, are implemented, mainly, by teachers. Besides, teachers control the quality of lessons in practical law.

5.3. Requirements for providing resources to meet the organizational needs of legal clinic of practical law:

- mandatory requirements: equipment to ensure the operations in the facilities of legal clinic, office supplies and consumables;
- desirable requirements: hardware kit to visualize lessons and for video recording.

5.4. Documental support to legal awareness work of legal clinic

5.4.1. Documents of legal clinic related to legal awareness work are planning and reporting documents regarding its actions and methodological materials of legal awareness lessons.

5.4.2. Information about taken legal awareness actions is included in the form or report of legal clinic and is differentiated by different forms of legal awareness. It characterizes the number, topic of events and audience of beneficiaries (participants, attendees) of lessons.

5.4.3. The conducted legal awareness events in the form of direct interaction with the audience are evidenced by the availability of a schedule of these events and log of reviews of the lessons (mandatory requirements), their photo and video records (desirable requirement).

5.4.4. The conducted legal awareness events in the form of distance interaction with the audience are evidenced by the actual availability of their results (printed and/or saved in electronic form articles, videos, etc.) in legal clinic.

5.4.5. The optimal set of methodological materials for lessons in legal awareness includes a plan, scenario and handouts for each topic.

5.5. Quality of organizing and conducting legal awareness events in legal clinics

5.5.1. The quality of organizing and conducting legal awareness events is determined by means of analysis of planning, reporting and methodological materials and conversation with their organizers and participants.

5.5.2. Major requirements for the evaluation of performance of legal clinic of practical law:

- conducting legal awareness lessons using interactive methods;
- conducting legal awareness lessons systematically, based on approved schedules;
- developing and storing methodological materials of legal awareness lessons in a ready-to-use form;
- evidencing control and support of students by a teacher in developing methodological materials of lessons;
- competence of legal clinic members who conduct lessons; and
- availability of control over the lessons by means of direct observation and maintaining a special log of lesson reviews.