

Comparative Analysis of the Activities of Universities' Legal Clinics in the Context of Domestic and Foreign Experience

Dryanykh N.V.

Vologda State University,
Vologda, Russia,
dryanih@yandex.ru

Uglitskikh D.V.

Vologda State University,
Vologda, Russia,
uglickih@rambler.ru

Lodkin A.E.

Vologda State University,
Vologda, Russia,
lodkin79@mail.ru

Lodkina T.V.

Education Development Center,
Vologda, Russia,
lodkina54@yandex.ru

Abstract—The need to intensify the educational process in higher education is due to the social order of society, which aims to train specialists who can be competitive in the labor market, including through the introduction of adaptive, practice-oriented and flexible educational programs, the formation of intolerance of corrupt behavior in students and a respectful attitude towards law. In the context of the current situation of Russia's entry into the world educational space, the need for analysis and interpretation of the available foreign experience, which has proven its value and gained worldwide recognition, is growing. For comparison, we have identified the forms of organizing the activities of legal clinics and training technologies. The value of the institute of legal clinics as an important stage on the path of professional development of a law student is seen in the student's mastering the rules of the professional environment, testing his stay in the role of a lawyer. A legal clinic, as a complex innovation, a platform for legal education, becomes a necessary condition for increasing the effective formation of future lawyers' professional competence in all areas of legal activity. Training in a legal clinic allows a student to fully comprehend their future profession, to acquire the skills of interviewing, consulting, drafting legal documents, and to look at real legal practice from the point of view of a human rights defender. A comparative analysis of the activities of legal clinics allows us to state that the development of clinical education in the future is obviously in demand by universities as one of the forms of professional training of lawyers. Such an analysis will allow for taking into account the positive experience and avoiding possible mistakes in improving the practical component of the educational process in law schools.

Keywords—*university, domestic experience, foreign experience in training lawyers, clinical legal education, forms of organization of the work of legal clinics*

I. INTRODUCTION

In the information society, the educational situation as a result of the modernization of education is constantly changing, presenting new requirements for the training of personnel at the university, among which the professional competence of a specialist with a set of theoretical knowledge and experience (competencies) occupies an essential place. This is due to the fact that the provision of legal education that meets the needs of the labor market is impossible without a practical component, which can necessarily be implemented in clinical education.

A theoretical analysis of scientific literature and the study of educational practice shows that insufficient training of graduates of law faculties for their subsequent practical activities is a very urgent problem in modern Russia. There is an objectively existing contradiction between the training of future lawyers and their insufficient level of readiness for professional activity.

The question of the need for a practical orientation of training in the field of legal education was raised at the state level in the decrees of the President of the Russian Federation “On measures to improve higher legal education in the Russian Federation”, “On national goals and strategic objectives for the development of the Russian Federation for the period up to 2024”.

Thus, the Federal Law of November 21, 2011 “On Free Legal Aid in the Russian Federation” defines the main goals of its creation to the main goals of the implementation of the law – legal education and the formation of students' legal aid skills in providing legal aid (clause 1 of Art. 23) [1]. It is indicated that legal clinics in the system of higher professional

education act as subjects of providing free legal assistance to socially unprotected segments of the population. Due to the fact that today the approval of partnership as the main form of cooperation is clearly visible, the study of foreign experience in training personnel in the field of jurisprudence seems to be a rather urgent task.

II. RESEARCH METHODS

The methodological basis of this research was formed by the systemic, activity-based, humanistic, competence-based, humanitarian approaches.

Ideas about the need for an interdisciplinary analysis of scientific problems and the humanization and humanitarization of education serve as methodological guidelines.

Research methods: critical analysis of scientific literature, original sources; comparison, collation, generalization, observation, questionnaires, interviews, analysis of documentation and creative works.

The empirical and other information base of the study was determined by the data obtained from official materials and publications in the media, WEB-pages on education and training in higher education in the Internet, containing theoretical, statistical and practical information about the activities of legal clinics: problems, the state and prospects of their development.

III. FINDINGS

Based on the analysis of special literature on the activities of legal clinics and clinical education in Russia, L. F. Gintsyak, V. N. Ilchenko, A. S. Shaburov, come to the conclusion that “the term “legal clinic ”is used today in two meanings: 1) as an organizational structure, that is, a clinic is a place where a student can practically apply their knowledge; 2) as a special curriculum, namely an educational program for the professional training of socially oriented lawyers, implemented on the basis of legal clinics as structural units created at higher educational institutions or public organizations” [2, p. 7-8]. A comparative analysis of the work of legal clinics in Russia and abroad, as well as their own experience in supervising a legal clinic, allowed A.V. Smirnov and EG Shadrina to identify an effective model of clinical training with the expansion of its practical component in terms of using the forms and methods of “legal clinic in the absence of a real client”, “Living law”, narrow-profile specialization [3].

Analyzing the role of legal clinics in modern Russia, A.N. Mochalov, I.A.Korovina, A.N.Durov, in addition to the educational function aimed at the professional training of qualified lawyers, identify: social, educational, communicative, research functions [4, p. 8]. Ch.A. Dzotov points to another function of legal clinics – corruption combating [5].

In international practice, Internet consulting is becoming more and more widespread, which allows one to establish a lawyer-client dialogue using the capabilities of the global network. Undoubtedly, this form of legal assistance seems convenient for persons who, due to a number of objective or subjective reasons, cannot apply for full-time legal assistance (disabled people, pensioners, etc.). Thus, Young Hoan Cho, Hyoseon Choi, Jiwon Shin, Him Chan Yu, Yoon Kang Kim,

Jung Yeon Kim draw attention to the fact that Massachusetts Institute of Technology and Carnegie Mellon University are implementing programs for the provision of educational materials, video consultations, video lectures via the Internet all over the world. This contributes to the effective exchange of innovative technologies, improves communication processes [6]. N. Duță, O. Martínez-Rivera draw attention to the possibility of using information and communication technologies as a quick access to documentation when consulting, legal acts in particular. They believe that information and communication technologies allow for attracting several students for joint discussion of problems [7].

In the clinical education of Poland, the following features can be distinguished: active cooperation of legal clinics with the Ombudsman, who entered into an Agreement with them on cooperation in the field of protecting human and civil rights and freedoms; all legal clinics are managed by the Legal Clinics Foundation, which finances legal clinics in Poland and also performs the function of strengthening the capacity of the program in the future. For this purpose, the “Standards for the activity of legal clinics” were adopted to maintain a high level of functioning of clinical education [8].

Considering the forms of organizing legal clinics at higher educational institutions in Russia and abroad, according to A. V. Orlov, one cannot ignore such a variety of them as “a legal clinic with no real client”. The essence of this phenomenon is that students are immersed in the problem not of a real client, but in a real legal problem identified by the teacher.

Another relatively new form of work of a legal clinic without real clients is the American clinical training model based on the StreetLaw system, which is gaining popularity in the countries of the near and far abroad. In addition to the United States, similar legal programs have been introduced in law schools in South Africa, Ukraine, Australia, etc. A similar program is being implemented in Russia under the name “Living Law”, as a form of organizing the work of a legal clinic, which implies the work of students as special teachers of the basics of law. [9, p. 50-53].

Analysis of scientific literature, participation in scientific events, workshops of heads of legal clinics gives grounds for A.V. Malko, A. Yu. Salomatin to conclude that the leading legal universities in Russia and abroad give priority to the educational focus of the legal clinic [10].

This is confirmed by the experience of Irish legal education and practice. Gopalan S., Paris M-L point out that in Ireland, legal education is provided through a combination of university law schools, institutes of technology and professional providers. Until recently, legal education was mainly focused on training practitioners for internal legal work. Today Irish legal education and practice is undergoing a transformation with a growing “internationalized” worldview. The context of a small market and jurisdiction with limited coverage did not prevent Irish law schools and the legal profession from “going global” – in fact, they were clearly eager to seize the opportunities arising from the greater internationalization of legal education (IOLE) [11]. J. Marti-Parreno, E. Mendez-Ibanez, A. Alonso-Arroyo Arnab pay attention to these points [12; 13].

Thus, J. Marti-Parreno, E. Mendez-Ibanez, A. Alonso-Arroyo Arnab note that “the use of games in education is a

promising tool for motivation and involvement in the learning process” [13]. P. Ragone A. writes about the role of the Socratic method, proving the effectiveness of its application as a methodology for innovative training, which can be applied to the methodology of training lawyers [14].

Thus, based on the experience of legal clinics, it can be stated that this is another effective teaching technology.

IV. SCIENTIFIC INNOVATION

The scientific novelty lies in the fact that the accumulated experience of the activities of legal clinics in Russia and a number of foreign countries is systematized and critically interpreted in order to formulate the key idea of the further development of higher legal education. The general points and trends in the development of theory and practice of foreign and domestic science, the forms of work that can be adopted are identified. In the information scientific arsenal of domestic pedagogy, studies by foreign authors based on independent translation of English-language primary sources have been introduced. In the development of the theory and practice of training future lawyers, there are a number of common points in the teaching methodology, which is based on practice-oriented teaching.

The originality of the approaches is associated with the development of the theory within the framework of various worldview paradigms in a specific historical period, with the peculiarities of modern university education.

We identified the levels of legal awareness of students: adaptive level (low); reproductive level (average); productive level (high), the role of clinical education in raising the level of legal awareness, motivation for success in the profession, as well as the degree of their preparedness for professional activity, value judgments. A total of 165 people studying in the field of jurisprudence were interviewed.

As it is clear from the survey, graduates of the Institute of Management, Economics and Jurisprudence of VoSU give first place to the ability to apply the rule of law in a specific case and the ability to comply with the law (100%). The survey data indicate that students generally have a high level of legal awareness.

The overwhelming majority of law students have shown that they have a very high level of legal awareness and adequate self-esteem. This was facilitated by the practice in the legal clinic, which provides great opportunities for the development of competencies and actualizes the implementation of the subject position of future legal professionals.

From the analysis of the results obtained, the question of the orientation of the personality, as an integral indicator of good manners, to one of the most significant formations, which determines its stability and independence from those influences that stimulate the personality to law-abiding behavior, clearly emerges.

V. CONCLUSIONS

A legal clinic is a practical component of legal education, training in which allows the student to fully comprehend their future profession, to acquire the skills of interviewing, consulting, communication, and drafting legal documents.

Thus, the study of the history of this issue and the comparative analysis allowed us to identify trends: further development of clinical education as one of the forms of high-quality professional training of lawyers; increased satisfaction with the quality of the internship process; growth in the dynamics of professional self-knowledge, which is expressed in the development of skills to work with various legal sources of information, the formation of skills to work with the population, to provide advice; increasing motivation for success in the profession.

The data obtained give grounds to establish the following dependencies. The formation of value orientations, legal attitudes is due to the process of developing motivation in socially significant activities, mastering its meaning, the transformation of this meaning into the main driving force that determines the legal socialization of the student's personality, stable personality traits. Our material shows that this process is associated with the assimilation of moral norms, the mastery of a certain system of views and moral assessments.

In general, an appeal to foreign experience made it possible to identify its potential for improving the legal educational sphere and solving urgent problems.

A comparative analysis of the activities of legal clinics in Russia and abroad convincingly showed the intrinsic value of the Russian experience, which is based on the subject position of students, their personal resource and the content-organizational similarity of domestic models, approaches with advanced foreign models.

Acknowledgments

The study was carried out with the financial support of the Russian Foundation for Basic Research (RFBR), project No. 20-011-00042. The authors are grateful to the referees for their valuable comments and recommendations, which helped to significantly improve the quality of the article.

References

- [1] On free legal aid in the Russian Federation [O besplatnoj yuridicheskoy pomoshchi v Rossijskoj Federacii] (In Russ.). Retrieved from <https://fzrf.su/zakon/o-besplatnoj-yuridicheskoy-pomoshchi-324-fz/st-28.php>
- [2] L.F. Gincyak, V.N. Il'chenko, and A.S. SHaburov Legal clinic: theory, practice, methodology [Yuridicheskaya klinika: teoriya, praktika, metodika], in: K.A. Shpeka (Ed.), Yekaterinburg: b. and., 2018. (In Russ.).
- [3] A.V. Smirnov, and E.G. Shadrina, “Clinical legal education as a way to improve the practice-oriented competencies of graduates” [Klinicheskoe yuridicheskoe obrazovanie kak sposob povysheniya praktiko-orientirovannyh kompetencij vypusnikov], *Izvestiya rossiiskogo gosudarstvennogo pedagogicheskogo universiteta imeni AI. Herzen*, 2019, vol. 191, pp. 138-145. (In Russ.).
- [4] A.N. Mochalov, I.A. Korovina, and A.N. Durov, “On the functions of legal clinics in Russia” [O funkciyah yuridicheskikh klinik v Rossii], *Bulletin of the Ural Institute of Economics, Management and Law*, 2010, vol. 1, pp. 5-12. (In Russ.).
- [5] Ch.A. Dzutov, “Institute of legal clinic as a means of fighting corruption” [Institut yuridicheskoy kliniki kak sredstvo protivodejstviya korrupcii], *Young scientist*, 2012, vol. 5(40), pp. 326-328. (In Russ.).
- [6] Yo.H. Cho, H. Choi, J. Shin, H.Ch. Yu, Yo.K. Kim, and J.Ye. Kim, “Review of Research on Online Learning Environments in Higher

- Education”, *Procedia – Social and Behavioral Sciences*, 2015, vol. 191, pp. 2012–2017. DOI: <https://doi.org/10.1016/j.sbspro.2015.04.634>
- [7] N. Duță, and O. Martínez-Rivera, “Between Theory and Practice: The Importance of ICT in Higher Education as a Tool for Collaborative Learning”, *Procedia – Social and Behavioral Sciences*, 2015, vol. 180, pp. 1466–1473. DOI: <https://doi.org/10.1016/j.sbspro.2015.02.294>
- [8] Operational standards for legal clinics in Poland Retrieved from <http://fupp.org.pl>
- [9] A.V. Orlov, “Legal clinical education: issues of using foreign experience” [Yuridicheskoe klinicheskoe obrazovanie: voprosy ispol'zovaniya zarubezhnogo opyta], *Bulletin of the Samara Law Institute*, 2016, vol. 1(19), pp. 50-53. (In Russ.).
- [10] A.V. Malko, and A.YU. Salomatin, “Legal education in a globalizing society” [Yuridicheskoe obrazovanie v globaliziruyushchetsya obshchestve], *News of higher educational institutions. Jurisprudence*, 2017, vol. 5(334). (In Russ.). Retrieved from <https://cyberleninka.ru/article/n/yuridicheskoe-obrazovanie-v-globaliziruyushchetsya-obshchestve>
- [11] S. Gopalan S., and M.L. Paris, “Small Goes Global: The Internationalisation of Legal Education in Ireland”, *Global Studies in Comparative Law*, 2016, vol 19, pp. 155-173. DOI https://doi.org/10.1007/978-3-319-29125-3_9
- [12] S. Clarke, “Towards a trans-disciplinary methodology for a game-based intervention de-velopment process”, *British journal of educational technology*, 2017, vol. 48(2), pp. 279-312. DOI: <http://doi.org/10.1111/bjet.12377>
- [13] J. Marti-Parreno, E. Mendez-Ibanez, and A. Alonso-Arroyo, “The use of gamification in education: a bibliometric and text mining analysis”, *Journal of computer assisted learning*, 2016, vol. 32(6), pp. 663-676. DOI: <http://doi.org/10.1111/jcal.12161>
- [14] R.A. Pérez, “Contribution for Teaching Law of Evidence: collaborative Method Induced by the Socratic Dialogue”, *Revista de la Facultad de Derecho*, 2018, vol. 45, pp. 281-309. DOI: <https://doi.org/10.22187/rfd2018n45a6>